TOWN OF BOLTON

Zoning Regulations

Bolton Planning & Zoning Commission
222 Bolton Center Road
Bolton, CT 06043

Revised to November 1, 2021

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BOLTON PLANNING & ZONING COMMISSION

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PREFACE

This edition of the Bolton Zoning Regulations is but one of several regulations and ordinances pertaining to land use in the Town of Bolton.

The following information is offered for the benefit of present and prospective Bolton land owners.

1. Land Records

   The Town Clerk is the custodian of all recorded land records. The records and the Town Clerk's office are in the Bolton Town Hall.

2. Subdivision Regulations

   When a parcel of land is to be subdivided into three or more lots or parcels, such subdivision, whether all at one time or by successive division, since September 19, 1955, must be referred to the Planning and Zoning Commission.

3. Sanitation Certificate

   Prior to obtaining a Building Permit - a sanitation permit must be obtained from the Health District.

4. Driveways

   Prior to obtaining a Building Permit, the location and construction of a driveway connecting to a public road shall have received a permit from the Office of the Land Use Manager in accordance with the Town ordinances.

5. Building Permit

   Prior to the building or reconstruction of any structure other than a fence or boundary wall, a Building Permit must be obtained from the Building Official following approval by the Zoning Enforcement Officer.

6. Certificate of Occupancy

   Prior to the occupancy or use of any principal structure, a certified as-built plot plan must be filed and a Certificate of Occupancy must be obtained from the Building Official.

7. Non-Accepted Roads

   By Town ordinance, the Zoning Enforcement Officer is prohibited from approving a Building Permit for a structure on a lot or parcel which does not abut an accepted public road. This ordinance provides for relief in special cases upon application to the Planning and Zoning Commission.

ZONING REGULATIONS OF THE TOWN OF BOLTON, CONNECTICUT

REVISED AS OF SEPTEMBER 1, 1960

AMENDED:

JULY 12, 1962	SEPTEMBER 1, 2002	JANUARY 13, 2012
NOVEMBER 1, 1964	NOVEMBER 26, 2002	MAY 13, 2012
SEPTEMBER 1, 1968	FEBRUARY 21, 2003	JUNE 25, 2012
JUNE 6, 1973	FEBRUARY 1, 2004	JUNE 30, 2012
SEPTEMBER 4, 1976	AUGUST 25, 2004	OCTOBER 27, 2012
MAY 3, 1978	AUGUST 26, 2004	DECEMBER 17, 2012
NOVEMBER 20, 1980	MAY 24, 2005	MAY 20, 2013
OCTOBER 21, 1981	JANUARY 1, 2006	JUNE 20, 2013
APRIL 21, 1982	JUNE 1, 2006	JANUARY 1, 2014
JUNE 27, 1983	JULY 15, 2009	FEBRUARY 1, 2014
JUNE 1, 1987	AUGUST 19, 2009	FEBRUARY 15, 2014
JUNE 21, 1989	SEPTEMBER 9, 2009	JANUARY 1, 2015
DECEMBER 7, 1989	APRIL 20, 2010	SEPTEMBER 1, 2015
NOVEMBER, 28, 1990	JUNE 23, 2010	DECEMBER 1, 2015
FEBRUARY 8, 1995	AUGUST 18, 2010	DECEMBER 15, 2015
SEPTEMBER 18, 1996	OCTOBER 13, 2010	NOVEMBER 1, 2017
FEBRUARY 1, 1998	DECEMBER 15, 2010	DECEMBER 1, 2017
MAY 1, 1998	FEBRUARY 9, 2011	NOVEMBER 1, 2021
MAY 25, 2000	MARCH 9, 2011	
AUGUST 1, 2001	APRIL 20, 2011	

JANUARY 1, 2006	SECTION 3C – WATER SUPPLY FOR FIRE PROTECTION
JANUARY 1, 2006	SECTION 16B.4.j – PUBLIC HEALTH AND SAFETY; ENVIRONMENTAL PROTECTION
JUNE 1, 2006	SECTION 2 – AMENDED DEFINITIONS: FRONTAGE; STREET
JUNE 1, 2006	SECTION 18 – AQUIFER PROTECTION – ADDED
JUNE 1, 2006	SECTION 18 – ZONING BOARD OF APPEALS – RENUMBERED TO SECTION 19
JUNE 1, 2006	SECTION 19 – SEVERABILITY – RENUMBERED TO SECTION 20
JUNE 1, 2006	SECTION 20 – EFFECTIVE DATE – RENUMBERED TO SECTION 21
JULY 15, 2009	SECTION 18 – AQUIFER PROTECTION – DELETED
JULY 15, 2009	SECTION 19 – ZONING BOARD OF APPEALS – RENUMBERED TO SECTION 18
JULY 15, 2009	SECTION 20 – SEVERABILITY – RENUMBERED TO SECTION 19
JULY 15, 2009	SECTION 21 – EFFECTIVE DATE – RENUMBERED TO SECTION 20

AUGUST 19, 2009	SECTION 2 – DEFINITIONS - ADD NEW DEFINITION: SPECIAL FEATURES
SEPTEMBER 9, 2009	SECTION 3A-21-COORDINATION WITH AQUIFER PROTECTION PERMITS
JUNE 23, 2010	SECTION 3B-3e – MORATORIUM ON ACCEPTANCE OF APPLICATIONS UNDER SECTION 3B-3
AUGUST 18, 2010	DIGITAL ZONING MAP
OCTOBER 13, 2010	SECTION 3A-3c – NONCONFORMING USES
OCTOBER 13, 2010	SECTION 3A-8 – ISSUANCE OF ZONING PERMITS AND BUILDING PERMITS
OCTOBER 13, 2010	SECTION 3A-21 – MINOR MODIFICATIONS
OCTOBER 13, 2010	SECTION 3A-22 – CHANGE OF USE
DECEMBER 15, 2010	APPENDIX VI – ADDED POLICY CONCERNING PARTIAL BOND RELEASES
FEBRUARY 9, 2011	SECTIONS 2, 3BS, 3B6 – TEMPORARY & SEASONAL USES
MARCH 9, 2011	SECTION 6D, 8C, 9F – TEMPORARY MORATORIUM – ROUTE 44 ZONING
APRIL 20, 2011	SECTION 3B3.c.1.c – SIGNS – FARM STANDS
APRIL 20, 2011	SECTION 2 – DEFINITIONS (SIGNAGE)
APRIL 20, 2011	SECTION 5F, 5G – PROHIBITED USES (SIGNAGE)
APRIL 20, 2011	SECTION 6B, 8A, 8B, 9C - SIGNAGE
APRIL 20, 2011	SECTION 10E.6 – FREESTANDING SIGN
APRIL 20, 2011	SECTION 18 - SIGNAGE
APRIL 20, 2011	SECTION 19 – CHANGE SECTION 18, ZBA TO 19
APRIL 20, 2011	SECTION 20 – CHANGE SECT. 19, SEVERABILITY, TO 20
APRIL 20, 2011	SECTION 21 – CHANGE SECTION 20, EFFECTIVE DATE, TO 21
JANUARY 13, 2012	SECTION 6D, 8C, AND 9F, EXTENDING A MORATORIUM ON DEVELOPMENT ALONG ROUTE 44
MAY 13, 2012	ADD SECTIONS 2 AND 8 LIGHT MANUFACTURING IN NB ZONE
JUNE 25, 2012	SECTION 2 – DEFINITIONS: AFFORDABLE HOUSING; AQUIFER; BEST MANAGEMENT PRACTICE; DUPLEX; DWELLING, MULTIPLE OR MULTIFAMILY; DWELLING, TOWNHOUSE; FAÇADE, GROUND FLOOR; GOVERNMENT AGENCY FACILITY; GROUNDWATER RECHARGE, INFILTRATION; LOW IMPACT DEVELOPMENT; MIXED USE; PERVIOUS; PUBLIC; TOWNHOUSE; UNIFIED VILLAGE-STYLE DEVELOPMENT
JUNE 25, 2012	SECTION 3A.8c.10 RE: LID
JUNE 25, 2012	SECTION 3A-20.D.15 RE: DESIGN GUIDELINES
JUNE 25, 2012	SECTION 4 – ADD RURAL MIXED USE ZONE (RMUZ) AND GATEWAY MIXED USE INDUSTRIAL ZONE (RMUIZ)
JUNE 25, 2012	SECTION 6A.7 – ADDED "HOUSES OF WORSHIP" IN LIEU OF "CHURCHES"

JUNE 25, 2012	SECTION 6A.17 – ADDED REQUIREMENT FOR ARCHITECTURAL AND SITE DESIGN GUIDELINES
JUNE 25, 2012	DELETE SECTION 6D, ROUTE 44 MORATORIUM
JUNE 25, 2012	SECTION 7 – CHANGE TITLE FROM "OPEN SPACE CONSERVATION DEVELOPMENT' TO "SPECIAL RESIDENTIAL DEVELOPMENT PROVISIONS", AND RENUMBER THE LATTER SECTION TO 7A ET SEQ.
JUNE 25, 2012	SECTION 7A.6 – ARCHITECTURAL & DESIGN GUIDELINES
JUNE 25, 2012	ADDED SECTION 7B ENTITLED "RESERVED"
JUNE 25, 2012	SECTION 8 - ADDED "RURAL MIXED USE" ZONE TO TITLE
JUNE 25, 2012	ADDED TO SECTION 8A.2 – ARCHITECTURAL AND DESIGN GUIDELINES REQUIREMENT
JUNE 25, 2012	ADDED SECTION 8A.2.a.4, FARM STANDS AND FARMERS MARKETS IN LIEU OF OPEN LOT SALES
JUNE 25, 2012	ADDED TO SECTION 8B.2 – ARCHITECTURAL AND DESIGN GUIDELINES REQUIREMENT
JUNE 25, 2012	ADDED SECTION 8B.2.a.4, FARM STANDS AND FARMERS MARKETS IN LIEU OF OPEN LOT SALESJUNE 30, 2012DELETED SECTION 8C ENTITLED ROUTE 44 MORATORIUM"
JUNE 25, 2012	ADDED NEW SECTION 8C ENTITLED "RURAL MIXED USE ZONE (RMUZ)"
JUNE 25, 2012	AMENDED TITLE TO SECTION 9 TO ADD "GATEWAY MIXED USE INDUSTRIAL" ZONE
JUNE 25, 2012	RENUMBER INDUSTRIAL ZONE (I) SECTION 9A, ET SEQ.
JUNE 25, 2012	DELETE SECTION 9B ENTITLED "ROUTE 44 MORATORIUM"
JUNE 25, 2012	CREATE NEW SECTION 9B ENTITLED "GATEWAY MIXED USE INDUSTRIAL ZONE"
JUNE 25, 2012	IN SECTION 11A, CHANGE REFERENCE TO SECTION 7, TO SECTION 7A
JUNE 25, 2012	SECTION 11E, ADDED BULK AND DIMENSIONAL STANDARDS FOR GMUIZ AND RMUZ ZONES
JUNE 25, 2012	SECTION 11J, ADDED REFERENCES TO RMUZ AND GMUIZ
JUNE 25, 2012	SECTION 11K, ADDED REFERENCES TO RMUZ AND GMUIZ AND MIXED USE ZONES
JUNE 25, 2012	SECTION 11L, ADDED REFERENCES TO RMUZ AND GMUIZ AND MIXED USE ZONES
JUNE 25, 2012	ADDED NEW SECTION 11N ENTITLED "MAXIMUM LOT COVERAGE AND MAXIMUM IMPERVIOUS COVERAGE IN GMUIZ AND RMUZ ZONES"
JUNE 25, 2012	SECTION 15A, ADDED NEW PURPOSES
JUNE 25, 2012	SECTION 15D, ADDED LID LANGUAGE
JUNE 25, 2012	DELETED 15N, PARKING STANDARDS

JUNE 25, 2012	ADDED NEW SECTION 15N ENTITLED "BICYCLE ACCOMMODATIONS"
JUNE 25, 2012	ADDED NEW SECTION 15O ENTITLED "PARKING STANDARDS"
JUNE 25, 2012	ADDED NEW SECTION 15P ENTITLED "RESTRICTIONS AND CLARIFICATIONS"
JUNE 25, 2012	ADDED NEW SECTION 15Q, ENTITLED "WAIVERS AND EXCEPTIONS"
JUNE 25, 2012	ADDED NEW SECTION 16A.2.L ENTITLED "STORMWATER MANAGEMENT", AND CROSS-REFERENCE IN SECTIONS 16A.3.L AND 16A.3.V
JUNE 25, 2012	SECTION 18A, ADDED ADDITIONAL PURPOSE LANGUAGE
JUNE 25, 2012	SECTION 18G, ADDED SIGN STANDARDS FOR GMUIZ AND RMUZ ZONES
OCTOBER 27, 2012	AMEND SECTIONS 16A.2.o.5, 16B.3.c.3 AND 19C.6 DIGITAL SUBMISSION OF APPLICATION AND PUBLIC HEARING MATERIALS
DECEMBER 17, 2012	AMEND SECTIONS 3A.9, 16A AND 16B FINANCIAL GUARANTEES
MAY 20, 2013	AMEND SECTION 2, ADD NEW SECTION 3B.3.e FLEA MARKET
JUNE 20, 2013	AMEND SECTIONS 2 AND 15Q TMD
JANUARY 1, 2014	ADD SECTIONS 2 AND 3D SOLAR ENERGY SYSTEMS
FEBRUARY 1, 2014	AMEND SECTION 12F EARTH PRODUCTS PERMIT EXTENSION
FEBRUARY 15, 2014	AMEND SECTION 2 IMPERVIOUS COVERAGE AND PERVIOUS MATERIAL
JANUARY 1, 2015	AMEND SECTION 3C WATER SUPPLY FOR FIRE PROTECTION
SEPTEMBER 1, 2015	AMEND SECTION 6A.10 KEEPING OF LIVESTOCK OR POULTRY
DECEMBER 1, 2015	AMEND SECTIONS 3B4.b. AND 9B.2.B3 ALLOW RESTAURANT DRIVE-THRUS
DECEMBER 15, 2015	AMEND SECTION 6A.14g. REMOVE 1500 FOOT SEPARATION
NOVEMBER 1, 2017	ADD SECTION 2 AND REPLACE SECTION 11F REAR LOTS
DECEMBER 1, 2017	ADD SECTION 8 LIGHT MANUFACTURING IN GB ZONE
NOVEMBER 1, 2021	AMEND SECTIONS 2, 3, 6, 8, 9 AND 11 TO ADDRESS LEGISLATIVE CHANGES REGARDING ADUs, MINIMUM FLOOR AREA, AND OUTDOOR DINING

The Zoning Regulations of the Town of Bolton

adopted August 1, 1951

General Revisions May 12, 1954

are hereby repealed and replaced by enactment of the following as amended:

SECTION 1 - PURPOSE

The purpose of these Regulations is to promote the general welfare of the Town of Bolton; to protect the health of its inhabitants; to encourage the most appropriate use of the land within the Town; to provide for an adequate supply of light and air and reduce the hazard from fire by regulating the location, use, and height of buildings and the area of open spaces about them.

The Zoning Regulations as herein set forth are approved, established and adopted. No building or land shall be used and no building shall be erected, altered, enlarged, moved or rebuilt except in conformity with the regulations herein prescribed for the zone in which such land or building is located.

SECTION 2 - DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the content, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Abutter – the owner of record of any property within 500 feet of the subject property of any application under these regulations.

Accessory Building or Structure - A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building.

Accessory Use - A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

Access-way - a paved or unpaved surface intended for a small amount of vehicle usage; a driveway.

ADU – See Dwelling, Accessory (effective 11/01/21)

Affordable Dwelling - A housing unit that will be conveyed by deed containing covenants or restrictions which shall require that, for a 40-year period after the initial occupation of the unit, such unit shall be sold or rented at or below prices which will preserve the unit as housing for which persons and families pay 30% or less of their annual income, where such income is less than 80% of the Median Income. Median Income shall be defined as the lesser of the State Median Income, or the Area Median Income for Bolton as determined by the U.S. Department of Housing and Urban Development, after adjustment for family size.

Agriculture - as defined in the State of Connecticut General Statutes Section 1 - 1 (q) as amended from time to time.

Alter, Alteration - As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

Aquifer - A porous water-bearing formation of permeable rock, sand or gravel capable of yielding economically significant quantities of groundwater.

Awning - A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

Banners, pennants, and balloons - Any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

Basement - a portion of the building partially underground, but having less than half its average height below the grade plane (as opposed to "Cellar").

Bed and Breakfast - A building, or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is/are designed or used for the short-term rental of no more than six (6) rooms in a Business Zone and no more than three (3) room in a Residence Zone to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility.

Berm - an elevated strip consisting of earthen or other material, usually intended to serve as a buffer.

Best Management Practice (BMP) - A BMP is a technique, process, activity, or structure used to manage the volume and rate of discharge and reduce the pollutant content of a storm water discharge. BMPs include simple nonstructural methods, such as good housekeeping and preventive maintenance. BMPs may also include structural modifications, such as the installation of bioretention measures. BMPs are most effective when used in combination with each other, and customized to meet the specific needs (drainage, materials, activities, etc.) of a given operation.

Boarding House - a building in which the primary use is the rental of individual rooms, and the furnishing of meals, to tenants who use such building as their place of residence.

Buffer - an area of land which is provided for the purpose of mitigating visual, noise, and other negative impacts.

Buildable Area - the land remaining, after subtraction of regulated wetlands and regulated watercourses and their associated buffers, that is used for calculation of allowable construction area on a lot.

Building - any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials; also, any other structure more than eight (8) feet high, excluding a public utility pole or flagpole.

Building Coverage Area/Building Coverage - The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.

Building Line - An imaginary line which runs parallel to the property line at a distance equal to or greater than the minimum yard dimension for the required yard along that property line, delineating an area between the property line and the building line where no structure shall be located except as otherwise allowed by these regulations. The building line may also be called the set back line.

Building Height - the vertical distance from the average finished grade within ten (10) feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

Bulk - The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these Regulations; and also includes any provisions of these Regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

Canopy, Entrance - A roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from precipitation. Entrance canopies shall be attached to the building and supported from the ground up.

Canopy, Structural - A rigid, multi-sided structure, either attached to a building, or freestanding, open on three or on all sides, and supported by columns or posts imbedded in the ground, such as a gasoline service station canopy.

Cellar - the portion of the building partially underground, having half, or more than half, of its average height below the grade plane (as opposed to "Basement").

Commission - The Bolton Planning and Zoning Commission.

Continuing Care Retirement Community - a development consisting of housing restricted to elderly residents, and containing separate living units but with additional common facilities such as a common dining room, recreation room, and medical and dental offices exclusively serving such residents.

Cul-de-sac Street - A permanent cul-de-sac street is a street closed at one end and that can not be extended. A temporary cul-de-sac street is a street closed at one end and that may be extended.

Day Care Home, Family - a facility within a private family dwelling in which care is provided for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

Day Care Home, Group - a facility which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.

Day Care Center - A use of land or buildings which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-

in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section.

Deck - a flat, open structure mounted to the ground surface by vertical posts or pilings, and intended for recreational purposes.

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Disturbed Area - an area of land where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

Dock - a flat, open structure anchored to a lake or pond bottom by vertical posts or pilings, having one end abutting the ground above the surface of the water, and intended for recreational purposes.

Duplex - Same as "Dwelling, Two-Family".

Dwelling - a building designed or used as the living quarters for one or more families.

Dwelling, Accessory - a subordinate dwelling or apartment incidental to the principal single family dwelling on a lot either attached or detached. Also referred to as an ADU. (effective 11/01/21)

Dwelling, Multiple or Multifamily - a residential building containing three or more dwelling units, including Townhouse Dwellings.

Dwelling, Single Family - a residential building containing only one dwelling unit.

Dwelling, Townhouse - A multifamily dwelling that contains three (3) or more dwelling units that are attached by a common or shared wall, and in which each dwelling unit extends from the foundation to the roof and has vacant land on at least two (2) sides.

Dwelling, Two Family - a residential building containing only two dwelling units.

Dwelling Complex, Multiple - one or more principal buildings designed for use as multiple dwellings, plus related facilities, all erected on a single tract of land.

Dwelling Unit - a building or portion thereof which is arranged to be occupied as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Enlargement, or to Enlarge - Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

Extend, or to Make an Extension - An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a non-conforming seasonal use, or of a seasonal dwelling on a non-conforming lot; and any increase in the normal days or hours of operation, or any increase in the

scope of services offered, of any non-conforming, non-residential use of land, buildings, or structures.

Excavation Operations - any operation involving excavating, grading, filling or removal of earth, sand, gravel, soil, minerals, loam, fill, clay, peat moss, and other earth products, and the transportation on land or roads, public or private, in the Town of Bolton of any such products from the site of such an operation.

Façade, Ground-floor - The façade measured from the finished ceiling height of the first floor, or 15 feet from natural grade, whichever is less.

Family - a person or a group of persons who live together as a single housekeeping unit.

Farm - an establishment where the primary activity is agriculture.

Farmer's Market - One or more vendors located on a common parcel of land for the purpose of selling agricultural products, including value-added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand-crafted items.

Farm Stand - A structure used for the sale of agricultural and homemade products which are produced substantially on the premises, as well as including value-added farm goods which shall not exceed 10% of sales. Such stand shall be set back a minimum of twenty (20) feet from the front lot line and fifty (50) feet from any street intersection, and shall not to exceed ten (10) feet in height unless part of an existing structure.

Flag, Noncommercial - Graphic devices designed to enhance the aesthetic appearance of a street or area and containing no advertising copy.

Flag, Public - A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

Flood, Base - the flood having a one percent chance of being equaled or exceeded in any given year; also, the "100 year flood," as portrayed on the Bolton Flood Insurance Rate Map, as amended.

Flood Insurance Rate Map (FIRM) - the map of the Town of Bolton on which the Federal Insurance Administration has delineated special flood hazard areas and risk premium zones, as amended.

Flood Insurance Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, as prepared by the Federal Insurance Administration.

Floodway - the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as shown on the Floodway Map, as prepared and amended by the Federal Insurance Administration.

Floor Area - the area of lowest horizontal plane within the outer surface of the exterior walls of a building, room, etc.

Foundation - the basic support structure of a building or, for purposes of minimum area, the basic exterior dimensions of the building, excluding porches, overhangs, hatchways, etc.

Frontage - a continuous length of that portion of a lot abutting on a single street other than a State owned limited access highway.

Garage - a building or part thereof, accessory to a main building and providing for the storage of vehicles.

Government Agency Facility - Any use of land or building by a department, commission, independent agency, regional water or sewer authority or district, or other instrumentality of the United States, the State of Connecticut, the Town of Bolton, or any regional agency of which the Town of Bolton is a current member.

Groundwater Recharge / Infiltration - The process by which water enters the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

Home Occupation - any occupation which is customarily or may properly be carried on for compensation entirely within a dwelling, by the residential occupant thereof.

Hotel - a building designed and used primarily for occupancy of transients which provides or offers accommodations for seven (7) or more persons, exclusive of employees living on the premises, and which provides rooms for public assembly, and may include serving of food.

Impervious Coverage - any material which reduces surface storage and infiltration of water, and increases the volume of storm water runoff, including but not limited to buildings and all equipment pads and platforms, etc., except that all walkways, parking areas and driveways, and patios constructed of pervious materials approved by the ZEO shall not be counted in the impervious coverage calculation. (effective 02/15/14)

Inland Wetland - See "Wetland" and "Watercourse," below.

Interior Lot - a lot in an Open Space Conservation Development (OSCD) that has less than the required frontage on a public street but has at least 50 feet of lot frontage and is located immediately behind a lot or lots that comply with the zoning dimensional requirements, including lot frontage, and has a corridor at least 50 feet wide to the street. (effective 11/01/17)

Junk Yard - except for the specific exceptions noted below, the use of any area of any lot, whether inside or outside a building for any of the following purposes:

A. the commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, including old cordage or other waste or discarded or secondhand materials; or
B. the commercial dismantling, demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof; or
C. any other place of storage or deposit, including any business, which has stored or deposited two or more unregistered motor vehicles or used parts of motor vehicles or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

As specific exceptions, the following shall not be considered a junk yard:

1. the display of unregistered vehicles for the specific purpose of sale in association with an authorized and licensed automotive dealership;
2. the accessory storage of unregistered vehicles, equipment or parts associated with a permitted or proposed business, provided said storage has been specifically approved by the Zoning Commission;
3. the parking of unregistered farm vehicles and associated equipment and parts for use on site in association with an active farm;
4. the interior storage of unregistered vehicles as per the accessory use provisions of Section 3Q. of these Regulations;
5. the non-commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, provided that any materials or waste classified as hazardous by the State of Connecticut are stored and disposed of as required by the Connecticut Department of Environmental Protection;
6. Recycling collection facilities for glass, paper, aluminum and/or plastic items.

Livestock - horses, cattle, sheep, or similar animals.

Living Area - the area of the lowest horizontal plane within the interior walls of a building, room, etc.

Lot - a parcel of land on which a principal building (or buildings) and its accessories are placed or may be placed together with the required open spaces.

Lot of Record - A lot for which a Deed has been recorded in the Office of the Town Clerk of the Town of Bolton, which lot met the requirements of these Regulations and of the Bolton Subdivision Regulations, as the same were in force at the time of such recording. See Section 3.A.3 of these Regulations.

Low Impact Development (LID) - Low Impact Development is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. See Section 16A.2.1

Manufacturing, Light - The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing and manufacturing from extracted or raw materials into finished products. (effective 05/13/12)

Mixed Use - Allowance for more than one type of permitted use on a single property, within a single building, or multiple properties, within a Unified Village-style Development within the GMUIZ and RMUZ zones.

Motel – See "Hotel/Motel".

Non-Conforming Building or Structure - A building or structure legally existing on the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these

Regulations. See, Section 3A.3 of these Regulations. [from former definition of "Non-Conforming Use"]

Non-Conforming Lot - A Lot of Record, subject to the requirements of Section 3.A.3 of these Regulations.

Non-Conforming Use - The actual use of land, buildings, or premises which is not a use permitted by these Regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations. See, Section 3.A.3 of these Regulations.

Office - a room or business within a building, for the purpose of conducting a professional service, excluding retail, manufacturing, and warehousing operations.

Open Lot Sales - The term Open Lot Sales refers to a principal use for the sale of any items from a location outside of a building. The term Open Lot Sales does not include outdoor sales for business or industrial uses that are depicted on an approved site plan review or special permit plan; nor does it include tag sales, non-profit rummage sales, or other occasional outdoor sales accessory to a permitted principal use.

Open Space - any land, the preservation or restriction of the use of which would: 1) maintain and enhance the conservation of natural or scenic resources; 2) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces; 3) enhance public recreation opportunities; 4) preserve historic sites; 5) promote connections between natural or manmade corridors ("greenways"); or 6) promote the orderly development of the Town of Bolton; such lands may include but are not limited to: a) land left in its natural, undisturbed state; b) agricultural land; c) forests and d) areas used for passive or active recreation.

Parking Area - an area of land containing parking and/or loading spaces, drive aisles directly serving such spaces, and any required landscaping island, lighting fixtures, and traffic control signage.

Pervious Material - Any ground cover or material through which water can penetrate at a rate comparable to that of water through undisturbed soils. (effective 02/15/14)

Principal Building - That single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

Principal Use - The primary purpose or function for which a premises is used, designed, or intended to be used.

Produce - fruits and vegetables.

Public - A use of land or buildings, excluding a government agency facility, which is open to the general public, with or without the payment of a fee.

Rear Lot – A lot in an R-1 Zone which contains less frontage and more acreage than normally required in that zone and complies with Section 11.F of these Regulations. (effective 11/01/17)

Recyclable - Items which are cleaned and/or processed for the purpose of reuse, either in their current form or in a different form.

Restaurant, "Fast Food" - The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption take place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by high volume of patronage, the promise of rapid service of meals, and a resulting short duration of stay and rapid turnover; and including Drive-In or curb service as an accessory use. See Section 3B.4, of these Regulations.

Restaurant, Full Service - The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See Section 3B.4, of these Regulations.

Restaurant, Take-out - The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use. See, Section 3B.4, of these Regulations.

Rooming House - a building in which the primary use is the rental of individual rooms to tenants who use such building as a place of residence.

Sediment - solid material, either mineral or organic, that has been moved from its site of origin by erosion.

Setback - the distance between a structure and the property line, street line or other clearly denoted reference point.

Shed - an accessory building that has no more than 120 square feet of ground-floor area, is no more than ten feet high and is not used for the storage of cars or trucks.

Sign - Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

Sign, Abandoned - Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed, or a permitted temporary sign for which the permit has expired.

Sign, Advertising - A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such sign is displayed, or only incidentally occurring upon such lot.

Sign Area or Face - The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel, shall be considered to have only one (1) sign face.

Sign, Aerial - A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.

Sign Area or Face - The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two-sided signs where the sides are back-to-back and located no more than eighteen (18") inches apart and parallel, shall be considered to have only one (1) sign face.

Sign, Awning - A sign affixed or crafted onto the face of an awning.

Sign, Banner - A temporary sign which is constructed of cloth, canvas, or other type of natural or man-made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

Sign, Business - A Sign which directs attention to a business, commodity, service, entertainment, or other Use which is currently conducted, sold, or offered upon the same Lot where such sign is displayed.

Sign, Business Identification - A sign directing attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.

Sign, Canopy - A wall sign that is located on the roof, fascia, soffit, or ceiling of a canopy.

Sign, Changeable Copy - A sign on which message copy is changed manually in the field through the utilization of changeable panels containing fixed letters, numbers, logos, or pictorial copy.

Sign, Directional - A sign permanently erected or permitted on private property to direct and regulate pedestrian and vehicular traffic.

Sign, Directory - A sign .listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

Sign, Electronic Message - A sign with a fixed or changing display and / or message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic message sign.

Sign, Entrance Canopy - A sign affixed or crafted onto the face of an entrance canopy.

Sign, Externally Illuminated - A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays there from are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be an Internally Illuminated Sign.

Sign, Flashing - Any sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times.

Sign, Freestanding - A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

Sign, Graphic Light Projection - An image projected onto a surface by a graphic light projection system which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Inflatable - A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Sign, Internally Illuminated - Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign.

Sign, LED – A sign consisting of light emitting diodes that emit visible light when electricity is applied can spell out letters or numbers or alphanumeric or projected images.

Sign, Message Board - A sign on which message copy is changed manually in the field through the utilization of attachable letters, numbers, symbols and other similar characters. A Changeable Copy Sign is not a Message Board Sign.

Sign, Moving - Any sign, or any portion of any sign which is capable of any movement whatsoever; excluding barber poles, clocks, flags, banners, and real estate signs permitted under Sections 18E and F.

Sign, Moving Message Board - Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

Sign, Name Plate or Public Convenience - Any sign of authorized commercial and industrial uses identifying the building occupant, store hours, or other non-advertising notices.

Sign, Neon - An illuminated sign affected by a colorless, odorless light source consisting of a neon or gas tube that is bent to form letters, symbols, or other shapes.

Sign, No Trespassing - Any Sign on a Premises restricting the right to enter such Premises and indicating the private nature of such Premises.

Sign, Outdoor Advertising and/or Off-Premises - See "Sign, Advertising".

Sign, Overhanging - Any Sign extending at an angle from a Building which is its sole or principal support.

Sign, Pennant - Any geometric-shaped cloth, fabric, or other lightweight material normally fastened to a stringer which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

Sign, Political - A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.

Sign, Portable - A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure. Including but not limited to the following signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons or umbrellas used for advertising, signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way (except signs identifying the related business when the vehicle is being used in the normal day to-day operation of that business), sidewalk or curb signs, and A-frame signs, or similar type signs.

Sign, Project - Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

Sign, Public - Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local governmental authorities, or any sign on private property mandated by any governmental entity within the dimensional parameters designated by that entity.

Sign, Real Estate - A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

Sign, Roof - Any sign erected, constructed, or maintained upon the roof of a building.

Sign, Rotating - Any sign which revolves around one or more fixed areas.

Sign, Special Event - A sign advertising or announcing a special communitywide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.

Sign, Temporary - Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period.

Sign, Vehicle - A vehicle the substantial purpose of which is a sign, and a permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view suggesting that the substantial purpose of said display is to attract the attention of the public rather than to serve

the business of the owner thereof in the manner which is customary for said vehicle, with the exception of any message or lettering required by State or Federal law.

Sign, Wall - Any Sign painted, posted, or otherwise affixed to any portion of a building or structure that is visible or intended to be visible from the exterior of said building or structure.

Sign, Window - Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off premises contiguous property or public right-of-way.

Soil - any unconsolidated mineral or organic material of any origin.

Solar Access Window - the angle of sky from which direct sunshine is unobstructed at least 75% of the time between 9:00 AM and 3:00 PM on December 21 at the foundation level of a proposed structure.

Solar Energy System, Ground-Mounted – A solar collection system that has a supporting framework that is placed on, or anchored in, the ground and that is not attached to any building or other structure. (effective 01/01/14)

Solar Energy System, Roof-Mounted – A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction. (effective 01/01/14)

Solar Energy System, Small Scale – An accessory solar collection system that may or may not be interconnected to the local utility electrical grid on the customer's side of the electric meter which system shall be designed to generate no more electricity than that needed for direct consumption on the subject property with capacity no greater than would be necessary to serve the primary use and any permitted accessory uses. (effective 01/01/14)

Special Features – When used in the context of Section 7C.3 herein, this term shall mean the following:

1. Wetlands and watercourses as field-verified in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Bolton.
2. 100-year floodplain as identified by the National Flood Insurance Program; and,
3. Slopes 25% or greater, based on 2-foot contour intervals in accordance with a T-2 survey.

Street – any existing avenue, boulevard, road, lane or highway that is accepted and actively maintained by either the Town of Bolton, any other municipality or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Bolton Planning and Zoning Commission and duly recorded in the Bolton Town Clerk's office and which is formally bonded for completion and dedication to the town of Bolton.

Street Line - the points of intersection of a street with abutting land.

Street Right-of-way - an area of land in single ownership which includes, but is not limited to, a street, and which may contain land for possible future widening of such street, and which is intended for the use of motor vehicles and pedestrians.

Structure - that which is built, constructed, installed or erected.

Subdivision - a division of land as defined in Section 8-18 of the Connecticut General Statutes, as amended from time to time.

Swimming Pool - any structure designed or used for swimming purposes having one hundred fifty (150) square feet or more of bottom area and/or having a maximum capacity in excess of three thousand (3,000) gallons.

Townhouse - See "Dwelling, Townhouse".

Underlying District - In the case of an overlay district, that zoning district upon which the overlay district is located. See Section 10.

Unified Village-style Development - A development on a single parcel, or multiple parcels combined to create a single development project, designed with mixed uses, unified access, parking, and utilities, and unified architectural and site design theme under the Architectural and Site Design Guidelines of the Town of Bolton. This type of development may be limited to a single parcel with the future potential for inclusion into a multi-parcel development capable of meeting the above criteria.

Use - Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel. 2-14

Watercourse - a body of water as defined by Connecticut General Statutes Section 22a-38, as amended from time to time.

Wetland - all wetlands and watercourses as defined in the Connecticut General Statutes, as amended from time to time.

Yard - a space not occupied by a building, open to the sky on the same lot as the principal building.

Yard, Front - the space across the full width of the lot and extending from the front line of the building to the street line.

Yard, Rear - the space across the full width of a lot and extending from the rear line of the principal building to the rear lot line.

Yard, Side - the space extending from the front yard to the rear yard between a building and the adjacent side line of the lot. The side yard of a corner lot adjacent to the side street shall meet the front depth requirement of the side street.

Zoning Enforcement Officer(s) - The official designated in accordance with these regulations to enforce the Bolton Zoning Regulations and to issue Zoning Permits.

SECTION 3 - GENERAL PROVISIONS

3A1. USE OF BUILDINGS, STRUCTURES AND LAND

For the purpose of these Regulations any lawful buildings or structures, or use of a building, structure or land or part thereof may be constructed, altered, enlarged and used for any purpose whatsoever which is not hazardous, injurious, noxious, offensive or detrimental to a neighborhood and which is permitted under these Regulations and does not violate any of the provisions of any Rules, Regulations or Ordinances of the Town of Bolton in regard to health and safety of its inhabitants.

3A2. EXISTING USES NOT AFFECTED

These Regulations shall not apply to existing buildings or structures, nor to the existing use of any buildings, structures, or of land to the extent of that use at the time of the adoption of these Regulations. Additions or alterations to existing buildings or structures shall conform to these Regulations.

3A3. NON-CONFORMING USES

It is the specific intention of these Regulations that all uses, lots, buildings or structures of any kind which are non-conforming to these Regulations shall be diminished and permanently discontinued over time. In addition, the following is noted:

3A3.a. Any use existing in any building or structure or on any land or part thereof at the time of the adoption of the Regulations which rendered such use not permitted, may be continued. If any non-conforming building or structure is destroyed by fire or other cause, it may be rebuilt with no greater non-conformity than at the time of destruction, and such reconstruction or alteration shall be completed within one year of the date of such damage or destruction.

3A3.b. Any existing non-conforming use shall be considered terminated if all of the following occur:

1. such non-conforming use is discontinued for a period of at least one year, and;
2. at the end of such one-year period, the Commission or its agent sends written notice via registered letter (return receipt requested) to the owner of the property containing the discontinued use, notifying such owner of the Commission's intent to consider such use as terminated unless written response to the contrary is received by the Commission or its agent within thirty consecutive days after receipt of such registered letter, and;
3. no such written response is received by the Commission or its agent within the above mentioned time period, or such response indicates that such use has indeed been discontinued.

3A3.c. No non-conformity of any kind shall be expanded or intensified, except as follows:

1. a single-family dwelling within a business or industrial zone, such dwelling existing as of the effective date of these regulations, may be expanded so long as it

retains its status as solely a single-family dwelling. However, no trailer or mobile home dwelling shall be expanded or intensified.

2. the Zoning Enforcement Officer may issue a Zoning Permit in connection with the change in use from one permitted commercial or industrial use to another such permitted use on a site which has a pre-existing non-conformity as to the parking requirements of Section 15, provided that the increase in parking demand as a result of the change in use is no more than a 5% increase (or an increase of one space, whichever is greater) over the number of parking spaces as shown on the Site Plan approved by the Commission. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

3A4. COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the location, construction or designated use of a building, construction of which has been started prior to June 1, 1960.

3A5. DWELLINGS OR STRUCTURES ON SMALL LOTS

No buildings or structures shall be constructed on any lot which is smaller than required by these Regulations for the zone in which the lot is located unless the following conditions can be met:

3A5.a. Such lot has been owned separately and distinctly from any adjoining lot as evidenced by a deed recorded in the Office of the Bolton Town Clerk on or before May 12, 1954.

3A5.b. Such lot has been continuously owned after May 12, 1954 as a separate and distinct lot from any adjoining lot.

3A5.c. Such a lot is not a lot which conformed to earlier zoning regulations and was thereafter made smaller by any voluntary act of an Owner of such lot.

3A6. NUMBER OF DWELLINGS ON A LOT

Except as provided in Sections 6 and 7D. of these Regulations, not more than one dwelling shall be built on any one lot.

3A7. WETLAND CONSERVATION

No building or structure shall be permitted within fifty (50) feet of any lake, pond, swamp, watercourse, flood zone as defined by the Regulations of the Bolton Inland Wetlands Commission and by the Connecticut General Statutes; except that the Planning and Zoning Commission may permit such building, after approval by the Inland Wetlands Commission, if it can be shown that the building or structure will not cause pollution or compromise the ecology, and such structures shall be built to satisfy minimum requirements of Section 3R of these Regulations.

3A8. ISSUANCE OF ZONING PERMITS AND BUILDING PERMITS

A Zoning Permit, approved by the Zoning Enforcement Officer, shall be obtained before a change in use on a property or the construction of any building, addition or structure other than a fence under eight feet high.

Notwithstanding the requirements of Sections 8A2b, 8B2b, and 9B1b, the Zoning Enforcement Officer may issue a Zoning Permit in connection with the change of occupancy of an existing commercial or industrial building to another conforming use which does not increase the parking requirements for the property as set down in Section 15. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

A Building Permit, approved by the Building Official, shall be obtained before the construction of any building, addition or structure other than a fence under eight feet high.

No Building or Use Permit for land or a principal structure shall be issued until the following conditions have been met:

3A8.a. A Sanitation Permit shall have been obtained from the Town Sanitarian.

3A8.b. As per the Town Ordinance, a Driveway Permit shall have been obtained for the driveway location and construction approved by the Town Engineer and Board of Selectmen or the State Traffic Commission.

3A8.c. A plot plan shall be provided showing:

1. lot boundaries, area, and location. Lot boundaries shall be prepared by a land surveyor licensed in the State of Connecticut, and shall be certified Class A-2 as described in "Recommended Standards for Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc., as amended;
2. proposed and existing buildings and structures. Plans for proposed buildings and structures shall be certified Class A-2 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut,") if a foundation is required;
3. septic tank, primary and reserve leach fields and test pits;
4. water supply well location;
5. driveway, with suitable culvert size, flare, grade, and sight lines;
6. existing and proposed contour lines at two (2) foot intervals in all areas, unless otherwise directed by the Zoning Enforcement Officer. Such contour lines shall be proposed by a land surveyor licensed in the State of Connecticut, and shall be certified Class T-1, T-2, or T-3 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut").
7. inland wetlands and watercourses so designated by a soil scientist certified in the State of Connecticut;
8. solar access window (See Section 3A.15. if applicable);
9. erosion and sediment control plan when required including location and design details of proposed soil erosion and sediment control measures and storm water management facilities and their sequence of installation and the sequence of grading and final stabilization of the site;
10. method(s) of storm water drainage.

3A8.d. A narrative description of any required Erosion and Sediment Control Plan describing:

1. The construction project;
2. the schedule for grading and construction activities including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and sequence for final stabilization of the project site.

3A9. EROSION AND SEDIMENT CONTROL

3A9.a. Removal of vegetation: No vegetation shall be stripped or earth removed in anticipation of construction until a building permit has been issued except when it is otherwise authorized by a certified Erosion and Sediment Control Plan approved by the appropriate town authorities.

3A9.b. Erosion and Sediment Control: When the disturbed area of a building or work site exceeds one half (1/2) acre, has a grade in excess of ten (10) percent or is a part of a subdivision approved before July 1, 1985, the builder shall file an Erosion/and Sediment Control Plan which shall be certified by the Zoning Enforcement Officer or the Tolland County Soil Conservation District as complying with the requirements of PA 83-388 as delineated in "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985) as amended. Such plan shall include but not be limited to a map and narrative. For subdivisions approved after July 1, 1985, the Erosion and Sediment Control Plan may be wholly or partially available from the subdivision plan.

3A9.c. Bonding:

1. Bond Required. If a certified Erosion and Sediment Control Plan ("Plan") is required under section 3A9.b of these regulations, no building permit shall be approved by the Planning and Zoning Commission or its agent until a cash bond has been furnished to the Planning and Zoning Commission securing the actual implementation and maintenance of the Plan.

2. Form of Bond. All cash bonds shall be submitted in the form of a check payable to the "Town of Bolton." Each bond shall be deposited in a separate escrow account. Interest shall be paid in accordance with prevailing rates comparable to other Town accounts. The Town shall not guarantee a minimum interest rate to be paid on cash bonds.

3. Amount of Bond. The amount of the bond shall be equal to the greater of (1) one hundred forty percent (140%) of the cost, as estimated by a qualified engineer and approved by the Commission or its agent, of all erosion and sedimentation controls required by the Plan, or (2) five dollars ($5.00) per lineal foot of control barrier called for by the Plan.

4. Posting of Bond; Release of Funds. The bond shall be posted, and those measures in the Plan that are scheduled for installation prior to development must be implemented, before any site work or disturbance whatsoever is begun on the lot that is the subject of the Plan. No portion of the bond shall be released until the Commission or its agent shall determine that no further Town supervision of the Plan or its maintenance is required, at which time the bond shall be returned, with

interest; provided, however, that the Commission may, at its option, retain up to ten percent (10%) of the bond for a period of up to one year following completion of implementation of the Plan, to secure continued maintenance of the Plan. Any interest accrued on the bond shall be deemed part of the bond and shall be available to the Town for implementation and maintenance of the Plan.

5. Inspections and Increase in Bond Amount. The Commission or its agent may make inspections during development to ensure that the Plan is being adequately implemented and maintained. If the Commission should determine that further erosion and sediment control measures are required, and the amount of the bond is therefore insufficient, the Commission may require an additional sum to be deposited as part of the bond.

6. Draw on Bond. If the Commission or its agent shall determine that unforeseen developments or emergencies require immediate remedial action, or that the Plan is not being properly and adequately implemented and maintained, the Town may, after due notice to the owner (or the developer, if the bond has been furnished by the developer), to the extent allowed by law, draw on the bond to defray the costs of any measures undertaken by the Town or any employee, agent or contractor hired by the Town, to address such an emergency or to implement or maintain the Plan. The owner and developer of any lot subject to a bond pursuant to this section shall be deemed to have granted permission to any Town employee or agent or any contractor hired by the Town to enter such lot for the purpose of taking any and all measures deemed necessary by the Commission to address such an emergency or to implement and maintain the Plan. The Town shall not be liable for any damage to real or personal property while undertaking to implement or maintain the Plan.

7. Exemptions. Applicants for building permits for single-family homes on lots that are not part of a subdivision are exempt from the bond requirements of Section 3A9.c of these regulations.

3A10. MINIMUM BUILDABLE AREA

No buildings or structures shall be constructed on any lot which does not contain a contiguous area of no less than three quarters (3/4) of the area required by the zoning regulations, exclusive of all wetlands, watercourses, and associated 50 foot buffer, as per Section 3A7. of these Regulations, unless the lot has been continuously owned separately and distinctly from any adjoining lot, as evidenced by a deed recorded in the office of the Bolton Town Clerk, on or before June 21, 1989.

3A11. LOT DRAINAGE

No water shall be run into any street or highway unless it is directed into a storm sewer, drainage ditch or a natural watercourse, subject to the approval of other regulatory agencies, where required.

3A12. COMMON OR SHARED DRIVEWAYS

Driveways serving more than one lot shall not, generally, be allowed. The Planning and Zoning Commission may allow a common or shared driveway which shall serve no more than three (3) lots if it is deemed by the Commission to be the only prudent

and feasible access to the properties or if it is recommended by the Inland Wetlands Commission in order to diminish the adverse impact on a wetland, or if it is proposed under the open space subdivision procedure.

3A13. BUILDING ON LOTS WITH NO PRINCIPAL BUILDING

In any case where an accessory building such as a garage, shed, etc. is proposed for any lot lacking a principal building, the Special Permit procedure shall be followed (see Section 16 of these regulations).

3A14. SUBSTANTIAL DIFFERENTIATION

If, in reviewing a plot plan for development of a lot within an approved subdivision, the Town official or Town agent responsible for such review is of the opinion that the proposed development differs substantially from that which was depicted on the approved subdivision plans, such official or agent shall refer the plot plan to the Planning Commission for review and approval.

3A15. SOLAR ENERGY TECHNIQUES

In the case of any application for development of any building or buildings intended for human occupancy, the applicant shall demonstrate that he has prepared a site design which seeks to maximize solar access, as required by the Connecticut General Statues. The site design techniques shall include, but not be limited to, building orientation, street and lot layout, vegetation, natural and man-made topographical features, and protection of solar access within the development.

3A16. NOT-FOR-PROFIT MOTOR VEHICLE REPAIR

The repair of motor vehicles on a not-for-profit basis may be conducted within any zoning district, subject to the following conditions:

3A16.a. not more than one motor vehicle shall be repaired, worked on, or analyzed in any way at any one time;

3A16.b. motor vehicle accessories, parts or repair tools, or any vehicles not currently being repaired, worked on, or analyzed in any way, shall not be kept or stored outside;

3A16.c. no motor vehicle rated at more than two (2) ton capacity shall be worked on, repaired, or analyzed in any way, except for:

1. agricultural equipment belonging to a resident of the subject premises and intended for agricultural use, and:
2. such vehicle belonging to a resident of the subject premises and not intended for commercial use;

3A16.d. Such repair operation shall not in any way create objectionable levels of noise, dirt, or odor to neighboring properties so as to create a nuisance.

3A17. STORAGE

The storage of vehicles, vehicle parts, camp trailers, recreational motor homes, boats, equipment or miscellaneous materials may be considered accessory to a residential use provided all the conditions listed below are met:

3A17.a. Said storage shall not contain the characteristics of a junk yard as defined in Section 2 of these Regulations.

3A17.b. Said storage is of a size, scope and nature that it is clearly accessory to an existing residential use on the subject lot;

3A17.c. Said storage shall not constitute an existing or potential health, safety or environmental risk;

3A17.d. Said storage, both inside and outside, shall be in a location that meets existing building setback requirements for the subject zone or within a completely enclosed building on the subject lot. Outside storage shall be limited to the following:

1. one unregistered vehicle or equivalent in parts, or one unregistered camp trailer, boat, or recreational home, and;

2. limited amounts of equipment or miscellaneous materials that are stored in a 50 square foot area and do not constitute a junk yard as defined in Section 2 of these Regulations.

The above uses shall be screened from adjacent streets and properties with fencing or evergreen plantings, unless screening is waived by the Planning and Zoning Commission due to site and/or neighborhood characteristics.

3A17.e. Any unregistered vehicles, boats camp trailers or recreational motor homes and any equipment or material on the subject lot shall, as applicable, be listed with the Town Assessor and thereby appropriately taxed.

The parking of tractor trailer trucks, trucks over 15,000 pounds gross weight or trailers over 15,000 pounds gross weight is not allowed in the residence zones.

The parking of farm vehicles and associated equipment and parts for use on site in association with an active farm shall not be subject to Section 3A17. of these regulations.

Any questions regarding accessory storage and whether it complies with these standards shall be reviewed with the Planning and Zoning Commission.

3A18. <u>SPECIAL FLOOD HAZARD AREAS</u>

3A18.a. <u>Purpose</u>

It is the purpose of this section to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or, in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging and other development which may increase erosion of flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3A18.b. Objectives

The objectives of this regulation are:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

5. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,

6. To insure that potential home buyers are notified that property is in a flood area.

3A18.c. Definitions

For the purpose of this Section, certain terms, words and phrases shall, whenever used in this Section only, have the meanings defined as follows:

1. Area of shallow Flooding: a designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

2. Base Flood: the flood having a one percent chance of being equaled or exceeded in any given year.

3. Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

4. Flood Boundary and Floodway Map: an official map of the town of Bolton on which the Federal Insurance Administration has delineated the 100-year, 500-year and floodway boundaries.

5. Flood Insurance Rate Map: an official map of the Town of Bolton on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk premium zones applicable to the town, as well as base flood elevations at selected locations.

6. Flood Insurance Study: the official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.

7. Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

8. Floor: the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

9. Lowest Floor: the lowest floor of the lowest enclosed area (including basement).

10. Manufactured Home: a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles, or travel trailers and similar transportable structures placed on site for 180 consecutive days or longer and intended to be improved property.

11. Manufactured Home Park or Subdivision: a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

12. New Construction: structures for which the "start of construction commenced on or after the effective date of this section of the Zoning Regulations (not the revision date) and includes any subsequent improvements to such structures.

13. Recreational Vehicle: a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

14. Special Flood Hazard Area: the area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.

15. Start of Construction: includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

16. Structure: a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

17. Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

18. Substantial Improvement: any combination or repairs, reconstruction, alteration, or improvements to a structure during the life of a structure, the cost of which equals or exceeds 25 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method or the square foot method either: a.) before the improvement or repair is started, or b.) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: a.) any project for improvement of a structure to comply with existing specifications which are solely necessary to assure safe living conditions, or b.) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

3A18.d. General Provisions

1. Lands to which this Section applies.

   This Section shall apply to all special flood hazard areas within the jurisdiction of the Town of Bolton.

2. Basis for Establishing the Special Flood Hazard Areas
   The special flood hazard areas identified by the Federal Emergency Management agency in its flood study dated June 1, 1981, with accompanying FIRM and floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Section.

3. Establishment of the Floodplain Development Permit
   A Zoning Permit shall be required in conformance with the provisions of these Zoning Regulations prior to the commencement of any development activities.

4. Warning and Disclaimer of Liability
   The degree of flood protection required by this Section of the zoning Regulations is considered the minimum reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the special flood hazard areas or uses permitted within such areas

will be free from flooding or flood damages. This shall not create liability on the part of the Town of Bolton or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

3A18.e. Administration

1. Designation of Administrator
The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this Section.

2. Certification
Where required under this Section, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section. Such certification must be provided to the Zoning Enforcement Officer.

3. Application

a) A building permit, zoning permit, site plan approval and/or special permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.

b) The Zoning Enforcement Officer will review all development permits to assure that the requirements of this regulation have been satisfied.

c) The Zoning Enforcement Officer will notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification will be sent to the Federal Emergency Management Agency. Maintenance shall be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

d) The Zoning Enforcement Officer will advise applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.

e) The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.

f) Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the Special Flood Hazard Area, except in conformance with these regulations.

g) When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source in order to administer these regulations. The Zoning Enforcement Officer may require the applicant to obtain such information.

h) The Zoning Enforcement Officer will record and maintain the following: a.) the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, b.) the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, c.) certification as to floodway heights and d.) any and all certifications required under these regulations.

j) The Zoning Enforcement Officer will make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions). The Zoning Enforcement Officer may require the applicant to provide sufficient topographic information to make such an interpretation.

k) The Zoning Enforcement Officer will maintain all records pertaining to the provisions of this Section.

3A18.f. <u>Provisions for Flood Hazard Reduction</u>

1. <u>General Standards</u>
In all special flood hazard areas the following provisions shall apply:

a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

d) All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulation within the components during conditions of flooding.

e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h) In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.

i) Manufactured Homes are prohibited in all special flood hazard areas.

j) Use of land, construction or other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.

2. Standards for Streams Without Established Base Flood Elevations, Floodways, Floodways and/or Flood Mapping

a) The Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 3.13 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's FIRM meet the standards in Section 3A18.g.

b) In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substation improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

c) The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town will adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

3A18.g. Specific Standards

The following provisions shall apply in all areas of special flood hazard A1-30, AE and AH zones where base flood elevations data has been provided

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.

2. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall a.) be flood-proofed to one foot above base flood elevation so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and b.) have structural components capable of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.

3. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

   Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design. when utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

3A18.h. Variance Procedure

Requests for variances from the requirements of this Section shall be heard and decided by the Zoning Board of Appeals.

1. Floodway Prohibition
   Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Criteria for Variances

   a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building;

   b) Variances may only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship, and; (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection (b) above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this Section.

c) Any applicant to whom a variance is granted will be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance may be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

d) The Zoning Board of Appeals will maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

3A.19 TEMPORARY SIGNS

Temporary signs shall not be displayed more than 30 days before the event to which they are directed and shall be removed no more than ten days after the event is over.

3A.20. OUTDOOR LIGHTING REGULATIONS

3A.20.a. Purpose:

The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks, and town property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

3A.20.b. Definitions:

For purposes of this Subsection, the following terms shall be defined as follows:

DIRECT LIGHT: Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FULL CUT-OFF TYPE FIXTURE: A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design as defeated, and disability glare will result.

FULLY SHIELDED LIGHTS: Fully shielded luminaire light fixtures allow you to control the glare in any direction.

GLARE: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

HEIGHT OF LUMINAIRES: The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING: Direct light that has been reflected or has scattered off of

other surfaces.

ISODIAGRAM: An isodiagram is a graphical representation of points of equal illuminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

LAMP: The light source component of luminaires that produces the actual light.

LIGHT POLLUTION: Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal lane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

LIGHT TRESPASS: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

LUMEN: A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

LUMINAIRE: A complete lighting system, and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING: The night-time illumination of an outside area or subject by any man-made device located outdoors that produces light by any means.

RATIO: Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio= 4:1 for the given area, the lowest level of illumination should be no less than 1/4 the average level of illumination.

UPLIGHTING: Any light source that distributes illumination above a 90 degree horizontal plane.

3A.20.c. <u>Lighting Plan</u>

Outside lighting for non residential and multifamily uses will be subject to a Site Plan review, unless waived by the Commission, and shall be accompanied by a lighting plan showing:

1. The location, height and type of any outdoor lighting luminaires, including building mounted;

2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;

3. The type of lamp: metal halide, compact fluorescent, high pressure sodium;

4. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level;

3A.20.d. General Requirements:

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disabling glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed. (see Section 3 Appendix A & B).

2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.

3. Lighting for display, building and aesthetics shall be from the top and shine downward, not up-lighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.

4. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.

5. Floodlighting is prohibited.

6. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.

7. Gasoline Service Stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Section 3 Appendix B) will be observed and not exceeded. All area lighting will full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.

8. All street lighting shall be "cut-off" fixtures.

9. Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

10. Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lift areas and dark surroundings.

11. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infrared sensor lighting is encouraged. ("Non-essential can apply to display, aesthetic, parking and sign lighting).

12. Lighting designed to highlight flagpoles shall be low level, should be targeted directly at the flag.

13. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.

14. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department or Emergency services are exempt from these regulations.

3A.20.e. Special Permits

The Planning & Zoning Commission may grant a Special Permit modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:

1. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,

2. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;

3. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;

4. Where special lighting is indicated for historic buildings;

5. Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity.

6. Where ornamental up lighting of sculpture, buildings or landscape features will enhance the character of the area.

Section 3 Appendix A
Recommended Maintained Illuminance Values for Parking Lots

		Basic	Enhance Security
Minimum Horizontal Illuminance	lux	2	5
	fc	0.2	0.5
Uniform Ratio, Maximum to Minimum		20:1	15:1
Minimum Vertical Illuminance	lux	1	2.5
Minimum Vertical Illuminance	fc	0.1	0.25

Source – IESNA RP 20-98

Section 3 Appendix B
Service Station or Gas Pump Area Average Illuminance Levels

Area Description	Average Illuminance On Described Area (lux /foot candles)

Approach with Dark Surroundings	15/1.5
Driveway with Dark Surroundings	15/1.5
Pump Island Area with Dark Surroundings	50/5
Building Facades with Dark Surroundings	20/2
Service Areas with Dark Surroundings	20/2
Landscape Highlights with Dark Surroundings	10/1
Approach with Light Surroundings	20/2
Driveway with Light Surroundings	20/2
Pump Island Area with Light Surroundings	100/10
Building Facades with Light Surroundings	30/3
Service Areas with Light Surroundings	30/3
Landscape Highlights with Light Surroundings	20/2

3A.21 Coordination of Permits Issued pursuant to these Regulations with Permits Issued by the Aquifer Protection Agency

Any applicant who proposes a Regulated Activity as defined under Section 2(a)(35) of the ***Bolton Aquifer Protection Area Regulations*** shall first obtain from the Aquifer Protection Agency an Aquifer Protection Permit pursuant to Section 9 of those Regulations prior to receipt of a zoning permit, site plan review, special permit, or variance under these Regulations.

3A22. MINOR MODIFICATIONS

The Zoning Enforcement Officer may issue a Zoning Permit in connection with the Minor Modification of an approved Site Plan or Special Permit pursuant to Section 16, provided that all changes meet the criteria and requirements of this section. The Zoning Enforcement Officer may require the submission of a Site Plan meeting the requirements of Section 16A and this section in conducting his or her review. Upon approval of a Minor Modification of a Special Permit, the Zoning Enforcement Officer shall cause to be recorded in the Office of the Town Clerk a Certificate of Approval bearing the signature of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission. Any modifications that do not meet the criteria and requirements of this section shall require the approval of the Planning & Zoning Commission. The Commission may process such modifications as a Site Plan Review without Special Permit approval or Public Hearing should it determine that such changes will have no significant impact on traffic, drainage, or other considerations affecting public health and safety. The Zoning Enforcement Officer may, in his discretion, refer any Minor Modification to the Commission for approval notwithstanding that such Minor Modification otherwise complies with the criteria and requirements of this section.

A "Minor Modification" is a modification which meets the following criteria:

a. Any increase in building area does not exceed 5% of the area of buildings as shown on the Site Plan approved by the Commission.
b. Any increase in parking area does not exceed 5% of the number of parking spaces (or an increase of one space, whichever is greater) as shown on the Site Plan approved by the Commission.
c. Any adjustment in landscaping location and configuration does not reduce the overall green space, numbers of trees and shrubs, or any buffering of abutting parcels or uses, as shown on the Site Plan approved by the Commission.
d. Any adjustment or relocation of parking areas or driveways does not substantially alter the traffic flow or general driveway locations as shown on the Site Plan approved by the Commission.
e. Any adjustments in the location of drainage structures or utilities are substantially compliant with the Site Plan approved by the Commission.
f. No change to the location or design of any public improvement is proposed.
g. The Town Engineer has issued a report confirming that the existing drainage structures are in good condition and functioning as designed and that such drainage systems are adequate to accommodate any additional runoff resulting from the proposed changes. In connection therewith, the Zoning Enforcement Officer may require the submission of a modified drainage report for review by the Town Engineer.
h. The Director of Community Development has issued a favorable report on the proposed changes, which shall include reports by the Health District, Wetlands Agent, Fire Marshal, and/or any other applicable municipal official or department which the Director determines should be consulted.

3A23. CHANGE OF USE

Notwithstanding the requirements of Sections 8A2b, 8B2b, and 9B1b, the Zoning Enforcement Officer may issue a Zoning Permit for a Change of Use in a commercial or industrial zoning district to another use permitted by right in such zone, subject to the Minor Modification provisions of Section 3A21. Any increase beyond these thresholds may be approved in accordance with Section 3A21, or Section 16 at the discretion of the Commission. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

SECTION 3B SPECIAL REGULATIONS

3B.1 Motor Vehicle Sales/Service and Fuel and Motor Oil Sales (excluding Not-For-Profit Motor Vehicle Repair; See Section 3A.16):

3B1.a. Location Approval: In accordance with Conn. Gen. Stats. §14-321, no property shall be used for the sale of fuel or other products regulated under Chapter 250 of the General Statutes unless the Planning and Zoning Commission makes a written finding that such location is suitable for the sale of fuel and other products.

3B1.b. Parking/Storage of Vehicles: No vehicle shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern of interfere with driver sight lines or traffic flow at the access drive to the site or along any public

road. All parking, which shall be considered to include vehicles using fuel pumps, shall comply with the requirements of Section 15 of these Regulations.

3B1.c. Location of Fuel Pumps: Fuel Pumps shall be not less than twenty (20) feet from the street line. Where an overhead canopy is proposed above any fuel pumps, such canopy shall not extend beyond the building lines along all sides of the property. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

3B1.d. Lighting. See Section 3A.20.d, and, in particular, subsection 3A.20.d.7.

3B1.e. Service Bays. No service bay shall face the street line, except on a corner lot, where service bays may face one (1) street line.

3B1.f. Motor vehicle car washes shall be permitted as accessory uses, provided that:

1. Adequate traffic flow patterns are established which prevent conflict with fuel and service patrons, and which prevent waiting traffic from extending into the street.

2. The site is to be served by public sanitary sewers or approved washwater recycling equipment and there is no discharge of washwater into or onto the ground, or into the septic system.

3. All site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.

4. No service bay shall face the street line, except on a corner lot, where service bays may face one (1) street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

3B1.g. Convenience store retail trade shall be permitted as an accessory use, provided that:

1. Adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with fuel and service patrons.

2. Adequate parking for the additional retail trade use is provided in accordance with Section 15 (Off-Street Parking and Truck Loading).

3. To insure adequate supervision for both the fuel sale and retail trade uses, there shall be at least one (1) employee on duty for the sale of fuel, and one (1) additional employee for the retail trade use. Depending on the size of the facility, and the anticipated volume of vehicular traffic and public activity, the Commission may require additional security measures as a condition of the retail trade use.

4. There shall be no seats, stools, tables, or other facilities for the on-site

consumption of food.

5. Restroom facilities shall be provided for employees and may be required by the Commission for customers.

6. There shall be no overnight parking associated with the retail trade use, other than for employees.

3B.2 New and Used Car Sales

3B2.a. No vehicle shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern or interfere with driver sight lines or traffic flow at the access drive to the site or along any public road.

3B2.b. Used Car sales shall be permitted only as an accessory use to: (1) A New Car Dealer Sales and Display room having a minimum area of 700 square feet on the premises, or (2) A licensed General Repair Service.

3B.3 Seasonal or Temporary Commercial Uses

3B3.a Standards for Vendors Associated with Seasonal or Temporary Commercial Uses

The following standards shall apply to vending which is associated with Seasonal or Temporary Uses as indicated in Sections 3B3.b.1, 3B3.b.2, 3B3.c.2, 3B3.d.1, 3B3.d.2.2, 3B3.e.2.1, 3B3.e.3.1, and 3B3.e.4.1:

3B3.a.1 The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.

3B3.a.2 There shall be no more than one mobile vendor per property.

3B3.a.3 The location of any vending vehicle, cart, trash container, sign, etc. shall not obstruct line of sight or flow of traffic both on- and off-site and shall not obstruct the use of any required parking space, driveway, or walkway. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor. All trash containers, signs, etc. related to the use shall not be located more than 15 feet from the vending vehicle.

3B3.a.4 The mobile vendor shall be limited to one temporary freestanding sign, not to exceed 16 square feet per side. Flags, pennants, pinwheels, flashing lights, or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.

3B3.a.5 The mobile vendor shall provide written permission from the owner of the property where he / she intends to locate.

3B3.a.6 For approval, the mobile vendor shall provide a simplified site plan indicating the location of any vending vehicle, cart, sign, etc. in relation to buildings, sidewalks, parking spaces, and driveways.

3B3.a.7 The mobile vendor shall provide adequate trash containers on the property and shall be responsible for maintaining a litter-free condition on the entire site

associated with this use while the applicant exercises the permit or lease. The vendor shall post a trash pick-up bond in the amount of $50 to ensure site clean-up.

3B3.a.8 Upon vacating a property, the mobile vendor shall remove all traces of his/her business and restore the property to its original condition. When the portion of the property being used by a mobile food vendor and his/her patrons is not paved, the property owner shall post a site restoration bond in an amount to be determined by the Zoning Enforcement Officer to cover the cost of restoring the property to its original condition.

3B3.a.9 The applicant shall pay an application fee as set down by the Commission.

3B3.a.10 Mobile food vendors must have a valid vending license from the Board of Selectmen and food permit from the Health District in addition to the approval cited above.

3B3.b Mobile Vending General Permits

3B3.b.1 Construction Site Mobile Food Vending General Permit

The Zoning Enforcement Officer may issue a General Permit for mobile food vending on bona fide construction sites for the duration of the construction project, provided such vending occurs within the confines of the construction site, and such vending is not open to the general public, but exclusively for the benefit of construction workers, and related contractors and subcontractors. Any vendor shall comply with the requirements of Section 3B3.a.1, 3B3.a.3, 3B3.a.7, and 3B3.a.10, with the exception that no bonds shall be required.

3B3.b.2 Transient Mobile Vending General Permits

The Zoning Enforcement Officer may grant a General Permit for mobile vending (food or general merchandise) on any commercial or industrially zoned site provided that the vendor has secured the permission of the property owner; the vendor does not occupy any one site for more than 1 hour per day; and provided that the vendor adheres to the standards and requirements of Section 3B3.a.1 - 3B3.a.4., and 3B3.a.10.

3B3.c. Seasonal Commercial Agricultural Uses

3B3.c.1 Farm Stands Accessory to a Farm

3B3.c.1.1 <u>Farm Stands Accessory to a Farm:</u> Farm stands accessory to a farm in any zone may be permitted upon Site Plan Review by the Commission subject to the following special requirements:

3B3.c.1.2 <u>Square Footage:</u> The Building Area of a Farm Stand shall not exceed 250 square feet for every ten (10) acres under active cultivation, up to a maximum of 1,000 square feet of Building Area. If at any time, a farm is reduced in the area of active cultivation, by sale of land or reduction in cultivation, the area of the Farm Stand shall be reduced to maintain conformance with this section. Farm Stands shall be designed in such a

way that removal of the building is feasible when and if its building area must be reduced.

3B3.c.1.3 Site Planning, Parking, Signs: Farm Stands shall comply with all parking, illumination, and other regulations applicable to commercial uses in the Neighborhood Commercial Zone, regardless of the zone in which the Farm Stand is located. Signs shall be in accordance with Section 18G1.d. and e.

3B3.c.1.4 Products Sold. Operators of farm stands shall be limited to the sale of fruits and vegetables grown substantially on the premises, and to value-added farm goods prepared from fruits and vegetables grown on the premises, such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and local regulations.

3B3.c.1.4.1 Vending Permit. Operators of farm stands shall secure a vending permit from the Zoning Enforcement Officer for the sale of value added farm goods prepared from fruits and vegetables growth substantially on the premises. Such permit shall be issued for a period not to exceed 200 days on an annual basis. Such pre-packaged food items, including food items ancillary to produce grown substantially on the premises such as prepackaged beverages, shortcakes, etc., are permitted under such vending permit provided that these items constitute less than 10% of total farm stand sales. An approval from the Board of Selectmen, the Health District or State Health Department for any pre-packaged food shall be required before the approval of a vending permit.

3B3.c.2 Farmers Markets of Temporary or Mobile Construction

3B3.c.2.1 Farmers Markets of temporary or mobile construction may be approved by the Planning & Zoning Commission in any zoning district by Site Plan Review under the following conditions:

3B3.c.2.1.1 Any vendor shall comply with the requirements of Section 3B3.a.1, 3B3.a.3, 3B3.a.4, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, with the exception that no bonds shall be required, and any signage shall be mounted on the booth or affixed to the vendor's cart. The simplified site plan shall also include:

3B3.c.2.1.1.1 The location of potential vendor's tents/tables, traffic control measures, other amenities in relation to buildings, sanitary facilities, parking, access drives, fire lanes, and other improvements (if any) on the site;

3B3.c.2.1.1.2 The days and hours of operation of the farmer's market and other land uses on the site, if any; and

3B3.c.2.1.1.3 The signature of the property owner on the application and/or written permission in the form of an attached letter.

3B3.c.2.1.2 Products sold shall be limited to Connecticut-grown/raised produce, flowers, meat, poultry, dairy, and other agricultural products, as well as food, beverage, and craft items (e.g., preserves, cider, dried flower arrangements) made from Connecticut-grown/raised products, subject to food permits, when required, and all other applicable Public Health Code requirements.

3B3.c.2.1.3 The Commission shall determine whether the proposed farmers market is appropriate for the proposed location and will not negatively impact other uses on-site or on nearby properties.

3B3.c.2.1.4 Temporary off-site signage shall be permitted in accordance with Section 18F.1.c

3B3.d Seasonal or Holiday Sales of General Merchandise

3B3.d.1 The Zoning Enforcement Officer may approve a vending permit for the sale of general merchandise in an outdoor setting either on developed or vacant lots in a GB, NB, or I zoning district for a period not to exceed thirty (30) days, subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Section 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7 (without bond), 3B3.a.8, 3B3.a.9, and 3B3.a.10.

3B3.d.2 Mobile General Merchandise Vendors associated with Special Community-wide Events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.

3B3.d.2.1 Mobile General Merchandise Vendors within Town property or in Town rights-of-way are authorized by Ordinance by the Board of Selectmen, and are not regulated by the Planning & Zoning Commission.

3B3.d.2.2 The Zoning Enforcement Officer shall issue general merchandise vending permits on private property in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization for periods up to thirty (30) days in duration subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Section 3B3.a.2, 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, except that no bonds shall be required.

3B3.e Mobile Food Vending

3B3.e.1 Mobile food vendors within Town property or in Town rights of way are authorized by Ordinance by the Board of Selectmen regulated by the Health District and are not regulated by the Planning & Zoning Commission.

3B3.e.2 Mobile food vendors associated with Special Community-wide Events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.

3B3.e.2.1 The Zoning Enforcement Officer may issue food vending permits in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization subject to the same requirements as set down in Section 3B3.a.3, 3B3.a.5, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, except that no bonds shall be required.

3B3.e.3 Mobile Food Vendors associated with special grand-opening events or special seasonal sales events.

3B3.e.3.1 The Zoning Enforcement Officer may issue food vending permits in GB, NB, or I zoning districts in connection with grand opening events, or special seasonal sales events (no more than 3 per year) for periods up to 5 days in duration for each event, and subject to the requirements of Section 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7 (without bond), 3B3.a.8, 3B3.a.9, and 3B3.a.10.

3B3.e.4 Mobile Food Vendors on Vacant Lots

3B3.e.4.1 The Zoning Enforcement Officer may issue food vending permits in GB & I zoning districts on vacant lots for periods up to thirty (30) days in duration, subject to the requirements of Section 3B3.a.1 through 3B3.a.10.

3B3.e.4.1.1 Mobile food vendors shall not be allowed on a property within 1000 feet of the property line of a property containing a permanent eating establishment or an establishment that sells alcoholic beverages for on-premises consumption.

3B.4 <u>Restaurants</u>

3B4.a. Food service shall be primarily to customers seated at tables or at counters within an enclosed building. Outdoor dining shall be allowed as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, noise and crowd control, unauthorized access or use, safe and adequate access/egress for pedestrians/vehicles, and where the site is suitable for such accessory outdoor café service. An outdoor dining use as an accessory use to a restaurant shall require an application for a Zoning Permit, which shall include a narrative of information regarding the outdoor dining use including a plan of the area to be used, how it will be set up and protected, an adequate parking plan, and other relevant information required by the Zoning Enforcement Officer about the use. The application for a Zoning Permit shall be submitted to the Zoning Enforcement Officer for their action. (effective 11/01/21)

3B4.b. The Commission may approve a specific request for pedestrian outdoor window service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for pedestrians to park and safely reach the window, without crossing through adjacent

lanes of moving traffic or stacking lanes for drive-through service; and a covered, sheltered, illuminated area has been provided for pedestrians adjoining the drive-in window. Drive-through service as an accessory to restaurants is permitted in business zones (except NB) if approved as part of a Special Permit / Site Plan Review, where the Commission determines that said proposed facility meets all other zoning standards and regulations for one drive-through lane and appropriate associated canopies per building facility, located completely behind the plane of the front wall of the principal building; the architectural and site design guidelines, materials, and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and, the vehicular circulations and stacking areas required for said facility do not pose a danger to pedestrian safety or to the general parking and circulation needs of the site.

The amendment of this Section 3B4.b. was approved on November 18, 2015.

The effective date of this Section 3B4.b. is December 1, 2015.

3B4.c. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant.

3B4.d. No restaurant located as the principal use of a building on a separate lot shall have fewer than thirty (30) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room. A restaurant which is part of a unified shopping center or other multi-use (i.e., more than two principal uses) shall have no fewer than ten (10) seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.

3B4.e. Fast Food Restaurants shall be required to meet the following additional standards:

1. The applicant shall provide a traffic study prepared by a qualified traffic engineer which contains, at a minimum, an analysis of current and projected traffic volumes, peak hour projections, turning movements, sight lines, parking demands, access for emergency vehicles, deliveries and loading, and such other factors as may be relevant for the particular site and its conditions.

2. Buildings shall be designed to serve the intended use, and to be in harmony with the architectural character of a small rural Town. Buildings are not to be advertisements in themselves, including the use of "motif" colors. All building designs must be approved by the Commission per Section 16 of these Regulations.

3. Glass shall occupy no more than thirty (30%) percent of the exterior wall surface of the building, and all glass shall be tinted.

4. No "fast food" restaurant shall be located less than fifty (50') feet from any Residential Zone, measured from any point on the site to any zone line.

5. The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission,

the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be considered a violation of these Regulations, and shall subject the owner/operator to those penalties set forth in these Regulations and the Connecticut General Statutes.

3B.4.f. Any outdoor dining that has not been the subject of a zoning enforcement action or nuisance activity report as of November 30, 2021, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7MM, or any extension or amendment or reissuance thereof shall be permitted to continue to operate pursuant to that permit. (effective 11/01/21)

The amendment of this Section 3B4.f. was approved on September 23, 2020.

3B.5 Hotel/Motel. Each hotel/motel shall comply with the following requirements:

3B5.a. The Commission may require or permit that a hotel/ motel have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility.

3B5.b. The maximum number of rooms permitted on a lot shall be determined as follows: 4,000 square feet of land per room if all rooms are on one (1) floor; 2,500 square feet per room if rooms are on two (2) or more floors.

3B5.c. Each room shall have a minimum livable floor area of two hundred seventy-five (275) square feet or, alternatively, two hundred twenty-five (225) square feet for fifty (50%) percent of the rooms provided the remaining fifty (50%) percent contain a minimum of three hundred twenty-five (325) square feet.

3B5.d. The site shall be served by public water and sewer, or, alternatively, the application for Special Permit shall be accompanied by a written report from the Town Sanitarian indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.

3B5.e. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.

3B5.f. The site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities.

3B5.g. Parking and loading shall be in accordance with the requirements of Section 15 of these Regulations.

3B5.h. Alcoholic beverages may be permitted in accordance with the regulations of the State of Liquor Control Commission.

3B5.i. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, street lights, driveway/parking lot lighting, and other light sources on or off the site.

3B5.j. Accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping.

3B5.k. All buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing, and with clusters of small buildings preferred to a lesser number of larger ones. Access to rooms shall only be from an interior hallway and not directly from an outdoor space.

SECTION 3C WATER SUPPLY FOR FIRE PROTECTION

3C1. In order to maintain a consistent fire protection plan for the Town of Bolton, the Planning and Zoning Commission may require an easement appropriate to allow for the construction and maintenance of a cistern or dry hydrant.

3C2. Section 3C of the Zoning Regulations shall apply to any application for Subdivision or Resubdivision, Special Permit or a Site Plan Review.

3C3. The owner(s) of the land where the cistern or body of water and associated dry hydrant are proposed to be located, shall grant, at no cost to the Town, a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for construction, firefighting, training, inspection, testing and maintenance.

3C4. In the case of any application for subdivision or resubdivision the following shall apply to any dwelling in a subdivision or resubdivision of 10 or more lots that was approved after January 1, 2006. This regulation is meant to be cumulative based upon the creation of the 10th lot of the subdivision of the property or the 9th new lot created by a resubdivision of the property.

3C4a. A permanent water supply for fire protection, approved by the Bolton Fire Marshal and Fire Chief, in accordance with these regulations, shall be made available not later than the completion of the first building foundation on the property for the subject application.

3C4b. The permanent water supply for fire protection shall consist of a cistern made of fiberglass, reinforced concrete, or other material acceptable to the Planning and Zoning Commission, and necessary appurtenances, such as fire department connection riser, vents, etc., as necessary, and shall have a capacity of 15,000 gallons for subdivisions of 10 to 20 lots and at least 30,000 gallons of water for 21 lots or more, unless the Commission finds that the applicant has established one of the following:

1. That the construction project is located within a town-approved cistern area. The Commission may accept a letter of approval issued by the Board of Selectmen to establish this exception.

2. The subdivision plan indicates that any building will be fully sprinklered per NFPA 13D or 13R as currently adopted by the State of Connecticut.

3C4c. The cistern fire department connection riser shall be located within five feet of a paved surface accessible by the fire apparatus. The intervening access way between the paved surface and the riser shall be a paved surface at least six feet in clear width.

3C4d. The location of the cistern fire department connection riser shall be located in accordance with the following requirements:

1. For single-family detached dwellings, no part of a dwelling shall be more than 2,000 feet, as measured along roads and driveways, from the cistern fire department connection riser.

2. For dwellings other than single-family dwellings, no part of the dwelling shall be

more than 1,500 feet, as measured along roads and driveways, from the cistern fire department connection riser.

3C4e. The design, siting and installation criteria for this permanent water supply shall be designed by a professional engineer, properly licensed and registered in the State of Connecticut. A set of plans, signed and stamped by the engineer and the engineer's cost estimate for the complete installation, shall be provided as part of the application for the subdivision. This permanent water supply shall be designed as a water supply for firefighting in accordance with nationally recognized criteria such as National Fire Protection Association (NFPA) publication #1142, the edition current as of the date of the application. The design of such a water supply must include, but not be limited to, depth of groundwater and ledge, anticipated loading requirements on top of the structure and protection against freezing.

3C4f. An alternative permanent water supply may be substituted for the cistern if approved by the Fire Marshal and Fire Chief. This approved alternative permanent water supply is a body of water and dry hydrant assembly that, based upon an engineering analysis conducted in accordance with Section 3C4e. above, is shown to comply with the requirements of NFPA Standard #1142, the edition current as of the date of the application. This alternative permanent water supply shall comply with the distance requirements of Section 3C4d. above. All requests for approval of a natural or manmade on-site surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions.

3C4g. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall grant a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for firefighting, training, inspection, testing and maintenance.

3C4h. The owner(s) of land where the water supply is located shall design and install the cistern. The Bolton Fire Department will fill, test and accept the cistern. After 2 years of operation satisfactory to the Bolton Fire Marshal and Fire Chief the Town will take responsibility for inspection and maintenance. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall provide the Town of Bolton performance and maintenance bonds for the satisfactory installation and operation of the permanent water supply as determined by the Bolton Fire Marshal and Fire Chief. The bonds shall comply with the applicable portions of Subdivision Regulations Section 13.4 and 15 or Zoning Regulations Section 16B.6, except as otherwise required by this Section 3C. To account for future cost increases and unforeseen costs, the performance bond amount shall be equal to at least 125% of the engineer's cost estimate to provide the complete installation of the permanent water supply and appurtenances. In no case shall the performance bond amount be less than $5,000 plus $1.50 per gallon of the required capacity of the permanent water supply. The time for the satisfactory completion of the installation and operation of the permanent water supply shall be the earliest time of the following applicable requirements: the time stated by the Planning and Zoning Commission in an approval action, or the time required by Sections 3C, 16A.4, 16B.7 of the Zoning Regulations. Failure to satisfactorily install and operate the permanent water supply within the required time shall be a cause for the Town of Bolton to require immediate

and full payment of the performance bond funds for use in providing a satisfactory permanent water supply. Upon the satisfactory complete installation and operation of the permanent water supply, the performance bond may be replaced by a maintenance bond equal to 20% of the performance bond, for the continued satisfactory condition and operation of the permanent water supply. The maintenance bond shall remain in effective for two years after the date that the Planning and Zoning Commission determines that permanent water supply is installed and operating to the satisfaction of the Bolton Fire Marshal and Fire Chief.

3C4i. The Bolton Fire Marshal and Fire Chief shall act to approve, modify and approve or disapprove any plans for a permanent water supply for fire protection in accordance with these regulations and shall provide a report to the Commission describing such action within sixty-five days of the receipt of such plans. For any disapproval or modification of plans, the report must include the reason(s) as to why the plans were determined to not comply with these regulations. The failure of the Fire Marshal and Fire Chief to act within this sixty-five day periods shall be considered as an approval of the plans.

3C4j. At such time that the Town or other acceptable authority has placed in service cisterns, dry hydrants, or pressurized water systems designed for fire protection that meet the distance requirements of these regulations, then water supplies or approved alternates, such as sprinklers, would not be necessary for any size or class of construction unless required by other state building, fire or life safety codes.

The amendment of this Section 3C was approved on December 10, 2014.

The effective date of this Section 3C is January 1, 2015.

SECTION 3D SOLAR ENERGY SYSTEMS

3D1. SMALL-SCALE SOLAR ENERGY SYSTEMS

Purpose: To promote the use of solar energy systems in accordance with the Connecticut General Statutes and the Town of Bolton Plan of Conservation and Development while protecting the public health, safety and welfare.

Small-scale solar energy systems, including ground- and roof-mounted systems, shall be permitted as an accessory use by right in all zoning districts subject to the requirements set forth in the zone it is to be located and this section.

3D1.a. The construction of the small-scale solar energy system shall be in accordance with an approved building permit application.

3D1.b. Dimensional Requirements In All Zones:

3D1.b.1. Small-scale solar energy systems shall meet all the minimum yard setbacks as required for the primary use in the zone it is to be located. In measuring a pole-mounted tracking system that moves to track the sun, the drip line of the farthest extension of the tracker shall not extend into any required yard.

3D1.b.2. Small-scale solar energy systems, including any mounts, shall not exceed the maximum height allowed for the primary use in the zone it is to be located.

3D1.b.3. Small-scale solar energy systems shall comply with the maximum lot and impervious coverage percentages as required in the zone it is to be located. In measuring coverage, the mounting or foundation that touches the ground shall be the footprint and counted as lot and impervious coverage.

3D1.b.4. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for interconnection to system components and/or the local utility power grid.

3D1.b.5. Small-scale solar energy systems shall be subject to the same type of review as the use to which it is an accessory.

3D1.b.6. Separate flush- or rack-mounted small-scale solar energy systems mechanically fastened to and/or secured with ballast installed on the roof of a building or structure shall meet 3D1.c.2. and shall not:

3D1.b.6.a. Project vertically more than six (6) inches above the peak of the sloped roof to which it is attached; or

3D1.b.6.b. Project vertically more than five (5) feet above a flat roof installation.

3D1.b.6.c. It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.

3D1.c. Appearance: Appearance, color, and finish of the small-scale solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.

3D1.d. Code Compliance: A small-scale solar energy system shall comply with all applicable construction and electrical codes.

3D1.e. Removal: All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.

3D1.f. Violations: Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a small-scale solar energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

The addition of this Section 3D was approved on December 11, 2013.

The effective date of this Section 3D is January 1, 2014.

SECTION 4 - ESTABLISHMENT OF ZONES

For the purpose of these Zoning Regulations, the Town of Bolton is hereby divided into nine (9) zones, as follows:

1. Residence R-1 Zone
2. Residence R-2 Zone
3. Residence R-3 Zone
4. Golf Course Overlay Zone (GCOZ)
5 General Business Zone (GB)
6. Neighborhood Business Zone (NB)
7. Rural Mixed Use Zone (RMUZ)
8. Industrial Zone (I)
9. Gateway Mixed Use Industrial Zone (GMUIZ)

The boundaries of each of the said zones are hereby established as shown, defined and bounded on a Map entitled:

"MASTER ZONING MAP
Town of Bolton, Connecticut
Bolton Zoning Commission"
Dated - 1973
Revised - 1983
Revised - 1985
Revised - 1987
Revised - 1995
Revised - 2000
Revised - 2001
Revised – 2005
Revised - 2010

This Master Map and all explanatory matter thereon are hereby made a part of these regulations. Reference shall be made to the Master Map for latest changes and specific zone boundaries.

A copy of the Master Map in on file in the Office of the Town Clerk

AMENDED SECTION 5 OF THE BOLTON ZONING REGULATIONS

SECTION 5 - PROHIBITED USES

No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke or noise, or is a nuisance or menace to health or safety.

The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in zones in which such uses are not otherwise allowed.

No land, open space, or yard required by these regulations for a lot, shall be included as a part of the area, space or yard of another lot. No lot shall be made smaller than the minimum requirements of the zone in which it is located by any voluntary act of the owner.

The following uses of land and buildings are prohibited in any zone, whether public or private land:

5A. The parking of mobile homes or trailers for more than fifteen (15) days when used for human occupancy, except on a temporary basis during construction of a home for a period not to exceed six months in accordance with a Zoning Permit approved by the Zoning Enforcement Officer. Such Permit may be extended one additional six month period by a further Permit approved by the Zoning Enforcement Officer.

5B. Parking of mobile homes or trailers for use as office, warehousing space or any other business use except:
1. on a temporary basis under a variance granted by the Zoning Board of Appeals;
2. as an accessory use during construction for which a valid building permit has been issued;
3. as a permanent installation covered by a building permit.

5C. Trailer or mobile home camps or developments for manufactured homes where such homes have their narrowest dimension as less than 22 feet, and where such homes are not built in accordance with federal manufactured home construction and safety standards.

5D. Junk yard of any description except disposal facilities operated for and under the control of the Town of Bolton.

5E. Dumping of any material other than earth, grass clippings, leaves, ashes, cinders or other materials necessary for grading purposes.

5F. Prohibited signs are those listed in Section 18D.

5G. Rooming houses and boarding houses

5H. The quarrying of stone or rock.

5I. The burying or storage of any construction debris, junk, garbage, solid waste or hazardous waste without approval from the Connecticut Department of Environmental Protection.

SECTION 6 - RESIDENCE ZONES

6A. In ALL Residence zones, no building or land shall be used and no building or structure shall be erected or altered except for the following uses:

6A.1 Single family detached dwellings;

6A.2 Two-family dwellings in R-1 and R-2 zones subject to the following:

a. both dwelling units shall be equal or nearly equal in floor area;
b. the two-family dwelling shall maintain the exterior appearance of a single family dwelling.

6A.3 Not more than one (1) ADU accessory to a single-family detached dwelling, subject to a zoning permit and the following conditions:

a. The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
b. For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
c. Only one ADU with a maximum of one bedroom shall be allowed per parcel.
d. The ADU shall not exceed 35% of the total of the above ground floor area of the primary dwelling and shall not exceed 900 square feet.
e. The applicant shall submit a site plan to demonstrate that two (2) parking spaces for the primary dwelling and one (1) parking space for the ADU will be provided.
f. An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
g. No such unit shall be rented for a period of less than 6 months.
h. A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
i. Design and construction should be consistent with the primary dwelling.

6A.4 State or Town Parks.

6A.5 Farming.

6A.6 Town owned schools, libraries, office, Fire Stations and other civic buildings authorized by a Town Meeting under the jurisdiction of the Public Building Commission.

6A.7 Privately owned houses of worship, schools, colleges, libraries and other civic buildings subject to a Special Permit, to be issued upon demonstration that the following criteria have been met to the satisfaction of the Planning and Zoning Commission:

a. the use shall be compatible with neighboring uses;
b. the use shall not hinder future sound development of the community;
c. the use shall not create a nuisance;
d. minimum requirements shall conform to all applicable sections of the zoning regulations pertaining to Residence Zones.

6A.8 Customary home occupations. In all cases, such occupation shall be situated either in the same dwelling used by the Head of such occupation as his or her primary legal residence (and shall occupy a floor area not more than thirty percent of the living area of the residence), or within an accessory building on the same premises, such building having a floor area not more than thirty percent of the living area of the residence and a height of not more than ten feet measured from ground level to the eaves. There shall be no excessive exterior artificial lighting nor any display (other than one sign not exceeding three square feet in area and not less than 20 feet from the street line) which will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Additionally, the occupation shall not be visible from the street or adjoining property by display of products or equipment, shall not cause a nuisance from noise, odors, fumes, vibrations or other sources, and shall not tend to excessively draw people and vehicles to the premises. In addition, the following is noted:

a. any customary home occupation is permitted by right if it meets all of the above requirements, plus the following;

    1) there shall be no non-resident employees, and:
    2) there shall be no vehicles, associated solely with the business, parked on the premises, and:
    3) no clients or customers shall visit the premises.

b. any customary home occupation that involves non-resident employees, and/or on-site customers or clients and/or one vehicle with trailer associated solely with the business, may be permitted subject to the site plan review procedure and subject to the following:

1) all requirements of the first paragraph of Section 6A.8 of these Regulations are met;
2) no more than two non-residents of the premises are employed in the business at any one time;
3) adequate off-street parking spaces are provided for customers, clients and employees.
4) One vehicle with trailer associated solely with the business may be parked on the premises so long as a) said vehicle with trailer does not exceed 18,000 pounds gross weight and b) if said vehicle with trailer exceeds 10,000 pounds gross weight the Commission may require it to be screened from view.

c. No automobile repair business or small engine repair business shall be conducted as home occupations.

6A.9 Commercial stabling of horses, subject to Special Permit and further subject to the following:

a. the conditions listed under Section 6A.10 of these Regulations are met;
b. all horse trailers are parked and maintained in a neat and orderly manner;
c. there shall be no outside storage of equipment associated with the horses and/or their stabling.

6A.10A Keeping of livestock or poultry, except as permitted by Section 6A.10B below, shall be subject to the following requirements:

a. The lot or parcel upon which one (1) head of livestock or up to ten (10) head of poultry are kept or pastured shall have a minimum area of two (2) acres;
b. After the first head of livestock or ten (10) head of poultry the lot or parcel shall have at least one (1) additional acre for each additional livestock or each additional ten (10) head of poultry (or a pro rata proportion of one acre for fewer than ten additional head of poultry) kept or pastured;
c. An appropriate building shall be provided for the keeping of such livestock or poultry under Section 6A.10A. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all cleanings shall be confined;
d. All buildings and structures (other than fences under eight (8) feet high) for the keeping and housing of livestock or poultry under Section 6A.10A shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line, twenty-five (25) feet from any existing well and, in addition, one hundred (100) feet from any existing dwelling located on an adjacent property.
e. A Site Plan Review shall be required if more than three (3) head of livestock and/or more than twenty (20) head of poultry are proposed for keeping simultaneously.

6A.10B Chickens: No more than six (6) hens may be kept on any property located in residence zoning districts as an accessory use as of right to a residential use. Such accessory use shall require a Zoning Certificate of Compliance and shall also meet the following requirements:

a. No rooster shall be kept on the property.
b. An appropriate building shall be required and shall include an attached or adjacent enclosure, visually screened from adjacent properties, to which all hens and cleanings shall be confined.
c. All areas, buildings and structures for the keeping, housing and pasturing of hens under Section 6A.10B shall be located in the rear of the property and shall meet the required yard setbacks and shall be twenty-five (25) feet from any existing well.

6A.10C Under Sections 6A.10A and 6A.10B all housing and keeping of animals shall be within the minimum recommended standards of the State of Connecticut Departments of Agriculture and Public Health. Animals shall be housed in permanent buildings and shall be provided with fencing and sanitation for their security and welfare. They shall be so kept as to not create a hazard or nuisance.

The amendment of this Section 6A.10 was approved on August 12, 2015.

The effective date of this Section 6A.10 is September 1, 2015.

6A.11 Bed and breakfast establishments subject to Site Plan Review, and subject to the following conditions:

a. the operators of such establishment shall reside on the subject property as their primary legal residence either within the same building as the establishment or within a separate existing dwelling;

b. no more than three (3) guest bedrooms shall be provided;
c. no guest shall use such establishment as his or her place of residence. No guest shall stay at such establishment for longer than seven (7) consecutive nights;
d. the operators of such establishment shall comply with all applicable State and local health regulations, and shall obtain all required health permits prior to commencement of operation.

6A.12 Child Day Care Centers operated by not-for-profit organizations, as well as Family and Group Day Care Homes.

6A.13 Continuing care retirement communities, consisting of congregate housing developments, which may include extended health care facilities, subject to granting of a Special Permit and subject to meeting all of the following requirements:

a. Uses permitted shall consist of independent residential dwelling units for persons at least 62 years of age and in the case of multiple occupancy of a unit, one person shall be over age 62 and all others over the age of 50;
b. Accessory or additional uses shall be limited to the following:

1) extended health care facility;
2) community buildings* and recreation area;
3) administrative offices;*
4) storage buildings for maintenance equipment for the subject site.

* These uses shall be exclusively for the use of residents of such community, development, or facility, and their guests; in the case of an extended health care facility, such use shall be primarily for residents of the development, but from time to time may be used by non-resident patients (meeting the same age requirements as stated in Section 6A.13a., above) as beds may be available.

c. The following area, density, parking and setback requirements shall apply:

1) Minimum Lot Area: 10 acres
2) Maximum Number of dwelling Units Per Acre:
   R-1 and R-2 Districts: 4
   R-3 district: 6
3) Maximum Lot Coverage (total of all buildings): 25%
4) Maximum Impervious coverage: 65%
5) Minimum Floor area:

a) studio (efficiency) dwelling units: 500 square feet
b) one-bedroom dwelling units: 700 square feet
c) two or more bedroom dwelling units: 850 square feet

6) Minimum Setback Distances for all Buildings, including Porches and Decks:
Front Yard: 60 feet
Side and Rear Yards: 50 feet

7) Minimum separation distance between residential buildings: 30 feet

8) Maximum Building Height: 35 feet

9) Minimum Number of Parking Spaces
a) Each Dwelling Unit: 1.5
b) Health Care Facility:
1 for each 2 beds, plus 1 for each 2 employees, plus 1 for each doctor assigned to staff
c) 1 space for each shuttle vehicle
d) Administrative Offices: 5 per 1000 square feet of floor area

10) Minimum road Width: as required by the Town of Bolton Fire Marshal.

11) Number of Beds in Extended Health Facility: Minimum of 30 percent of number of dwelling units permitted, but no more than 60 beds.

d. The site may be serviced in full by a community septic system meeting the requirements of Section 7C.7 of these Regulations;

e. Sidewalks (minimum width: six feet) shall be provided throughout the interior of the site;

f. No continuing care retirement community, congregate housing development, or life care facility shall be either partially or totally converted to a multiple dwelling complex without first satisfying the requirements of these Regulations as they relate to a multiple dwelling complex, and gaining the approval of the Planning and Zoning Commission via the Special Permit procedure.

6A.14 Multiple Dwelling Complexes (traditional), as follows:

a. <u>Intent</u>
The general intent of this Section is to promote a broader range of housing within the Town of Bolton, in terms of both affordability and living arrangement.

b. <u>Applicability</u>

A traditional multiple dwelling complex may be permitted only within the R-2 zone, and furthermore, only where one of the following two circumstances exist:

1. upon any parcel of land comprised of an area of at least 70,000 square feet;
2. upon a parcel of land comprised of an area of at least ten acres which the Planning and Zoning Commission has determined is better suited for a traditional multiple dwelling complex instead of an OSCD multiple dwelling complex for one or more of the reasons set forth in Section 7C.

c. Procedure

A Special Permit application to the Planning and Zoning Commission in accordance with Section 16 of these Regulations, is required for any traditional multiple dwelling complex.

d. Density

The density of a traditional multiple dwelling complex shall be 70,000 square feet of land area for the first three dwelling units, plus 10,000 square feet of land area for each additional dwelling unit, up to a maximum of 48 dwelling units, inclusive of all phases. No building within a traditional multiple dwelling complex shall contain less than three, nor more than six dwelling units.

e. Dimensional Requirements

Minimum lot frontage: 50 feet
Minimum front yard: 50 feet
Minimum side yard: 50 feet
Minimum rear yard: 50 feet
Maximum building height: 35 feet or 2-1/2 stories
Maximum lot coverage: 15%
Maximum impervious coverage: 20%

f. Dwelling Unit Requirements

The minimum floor area requirements are as follows:

Studio (efficiency) dwelling unit: 500 square feet
One-bedroom dwelling unit: 700 square feet
Two (or more) bedroom dwelling unit: 850 square feet

Each building shall have a full cellar in order to provide adequate interior storage area. The cellar floor area shall be equally divided among all dwelling units within each building, and each space shall be

fully partitioned from abutting space. Interior access between each dwelling unit and its related cellar space shall be provided.

g. Separation Distance
Within any type of multiple dwelling complex, the separation distance between buildings shall be at least that distance required by the Town of Bolton Fire Marshal, but in no case, shall be less than 30 feet.

The amendment of this Section 6A.14g. was approved on December 9, 2015.

The effective date of this Section 6A.14g. is December 15, 2015.

h. Roads, Parking and Sidewalks
At a minimum, all interior roads shall be paved to the standards of the Town of Bolton for local streets. Interior road widths shall, at a minimum, meet the standards required by the Town of Bolton Fire Marshal.

All parking shall be as required in Section 15 of these Regulations.

Pedestrian access between all buildings, as well as between all parking areas and buildings, shall be by sidewalks. Sidewalks shall be a minimum of four feet in width and paved with Portland Cement concrete or other material approved by the Planning and Zoning Commission.

i. Ownership of Improvements
All site improvements, including interior roads, shall be privately owned and maintained unless otherwise authorized by the Town of Bolton or other public agency.

j. Landscaping and Buffering
Disturbance of natural vegetation shall be kept to an absolute minimum. All disturbed areas not proposed to be covered by an impervious surface shall be fully landscaped, and shall be so indicated on the landscaping plan.

All front, side and rear yard areas not to be disturbed during construction shall remain in their natural state. If any front, side and

rear yard areas are disturbed during construction, they shall be replanted to at least as good a condition as existed prior to construction, including number, height, and caliper of plantings, unless otherwise specified by the Planning and Zoning Commission. Such replanting shall be indicated on the landscaping plan.

In such cases where it is the opinion of the Planning and Zoning Commission that additional landscaping is needed to buffer the development from abutting properties, the Commission may specify such additional buffering, thickly planted and of appropriate height and caliper. Recommended plantings are hemlock, arborvitae, viburnum, elderberry, winterberry, wild rose, hawthorn, birch, poplar, shadbush, maple, and white cedar, or an appropriate combination of these items.

k. Community Septic Systems
The requirements concerning community septic systems shall be exactly the same as those stated in Section 7C.7. of these Regulations.

l. Traditional Multiple Dwelling Complex for the Elderly
Traditional multiple dwelling complexes for the elderly may be permitted by Special Permit. The applicant shall submit a written document with the Special Permit application stating that each dwelling unit shall be occupied at all times by at least one person 62 years of age or older, and that no resident of the complex shall be less than 50 years of age. However, no tenant shall be evicted due to a change in personal circumstances such as death of co-occupant, divorce, etc. In addition, one unit without age restriction may be set aside for occupancy by a maintenance manager for the complex.

A traditional multiple dwelling complex for the elderly shall meet all requirements as stated within this Section 6A.14., with the following exceptions:

a. no dwelling unit shall have a floor area greater than 1,000 square feet;
b. minimum parking space requirements shall be 1 1/2 spaces per dwelling unit;
c. density requirements shall be the same, except that a maximum of sixty dwelling units, inclusive of all phases, may be allowed.

No Multiple Dwelling Complex for the elderly shall be occupied as anything other than a Multiple Dwelling Complex for the elderly unless a further Special Permit application, stating the intended

change, is filed and approved by the Planning and Zoning Commission.

6A.15 Open Space Conservation Development Multiple Dwelling Complexes (see Section 7D).

6A.16 Accessory uses customarily incidental to the above uses and located on the same lot with the building to which they are accessory. The side yard and rear yard regulations for an accessory building shall be those of the zone in which it is erected, except as provided in Section 7 of these Regulations. Business uses are excluded except as provided in Section 6A.8. of these Regulations.

6A.17 Architectural and Site Design Guidelines. Section 6A.13 (Continuing Care Retirement Communities) and 6A.14 (Multiple Dwelling Complexes) shall be subject to the Bolton, CT Architectural and Site Design Guidelines (Appendix C)

6B. Signage

All uses permitted under this section are subject to the requirements of Section 18 (Signage).

6C. Use Variances

The Zoning Board of Appeals may only grant use variances in accordance with the following requirements:

1. Uses shall not be permitted by variance in the R-1 zone if such uses are not otherwise allowed in the R-1 zone.

2. Uses shall not be permitted by variance in the R-2 zone if such uses are not otherwise allowed in the R-2 zone.

3. Uses shall not be permitted by variance in the R-3 zone if such uses are not otherwise allowed in the R-3 zone.

SECTION 7 - SPECIAL RESIDENTIAL DEVELOPMENT PROVISIONS

7A. OPEN SPACE CONSERVATION DEVELOPMENT (OSCD)

7A.1 Purpose:

1. The preservation or provision of open space with special character that will benefit the present and future generations of Bolton residents including active or passive recreation areas, important wetlands systems, steep slopes, farmland, and/or areas containing significant natural features such as unusual terrain, vegetation, wildlife and scenic vistas.
2. To promote development of land in a way which is sensitive to the environment.
3. To promote a development that is compatible with surrounding residential areas.
4. To preserve or provide a recreation use, active or passive, which is compatible with open space preservation and which will directly or indirectly promote the general welfare of the residents of the Town of Bolton.
5. To give to the Commission the ability to determine whether a parcel of land is better suited for development under traditional subdivision and zoning requirements, under the Open Space Conservation Development (OSCD) requirements or under the fee in lieu of open space requirements.

(See Section 2 – Definitions for the definitions of terms, words, etc. that are applicable to this section, such as open space and wetlands.)

7A.2. Location of Development

To the extent feasible, any earth moving, excavation, filling and subsequent construction associated with an Open Space Conservation Development shall take place:

1. on the most suitable soils for sub-surface septic disposal;
2. away from legally designated inland wetlands soils, watercourses, and 100-year floodplain areas;
3. on the least fertile soils for agricultural uses;
4. on land of less than 25% slope;
5. in locations least likely to block or interrupt scenic vistas, as seen from the public road or roads abutting the parcel in question;
6. in locations having the greatest advantage in terms of solar access for proposed residences.

Where conflicts exist among the above preferred locations, the Planning and Zoning Commission will make the ultimate determination.

7A.3. Subdivision

1. Applicability and Suitability
   The requirements and criteria of an OSCD apply to any application for development in any Residence Zone in which the parcel or contiguous parcels of land involved comprise a

total area of at least ten acres with the exception that the Planning and Zoning Commission may waive the OSCD subdivision requirements as follows:

a) For a subdivision application of greater than ten acres but proposing no more than seven lots for sale or building development.
b) Prior to filing a subdivision application an applicant may file an application requesting the Planning and Zoning Commission to waive the OSCD requirements in favor of an alternate open space proposal that is suitable to the Town such as a traditional development or a fee in lieu of open space. The applicant must provide four sets of conceptual plans depicting the proposed development of the subject parcel. For this depiction the proposed layout of lots, streets, utilities and open space (if a fee in lieu of open space is not being proposed) may be in conceptual forms but all other information, expressly including natural resource information, must be in final form in accordance with the Zoning Regulations and the Subdivision Regulations. Based upon the review of the conceptual plans the Planning and Zoning Commission, at its discretion, may waive or may not waive the OSCD subdivision requirement. The Commission shall make its decision on waiving the requirements within 65 days of being requested to do so subject to any extension granted by the applicant. If the Commission does not act within the time limits it shall be deemed a denial of the waiver.

The Planning and Zoning Commission may determine that an OSCD may not be suitable for the proposed location for the following, or other reasons:

1. non-conformance with Sections 7A.1, 7A.2, and 7A.3 of these Regulations
2. open space which may be too isolated from other existing or potential open space to be of significant value for the intended use
3. open space which may be too close to an existing use that might conflict with its function
4. wetlands or other conditions that may interfere with the open space function
5. a different use may be a more suitable use for the proposed open space area such as:
    a. preservation of the land in its natural condition
    b. a road
    c. a drainage facility
    d. another public improvement
6. Other reasons that impact the health, safety and welfare of the citizens of the town or the intent of these regulations as set forth in Section 7A.1.

The Planning and Zoning Commission is the sole authority for determining if an OSCD or any other open space proposal is suitable for the town. To make a decision on the suitability of an open space proposal the Commission may consider information from appropriate sources, including but not limited to the Bolton Plan of Conservation and Development and the Open Space Plan for Bolton.

2. <u>Subdivision Application Procedure</u>

An applicant for subdivision as described in Section 7A.3. may pursue one of the following options:

a. The applicant may file an application for an OSCD subdivision with the Planning and Zoning Commission, meeting all the criteria stated within this Section as well as all procedures and requirements as stated in the Bolton Subdivision Regulations.

b. The applicant may file an application for a traditional subdivision that includes an alternative for an OSCD Subdivision. The application must include four sets of plans depicting development of the subject parcel as a traditional, non-OSCD subdivision, and four sets of plans depicting development of the subject parcel as an OSCD subdivision in accordance with these Zoning Regulations and the Bolton Subdivision Regulations. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve or modify and approve either the traditional, non-OSCD subdivision plans or the OSCD subdivision plans, or may disapprove both plans in accordance with the standards set forth in these regulations.

c. If the Planning and Zoning Commission has granted a waiver from the OSCD subdivision requirements, as described in Section 7A.3., then the applicant may submit a non-OSCD subdivision application in accordance with the Bolton Subdivision Regulations provided that the application incorporates the conceptual plans upon which the waiver was based.

3. Open Space Requirements

Open Space Requirements

Open space to be preserved or reserved on any parcel developed under this section shall consist of an area or areas comprising, in sum, a minimum of forty percent (40%) of the total parcel area, and should not include any land that is covered by buildings, parking areas, sidewalks, driveways, or roadways, except as expressly approved by the Commission for the use of the open space. The percentage of open space land that is comprised of Special Features that, taken in the aggregate, shall not exceed 50% or 1 ½ times the percentage of Special Features located on the entire parcel, whichever is less, except that, in the sole discretion of the Commission, and by a majority vote of all its members, portions of open space lands that the Commission has identified as especially worthy of preservation, may contain a greater area of Special Features, provided that the Commission shall require the payment of a partial fee-in-lieu of open space as set down in Section 4.5 of the Bolton Zoning Regulations. The area to be preserved or reserved as open space shall be identified and so designated on the site development plan. The open space land must include access to the land appropriate for its intended use as approved by the Planning and Zoning Commission. The location and boundaries of the open space, even if it is to be left in its natural state, shall be identified at the time that the application is submitted and shall be subject to the approval or the modification and approval of the Planning and Zoning Commission. It is the intention of this section to preserve open space parcels of significant size or having other characteristics as set forth in Section 7A., B., and C. of these regulations. Any subsequent change in the use to the open space area shall require approval of the Planning and Zoning Commission.

4. Lot Density

Multiplying the total square footage of the subject parcel by 0.75, then dividing by the traditional minimum lot area for the Residence Zone in which the subject parcel is located, the resulting number (fraction removed) equals the maximum number of lots within an OSCD subdivision.

5. OSCD Subdivision - Dimensional Requirements

	Min. Lot Area (Sq. Ft.)**	Min. Lot Frontage (Ft.)*	Min. Front Yard (Ft.)*	Min. Side Yard (Ft.)	Min. Rear Yard (Ft.)
R-1	24,000	140	30	20	35
R-2	24,000	140	30	20	35
R-3	13,500	100	30	10	25

Maximum building height, minimum floor area, maximum lot coverage, and maximum impervious cover requirements shall be the same as for a traditional, non-OSCD subdivision in the applicable Residence Zone.

* All lots shall have frontage abutting an existing or proposed public road right-of-way. The Planning and Zoning Commission may permit an interior lot or lots within an OSCD subdivision, such lots having a minimum frontage of 50 feet, a minimum front yard setback of 60 feet, and a minimum lot area equal to double the amount shown in the above table for the applicable zone. In considering whether to permit such lot or lots, the Planning and Zoning Commission shall consider whether the scenic character of the subject property, as viewed from the abutting public road, will be significantly enhanced, and whether existing natural features will be preserved.

** Section 3J. of these Regulations shall be applied to this requirement.

6. Shared Driveways

The Planning and Zoning Commission may permit no more than three lots within an OSCD subdivision to share portions of driveways, subject to the common driveway requirements in the Subdivision Regulations.

In determining whether to permit such shared portions, the Planning and Zoning Commission shall consider whether or not scenic character, natural features preservation, and motor vehicle traffic safety will be enhanced by such an arrangement.

7. Community Septic Systems

The Planning and Zoning Commission may permit a shared or community septic system or systems arrangement within an OSCD subdivision, provided that:

a. the proposed system or systems shall meet all requirements for construction, installation and maintenance of the Connecticut Department of Environmental

Protection, Water Compliance Division and/or the Connecticut Department of Health Services as applicable;

b. a letter of approval from the Connecticut Department of Environmental Protection, Water Compliance Division or the Connecticut Department of Health Services, whichever is applicable, concerning the design of such system or systems shall be submitted to the Planning and Zoning Commission as part of the final application for subdivision.

7A.4. Multiple Dwelling Complex

1. Applicability and Suitability

The requirements and criteria of an OSCD are as described in Section 7A.3 and apply to any application for a Multiple Dwelling Complex in an R-1 or R-2 zone in which the parcel or contiguous parcels of land involved comprise a total area of at least ten acres. The OSCD requirements may not be waived for a multiple dwelling complex as they may be for a subdivision.

2. Procedure

a. R-1 Zone

The applicant shall file a special permit application with the Planning and Zoning Commission, meeting all the criteria stated within this Section 7, as well as all requirements of Section 6A.14 and Section 16 of these regulations except as modified by this Section 7A.

b. R-2 Zone

An applicant for a Multiple Dwelling Complex as described in Section 7.4.1 shall pursue one of the following two options:

1. The applicant shall file a Special Permit application with the Planning and Zoning Commission, meeting all the criteria stated within this Section, as well as all applicable requirements of Section 6A.14 and Section 16 of these Regulations, except as modified by this Section 7.

2. The applicant shall initially file a Site Plan Review application with the Planning and Zoning Commission to decide whether the Multiple Dwelling Complex will be a traditional (non-OSCD) development or an OSCD. The application shall include four sets of conceptual plans depicting development of the subject parcel as a traditional, non-OSCD Multiple Dwelling Complex and four sets of conceptual plans depicting development of the subject parcel as an OSCD Multiple Dwelling Complex.

For both depictions, the proposed layout of buildings, roads, parking areas, utilities, and landscaping may be in conceptual form, but all other information, expressly including natural resource information, is to be in final form pursuant

to the applicable requirements of this Section as well as Section 6A.14 and 16 of these Regulations. The Planning and Zoning Commission is the sole authority for determining if a proposal is suitable for the town based on the requirements in these Zoning Regulations and based upon information in the Town of Bolton Plan of Conservation and Development and in the Town of Bolton Open Space Plan. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve, modify and approve or disapprove the type of development to be in accordance with either the traditional, non-OSCD Multiple Dwelling Complex conceptual plans or the OSCD Multiple Dwelling Complex conceptual plans, or may disapprove both plans in accordance with the standards set forth in these regulations. Once the Planning and Zoning Commission has approved the Site Plan Review application for the type of development, the applicant shall submit a Special Permit application, including four sets of complete, final plans depicting the approved layout, to the Planning and Zoning Commission in accordance with all applicable requirements of Section 6A.14 and Section 16 of these Regulations. Even though a Site Plan Review approval action has been made by the Planning and Zoning Commission for the type of development, no on-site development of any kind shall commence until such time as the Planning and Zoning Commission has approved the Special Permit application and the applicant has satisfactorily completed any conditions of approval for which performance is required prior to commencement of development.

3. Open Space Requirements
The requirements of this Section 7A.4.3. are the same as those of Section 7A.3.3. of these Regulations.

4. Density
Using the entire acreage of the parcel or contiguous parcels of land involved, the maximum density of any OSCD Multiple Dwelling Complex shall be six dwelling units per acre. However, no OSCD Multiple Dwelling complex shall consist of more than eighty dwelling units (inclusive of all phases). No building within an OSCD Multiple Dwelling Complex shall contain less than three, nor more than six, dwelling units.

5. OSCD Multiple Dwelling Complex - Dimensional Requirements

Minimum Lot Frontage: 60 feet
Minimum Front Yard: 70 feet
Minimum Side Yard: 50 feet
Minimum Rear Yard: 50 feet
Maximum Building Height 35 feet or 2 1/2 Stories
Maximum Lot Coverage: 15%
Maximum Impervious Coverage: 20%

6. Dwelling Unit Requirements
All dwelling unit requirements are as stated in Section 6A.14f. of these Regulations.

7. Separation Distance
all separation requirements are as stated in Section 6A.14g. of these Regulations.

8. Roads, Parking and Sidewalks
All requirements for roads, parking and sidewalks are as stated in Section 6A.14h. of these Regulations.

9. Ownership of Improvements
All requirements regarding ownership of improvements are as stated in Section 6A.14i of these Regulations.

10. Landscaping and Buffering
All landscaping and buffering requirements are as stated in Section 6A.14j. of these Regulations.

11. Community Septic Systems
The requirements concerning community septic systems are as stated in Section 6A.14k. of these Regulations.

12. OSCD Multiple Dwelling Complex for the Elderly
OSCD Multiple Dwelling Complexes for the elderly may be permitted, following the same age requirements as stated in Section 6A.14l. of these Regulations. An OSCD Multiple Dwelling Complex for the elderly shall meet all requirements as stated within this Section 7A.4., with the following exceptions:

a. no dwelling unit shall have a floor area greater than 1,000 square feet;
b. minimum parking space requirements shall be 1 1/2 spaces per dwelling unit.

No OSCD Multiple Dwelling Complex for the Elderly, if approved by the Planning and Zoning Commission, shall be occupied as anything other than an OSCD Multiple Dwelling complex for the elderly unless a further Special Permit application, stating the intended change is filed and approved by the Planning and Zoning Commission. Such intended change must comply with these Zoning Regulations.

7A.5. Method of Conveying Open Space

The owner shall convey the open space land approved by the Commission to the receiving entity as described below.

1. Conveyance in fee simple to the Town.

2. Conveyance in fee simple to the State of Connecticut.

3. Conveyance in fee simple to a duly established conservation land trust, with the concurrence of the conveying property owner. The Commission may require the applicant to submit documentation concerning the mission of the organization and its ability to accept and maintain such property.

4. Conveyance of an easement to the Town.

The conveyance instrument for the open space land must dedicate the land to its intended open space purpose and the access to the land in perpetuity. A draft open space conveyance instrument must be included with the application. The open space conveyance instrument, as approved by the Commission, must be executed and made available for recording in the town land records before the approved plans and/or permits are endorsed by the Commission.

The application shall include written evidence, satisfactory to the Commission, from the entity proposed to own the open space land or easement, stating that the entity is willing to accept ownership of and responsibility for the preservation and maintenance of the open space land. No open space land proposal will be a valid proposal unless such written evidence is provided by the receiving entity. The Commission may require evidence of the entity's ability to preserve and maintain the land.

7A.6 Architectural and Site Design Guidelines

The design of any OSCD Subdivision shall be consistent with the Bolton, CT Architectural and site Design Guidelines (Appendix C), with the sole exception that individual lot improvements shall not be subject to these Guidelines. OSCD Multiple Dwelling Complexes shall be subject to these Guidelines in their entirety.

7B RESERVED

SECTION 8 - BUSINESS AND RURAL MIXED USE ZONES

8A. GENERAL BUSINESS ZONE (GB)

8A.1. Purpose. The purpose of the General Business Zone (GB) is to create an area where regional retail, service, professional office, and business activities can be located with access to the Interstate and State highway system, sewer, and water. This Zone is intended to allow intense commercial development, while still imposing a high standard of architectural and site design to preserve and enhance the scale, materials, and architectural character of Bolton as a small New England Town. This Zone recognizes that it is located at the gateway to Bolton for those arriving from the Hartford and Manchester urban areas, and that it will form the first impression of this Town that many travelers see. Control of signs, abundant landscaping, compatible uses, and limitation of curb cuts are essential.

8A.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations, and subject to the Bolton, CT Architectural & Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Section 2.

8A.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the GB Zone and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Municipal facilities of the Town of Bolton
4. Farm stands pursuant to Section 3B3.c.1 and farmer's markets pursuant to Section 3B3.c.2.

8A.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the GB Zone and any applicable provisions of these Regulations:

1. Grocery Store
2. Drug Store
3. Beauty Salon / Barber Shop
4. Business or Professional Office
5. Studio (photographic, graphic arts, crafts)
6. Retail Shop
7. Personal and Business Services
8. Restaurants, Full Service, per Section 3B.4
9. Restaurants, Fast Food, per Section 3B.4
10. Restaurants, Take-out, per Section 3B.4
11. Taverns
12. Package Stores
13. Bank / financial institution
14. Hotel, Motel, subject to Special Regulations of Section 3B.5; Bed and Breakfast up to 6 rooms

15. Motion Picture or Live Theater, subject to Section 8G
16. Newspaper printing and job printing
17. Mortuaries / Funeral Homes
18. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
19. New and Used Car Sales, subject to the Special Regulations of Section 3B.2 of these Regulations
20. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
21. Child Day Care Centers
22. Wholesale sales, sample room for such commodities as furniture, hardware, appliances, and other household goods.
23. Candy manufacturing, with retail sales.
24. Driving ranges and miniature golf courses
25. Any Light Manufacturing, subject also to the Additional Conditions set forth in Section 8A.3. (effective 12/01/17)

8A.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review. (effective 11/01/21)

8A.3. Additional Conditions:

8A.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (10) persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.

8A.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

1. Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Sections 16A or 16B.
2. There shall be no display or storage of goods or products within any minimum required yard for the General Business Zone.

8A.3.c. Permanent storage or display or materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

8A.3.d. Any Light Manufacturing use approved per Section 8A.2.b.25. above, shall require the approval of a Site Plan and Special Permit, pursuant to Section 16 of the Regulations, and the following additional conditions shall apply:

1. Design/Operational Standards:

   a. Notwithstanding the provisions of Section 8A.3.a. to the contrary, not more than 150 employees shall be engaged in the Light Manufacturing use upon the premises provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a Special Permit, shall include projections as to the anticipated number of employees, their

average arrival and departure times and their expected travel routes, and shall include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the Light Manufacturing use or expansion of said use, the applicant shall make application to modify said Special Permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic;

b. There shall be no outdoor storage of goods or materials accessory to this use on the premises;

c. There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices;

d. Any new building(s) or structure(s) that may be constructed in connection with the Light Manufacturing use shall be harmonious with the surrounding area.

e. Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of Section 15H and Section 16A.3.q. However, solely with respect to this section, the Commission may interpret the term "abut" in Section 15H to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other landscape elements other than those cited in Section 16A.3.q.4. to accomplish the buffer requirements at the street line. (effective 12/01/17)

8A.4. Signage: Business signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

8A.5. Lighting. See 3A.20 of these Regulations.

8A.6. Adult Oriented Establishments: All adult-oriented establishments, as described in the Town of Bolton Ordinance entitled "Adult-Oriented Establishments" as may be amended from time to time, shall be subject to the following regulations and shall be in accordance with the special permit requirements of Section 16 of these regulations:

8A.6.a. Such establishments shall be a minimum of one thousand (1,000) feet from schools, churches, public parks and recreation lands including publicly owned open space lands, municipal boundary lines, child daycare businesses and other adult-oriented establishments. Such establishments shall be a minimum of three hundred fifty (350) feet from residentially zoned property. Measurements of distances shall be from the property lines of the uses, except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.

8A.6.b. The following specific site plan criteria shall apply to any adult-oriented establishment:

1. No sign visible from the exterior shall contain any photographic or artistic representation or written description of the human form or of any specified anatomical areas as defined in the Adult-Oriented Establishments Ordinance.

2. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.

3. No adult-oriented establishment shall be located in any building of which any part is used for residential purposes.

4. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.

5. Stairways, sloping or rising paths and building entrances and exits shall be illuminated.

6. Parking.

   a. One (1) parking space for every one hundred (100) square feet of gross floor area devoted to the adult-oriented establishment shall be provided on the site or as otherwise required by Section 15 of these regulations whichever requires more parking spaces.

   b. All adult-oriented establishments shall be provided with off-street parking for all vehicles on the site.

8A.7. Use Variances: The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the General Business zone if such uses are not otherwise allowed in the General Business Zone.

8B. NEIGHBORHOOD BUSINESS ZONE (NB)

8B.1. Purpose. The purpose of the Neighborhood Business Zone (NB) is to provide convenience shopping and services in a village atmosphere for residents in the southern portion of Bolton. Because of its lack of access to the Interstate highway system, and its lack of sewer and water, this zone cannot support the intensity of Development intended for the General Business Zone. Because this zone is geographically small and surrounded by rural or residential uses, it will be essential to require a very high standard of architectural and site design to ensure compatibility with its traditional New England setting; to avoid adverse impacts to the value of surrounding properties; to avoid traffic hazards or congestion; and to regulate the nature of the uses so that they provide necessary convenience shopping for local needs, but no more than that.

8B.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses Permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations, and subject to the Bolton, CT Architectural & Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Section 2.

8B.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Municipal facilities of the Town of Bolton
4. Farm stands pursuant to Section 3B3.c.1 and farmer's markets pursuant to Section 3B3.c.2.

8B.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Grocery Store
2. Drug Store
3. Beauty Salon / Barber Shop
4. Business or Professional Office
5. Studio (photographic, graphic arts, crafts)
6. Retail Shop
7. Personal and Business Services
8. Restaurants, Full Service, per Section 3B.4
9. Restaurants, Take-out, per Section 3B.4
10. Package Stores
11. Bank / financial institution
12. Bed and Breakfast up to 6 rooms
13. Mortuaries / Funeral Homes
14. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
15. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
16. Child Day Care Centers
17. Light Manufacturing subject also to the Additional Conditions set forth in Section 8B.3. (effective 05/13/12)

8B.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review. (effective 11/01/21)

8B.3. Additional Conditions:

8B.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (10) persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.

8B.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

1. Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Sections 16A or 16B.

2. There shall be no display or storage of goods or products with any minimum required yard for the Neighborhood Business Zone.

8B.3.c. Permanent storage or display or materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

8B.3.d. Any Light Manufacturing use approved per Section 8B.2.b.17 above, shall require the approval of a Site Plan and Special Permit, pursuant to Section 16 of the Regulations, and the following additional conditions shall apply:

1. Design/Operational Standards:

   a. Notwithstanding the provisions of Section 8B.3.a to the contrary, not more than 150 employees shall be engaged in the Light Manufacturing use upon the premises provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a Special Permit, shall include projections as to the anticipated number of employees, their average arrival and departure times and their expected travel routes, and shall include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the Light Manufacturing use or expansion of said use, the applicant shall make application to modify said Special Permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic;

   b. There shall be no outdoor storage of goods or materials accessory to this use on the premises;

   c. There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices;

   d. Any new building(s) or structure(s) that may be constructed in connection with the Light Manufacturing use shall be harmonious with the surrounding area.

   e. Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of Section 15H and Section 16A.3.q. However, solely with respect to this section, the Commission may interpret the term "abut" in Section 15H to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other landscape elements other than those cited in Section 16A.3.q.4. to accomplish the buffer requirements at the street line. (effective 05/13/12)

8B.4. Signage: Business signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

8B.5. Lighting. See 3A.20. of these Regulations.

8B.6. Adult Oriented Establishments: Adult-oriented establishments, as described in the Town of Bolton Ordinance entitled "Adult-Oriented Establishments" as may be amended from time to time, are prohibited in the Neighborhood Commercial Zone.

8B.7. Use Variances: The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Neighborhood Business zone if such uses are not otherwise allowed in the Neighborhood Business zone.

8C. Rural Mixed Use Zone (RMUZ)

8.C.1. Purpose. The principal purpose of the Rural Mixed Use Zone (RMUZ) is to encourage and produce quality, sustainable development in discrete nodes based on village style design standards referred to herein as Unified Village-style Developments. Sustainable development preserves or enhances surface and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds by employing Low Impact Development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed use opportunities which address Bolton's housing , retail, and service needs within village settings.

8C.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations. See the definition, where applicable, for any use or term in Section 2.

8C.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the RMUZ and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Seasonal Commercial Agricultural Uses (i.e., farm stand, farmer's market), in accordance with Section 3B.3c of these regulations.
4. ADU's, subject to the following conditions: (effective 11/01/21)
   a. The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
   b. For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
   c. Only one ADU with a maximum of one bedroom shall be allowed per parcel.
   d. The ADU shall not exceed 35% of the total of the above ground floor area of the primary dwelling and shall not exceed 900 square feet.
   e. The applicant shall submit a site plan to demonstrate that two (2) parking spaces for the primary dwelling and one (1) parking space for the ADU will be provided.
   f. An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
   g. No such unit shall be rented for a period of less than six (6) months.

h. A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
i. Design and construction should be consistent with the primary dwelling.

8C.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the RMUZ and any applicable provisions of these Regulations:

1. Business or Professional Office
2. Studios (photographic, graphic, crafts)
3. Retail Shop
4. Bakery
5. Personal / Business services
6. Restaurants, Take-out, with outdoor seating, [including ice cream and desserts] per Section 3B.4 (effective 11/01/21)
7. Taverns & Inns
8. Package Stores
9. Bank / Financial Institution
10. Hotel / motel / B&B
11. Motor Vehicle Gas Station
12. Mini-golf
13. Single family homes, solely located on a lot for which a CO has been issued for one or more of the foregoing uses. (effective 11/01/21)
14. Museums / art studios / galleries
15. Home occupations
16. House of worship
17. Nursery (agricultural)
18. Outdoor and indoor recreational facilities
19. Value added agribusiness and forestry uses (processing and sale)
20. Mixed Use
21. Child and adult day care
22. Multi-family residences on the upper floors above first-flow commercial uses and including at least 20% Affordable Dwellings

8C.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review. (effective 11/01/21)

8C.2.d. Prohibited Uses.

1. Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts, except where authorized by Section 7B, Incentive Housing Overlay Zone (IHOZ), if adopted, and except where authorized under section 8C.2.b.

8C.3. Additional Conditions

8C.3.a. Preliminary Development Plan

No development within the RMUZ shall be permitted until the Commission has approved a Special Permit for the proposed use(s) and a Preliminary Development Plan for the parcel(s)

under consideration. The Preliminary Development Plan review is established to assure that all components of a site in the RMUZ comply with the purposes and principles of the Zone and with the criteria of Section 16B.4. of these Regulations. Approval of the Special Permit for the uses, basic site layout, and other elements of the Preliminary Development Plan shall constitute a conclusive finding of compliance with the criteria of Section 16B.4. of these Regulations. Any application for an individual use or parcel indicated on the approved Preliminary Development Plan shall require site plan review under Section 16.A. of these Regulations and be governed only by the criteria and requirements of that Section.

1. Authority

Approval of a Special Permit and Preliminary Development Plan and Site Development Plan is required for any development in the RMUZ. The Commission shall hold a public hearing, in accordance with Connecticut General Statutes § 8-7(d), on any Preliminary Development Plan application and any Site Development Plan application within the RMUZ.

2. Application Procedure

Submission of a Preliminary Development Plan application to the Land Use Official must be made at least six (6) days prior to a regularly scheduled meeting. The official date of receipt of an Application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete Application to the Commission's designated agent, or 35 days, whichever is sooner.

3. Application Requirements

The applicant shall file seventeen (17) copies of the following required materials:

a. A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Section 8C.1.

b. A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.

c. A site plan drawn at a scale of 1" = 40 feet or smaller (but in no case shall the map exceed 24"x36") which shall include the following:

i) Title of development, date, north point, scale, 1" = 800' key map, name and address of record owner, and the professional preparing the site plan.
ii) A class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a Land Surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut Registered Professional Engineer, Architect or Landscape Architect whichever shall be appropriate.
iii) Information on areas in adjacent parcels within one hundred (100) feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.
iv) The existing and proposed topographic contours of the land and abutting streets with intervals of two (2) feet or spot elevations where necessary.
v) Location of existing water courses, wetlands, wooded areas, flood hazard areas, ledge out-crops, single trees with a diameter of twenty (20) inches or more measured three (3) feet above the base of the trunk, with an indication of whether they are to be retained.
vi) Notations to reference all previous approvals issued by all authorities to include dates, conditions, site plan references, and permit numbers.
vii) A subdivision plan, or parcel assembly plan, if part of the proposal.
viii) A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations,

landscaping and any other specific site elements required by these regulations.

ix) Location and use of all existing and proposed structures, and location of any land uses not requiring structures.

x) Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas with the number of stalls provided therewith, and pedestrian walkways or other means of separation.

xi) A parking demand analysis, if requesting less than the minimum required parking as set down in accordance with Section 15.P.1. of these Regulations.

xii) Location and construction design of all existing and proposed pedestrian circulation system and its relationship with the vehicular circulation system, areas open to the public, and open space dedicated for public use.

xiii) A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84 330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16 262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit/Exception involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses.

xiv) Grading, sedimentation and erosion control, and drainage plans.

xv) A general landscaping plan, including location, number and identification of proposed plantings.

xvi) A development phasing plan, including a proposed schedule with projected completion dates for each phase.

xvii) Fire Lanes, where required by Section 15 of these Regulations, as amended.

xviii) A plan incorporating the requirements of Section 3C, Water Supply for Fire Protection, unless served by a public water system that is adequate for fire protection purposes.

xix) The following Approval Block:

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT

DATE APPROVED _____ DATE OF EXPIRATION _____

_____CHAIRMAN

d. Where the application includes proposed housing under Section 7B, IHOZ, if approved, compliance with that Section shall be demonstrated.

e. Low Impact Development ("LID") measures to be employed on the site, as set forth in Section 16A.2.1 of these Regulations.

f. A fee to defray the cost of the legal notice, the processing of the Application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance

4. Application Referrals

The Commission shall refer the application to the Conservation Commission, Fire Marshall, the Bolton Lakes Regional Water Pollution Control Authority, Town Engineer or such other Board, Commission, or official deemed appropriate by the Commission for their comments. Failure of any Commission or staff to provide written comments to the Commission within thirty-five (35) days after the date of submission of the proposal shall be taken as a report of no objections or comments.

5. Decision Guidelines

In approving a Preliminary Development Plan, the Commission shall find the following:

a. The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.

b. The proposal satisfies the purposes of the RMUZ as established in Section 6D.1. above. For phased developments, each phase, standing alone, will comply with the purposes and of the RMUZ as established in Section 8C.1. above.

c. The proposal conforms to the Architectural and Site Design Guidelines of the Town of Bolton, Appendix C.

d. The proposal conforms to the criteria of Section 16.B.4. of these regulations.

6. Recording

An approved Preliminary Development Plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within ninety (90) days of the date of approval. The Commission may, for good cause shown, grant two (2) extensions of up to ninety (90) days each for such endorsement and filing.

7. Changes

Changes to an approved Preliminary Development Plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than five percent (5%) increase in proposed gross building square footage, changes requiring the addition of more than two (2) parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than those thresholds may be approved by the Zoning Enforcement Officer in accordance with Section 3A.22. of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six (6) days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or thirty-five (35) days from the date of receipt, whichever is sooner.

8C.3.b. Site Development Plan Approval Required

Before any development connected with a Preliminary Development Plan can begin, a site plan must be approved by the Commission. If the approved Preliminary Development Plan provided for phased development, then each phase shall require a site development plan approval. The Site Plan shall substantially conform to the approved Preliminary Development Plan, and shall be in accordance with the submission requirements, procedures, and criteria of Section 16A of these Regulations. Any substantive deviations from the approved Preliminary Development Plan, or any details not indicated on the approved Plan, shall be considered as amendments to the Plan and shall be subject to the procedures and criteria of Section 16.B.

1. Procedure

Site Development Plans must be submitted within eighteen (18) months of Preliminary Development Plan approval, and the failure to do so shall render the Preliminary Development Plan approval null and void. For phased developments, the Site Development Plan for the first phase must be submitted within eighteen (18) months of Preliminary Development Plan approval, and each subsequent phase Site Development Plan must be submitted within eighteen (18) months of the previous phase Site Development Plan approval. The Commission may approve one (1) extension of 18 months per development (if not phased) or per phase.

Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations. To the extent possible, the processing of any application for subdivision approval shall be coordinated with the processing of a Site Development Plan application under these RMUZ Regulations.

2. Site Development Plan Application

In addition to the requirements of Section 16A of these Regulations, without duplication, the following materials are required with a RMUZ Site Development Plan application:

a. Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;

b. Concept building plans, including schematic floor plans and exterior elevations.

c. Where the site plan includes Incentive Housing under Section 7B of these Regulations, the application shall include all materials required by that Section.

8C.4. Signage. See Section 18 of these Regulations

8C.5. Lighting. See Section 3A.20 of these Regulations.

8C.6. Use Variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the RMUZ if such uses are not otherwise allowed in the RMUZ.

8C.7. Special Bulk Requirements

8C.7.a. In addition to the bulk requirements in the table of Section 11.E, the following shall apply in the Rural Mixed Use Zone:

1. Build-To Line.

Except for Unified Village-style Developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than twenty-five (25) feet from the Street Line. The Commission may waive this requirement for additions of less than five (5%) percent to buildings existing on the effective date of this Section 8C where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section.

2. First Floor Uses - RESERVED

3. Upper Floor Uses - RESERVED

4. Maximum Building Coverage for Retail Uses in a single building in a Unified Village Style Development

The maximum building coverage for retail uses in a single building that is an integral part of a Unified Village-style Development shall be twenty thousand (20,000) square feet. The Commission may allow an increase in square footage. Such decision to allow an increase in square footage shall be in accordance with the following findings:

a. The use or uses occupying the building are an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style;
b. The design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade, and by incorporation of elements adding interest and human scale;
c. Amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
d. The site design creatively creates a street presence for the building and related satellite buildings, and deemphasizes and buffers large scale parking and loading and service areas.

5. Two Story Buildings

Two story buildings are strongly encouraged with a Unified Village-style Development in the RMUZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Bolton Architectural and Design Guidelines, and that such variation is essential to the design theme and economic objectives of the unified development. The Commission as a part of this special permit may require a higher first floor height for single-story development to create a compatibility of façade heights where a mix of one and two story buildings occur in proximity to each other in a Unified Village-style Development. The Commission may allow three story buildings should an applicant choose to incorporate a residential component, and such added height is determined by the Commission not to be detrimental to abutting properties.

6. Flexible Bulk Standards for Unified Village-style Developments

The Commission may, by Special Permit, allow for reduced or zero yards or buffers, increased building coverage, impervious coverage, or increased building height on sites where the

criteria are met for Unified Village-style Developments as set forth in the following Section 8C.7., and in Section 11J, 11K, 11L, and 11N.

8C.7.b. Incentives and Standards for Unified Village-style Developments

1. Parking, utilities, and vehicular and pedestrian/bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian/bike access on abutting properties which are zoned RMUZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting land owners located in the RMUZ.

2. Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the RMUZ) shall be provided to abutting land owners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set down in Section 16. The applicant shall enter into agreements with abutters as necessary to equitably share costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.

3. Parking requirements set down in Section 15O may be reduced to the minimum for any Unified Village-style Development which establishes common access and utility rights, and integrated parking and circulation.

4. Parcel Consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.

5. Incentive for Parcel Consolidation. The incentives listed in Sections 11J, 11K, 11L, and 11N of these Regulations shall apply to projects which consist of consolidated parcels.

6. Bulk. See the provisions of 8C.7.a. The Commission may waive the build-to line of Section 8C.7.a. where it contributes to the character of a Unified Village-style Development.

8C.7.c. Disincentives and Exceptions for Single Structure Development

The Commission may approve a Preliminary Development Plan for a single structure only if the following requirements are met:

a. The site finds that the lot is so limited in development potential due to size, environmental constraints, and/or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking such that a Unified Village-style Development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion.

b. The Commission may approve a Site Development Plan with a single building pursuant to the requirements of Sections 6D.3.a.8. and 16A under the following circumstances:

i. The Commission finds that it is in compliance with a Preliminary Development Plan approved pursuant to Section 6D.3.a.
ii. The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed five percent (5%) of the area of the building, and/ or 2 parking spaces, taken cumulatively as of the effective date of this section.
iii. The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.

c. Any site approved under this section is otherwise subject to the Architectural lines of the Town of Bolton Appendix "C".

SECTION 9 - INDUSTRIAL ZONE (1) AND GATEWAY MIXED USE INDUSTRIAL ZONE (GMUIZ)

9A. Industrial Zone (I)

9A 1 Purpose The purpose of the Industrial Zone (I) is to create an area where research facilities, warehousing, light manufacturing, professional offices, and other light industrial uses can be located with access to the Interstate and State highway system, sewer, and water. This Zone is intended to allow those activities which require truck traffic, materials processing, good employee access, and a certain degree of flexibility in site and building design to follow the function being served, while still imposing a high standard of architectural and site design to avoid the blight of traditional industrial districts that produce noise, dust, fumes, or other offensive activities that adversely affect other properties both within the industrial zone and outside of it. This Zone is also intended to allow office uses for businesses that provide services to other businesses or to a specialized clientele, and not the general public. The Business Zones, not the Industrial Zone, are intended for those businesses that provide products and services to the general public. Control of signs, outdoor storage, refuse, and truck parking; abundant landscaping; compatible uses; and limitation of curb cuts are essential.

9A.2 Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses Permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations. See the definition, where applicable, for any use or term in Section 2.

9A.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the Industrial Zone and any applicable provisions of these Regulations.-

Town owned or operated public works or disposal facilities;

9A.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the Industrial Zone and any applicable provisions of these Regulations:

1. Motor Vehicle use subject to the same conditions as for the General Business Zone;
2. Manufacturing or processing of goods;
3. Warehouse or freight terminal;
4. Construction business;
5. Outdoor storage of equipment and materials accessory to a permitted use listed in the industrial zone, provided that such storage is appropriately screened and does not constitute a health or safety hazard. All materials and waste classified as hazardous by the State of Connecticut shall be stored and disposed of as directed by the Connecticut Department of Environmental Protection. There shall be no display or storage of goods or products with any minimum required yard for the Industrial Zone.
6. Office buildings for corporate offices, medical services, financial businesses, and

professional services, excluding those uses that are open to the general public such as insurance agencies, banks, law, dentists, and doctor's offices, and travel agencies.

9A.2.c. Accessory Uses. Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory.

9A.2.d. Prohibited Uses

1. Acetylene Gas, Cyanide compound or oxygen manufacture;
2. Airport;
3. Asphalt manufacture or refining;
4. Bag, Carpet or Rug Cleaning establishments;
5. Carousel, Roller Coaster, Merry-go-round, Ferris Wheel, Shooting Gallery, Freak Show or similar attractions and amusement devices except that a Certificate of Registration may be issued by the Zoning Enforcement Officer upon application by a local charitable or non-profit organization for temporary use of similar amusement devices for a period not to exceed three (3) days;
6. Chlorine or Bleaching Powder manufacture;
8. Creosote manufacture;
9. Distillation of coal or wood;
10. Drop Forge Shop;
11. Explosives, fireworks or ammunition manufacture:
12. Fumigation plants;
13. Glue or size manufacture from fish or animal offal;
14. Gypsum, lime, cement, plaster or plaster of Paris manufacture;
15. Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis;
16. Linoleum manufacture;
17. Match manufacture;
18. Paint and lacquer manufacture;
19. Petroleum refining and the bulk storage of petroleum products;
20. Pyroxylin plastic manufacture;
21. Rubber, natural or synthetic, or gutta-percha manufactured from crude or scrap material;
22. Sewage disposal plant other than operated by the Town of Bolton;
23. Soap, tallow, grease or lard manufacture;
24. Slaughterhouse;
25. Sulphurous, sulphuric nitric or hydrochloric acid manufacture;
26. Tannery;
27. Tar or asphalt roofing manufacture;
28. Tire recapping or retreading;
29. Concrete Manufacturing;
30. Biological research, manufacturing, or processing;
31. All other enterprises or uses commonly regarded as hazardous, offensive or that pose a threat to the public health, safety or welfare or otherwise constitute a nuisance.

9A.3. Signage: Industrial signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

9A4. Lighting. See 3A.20 of these Regulations.

9A.5. Use Variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Industrial Zone if such uses are not otherwise allowed in the Industrial zone.

9B Gateway Mixed Use Industrial Zone (GMUIZ)

9B.1 Purposes. The principal purpose of the GMUIZ is to encourage and produce quality, sustainable development in discrete nodes based on village style design standards, referred to herein as Unified Village-style Developments. Sustainable development preserves or enhances surface and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds by employing Low Impact Development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed use opportunities which address Bolton's housing, retail, and service needs within village settings.

9B.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations. See the definition, where applicable, for any use or term in Section 2.

9B2a Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations, and all requirements of the GMUIZ and any applicable provisions of these Regulations:

1. Public Utility Building or Substation.
2. State or Town operated public commuter parking lots.
3. Seasonal Commercial Agricultural Uses (i.e., farm stand, farmers market), in accordance with Section 3B.3c of these Regulations.

9B2.b Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the GMUIZ and any applicable provisions of these Regulations:

1. Taverns and Inns
2. Studios and specialty shops, i.e. tea, crafts, etc
3. Take out dining - drive-thru permitted only in business zones (except NB) *(effective* December 1, *2015)*
4. Restaurants / Banquet facilities with indoor and outdoor seated dining, per Section 3B.4 (effective 11/01/21)
5. Museums
6. Art studios/ galleries
7. Finance, insurance, real estate
8. Service uses

9. Retail Shops (see Note 1)
10. Bakery
11. Personal / business services
12. Barber/ Salon
13. Cinema with or without accessory tavern or restaurant
14. Grocery / Convenience (See Note 1)
15. Package Stores
16. Bank / Financial Institutions
l7. Hotel / motel / B&B
18. Motor Vehicle Service & Repair (see Note 2)
19. New and Used Car Sales (see Note 2)
20. Outdoor and indoor recreational facilities
21. Fitness Center
22. Driving ranges / mini golf
23. Manufacturing or processing of goods (see Note 2)
24 Manufacturing or assembly of outdoor recreation goods
25. Warehouse / freight terminal
26. Professional Offices
27. Telecommunications facilities
28. Veterinary hospital / veterinary emergency care
29. Lawn and garden equipment sales with accessory small engine repair
30. Child and adult day care
31. Community theatre/playhouse
32. Home occupations
33. Mixed Uses
34. Multi-family residences on the upper floors above first-floor commercial uses and including at least 20% affordable dwellings

Notes:
1. -See building coverage requirements and limitations for retail uses in Section 9B.7.d.
2. Such use is permitted to continue, and may by Special Permit be altered or expanded on the same lot or contiguous lots under the same ownership or control if existing in the Town as of the effective date of this section.

9B.2.c Accessory Uses. Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review. (effective 11/01/21)

9.B.2.d Prohibited Uses.

1. Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts, except where authorized by Section 7B, Incentive Housing Overlay Zone, if adopted.
2. Motor Vehicle Services and Repair (See Note 2, above)
3. New and Use Car Sales (See Note 2, above)
4. Manufacturing or Processing of Goods (See Note 2, above)

9B.3 Additional Conditions

9B.3.a Preliminarv Development Plan

No development within the GMUIZ shall be permitted until the Commission has approved a Special Permit for the proposed use(s) and a Preliminary Development Plan for the parcel(s) under consideration. The Preliminary Development Plan review is established to assure that all components of a site in the GMUIZ comply with the purposes and principles of the Zone and with the criteria of Section 16B.4 of these Regulations. Approval of the Special Permit for the uses, basic site layout, and other elements of the Preliminary Development Plan shall constitute a conclusive finding of compliance with the criteria of Section 16B.4 of these Regulations. Any application for an individual use or parcel indicated on the approved Preliminary Development Plan shall require site plan review under Section 16.A. of these Regulations and be governed only by the criteria and requirements of that Section.

1. Authority

Approval of a Special Permit and Preliminary Development Plan and Site Development Plan is required for any development in the GMUIZ. The Commission shall hold a public hearing, in accordance with Connecticut General Statutes § 8-7(d), on any Preliminary Development Plan application and any Site Development Plan application within the GMUIZ.

2. Application Procedure

Submission of a Preliminary Development Plan application to the Land Use Official must be made at least six (6) days prior to a regularly scheduled meeting. The official date of receipt of an Application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete Application to the Commission's designated agent, or 35 days, whichever is sooner.

3. Application Requirements

The applicant shall file seventeen (17) copies of the following required materials:

a. A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Section 9B.1.

b. A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.

c. A site plan drawn at a scale of 1" = 40 feet or smaller (but in no case shall the map exceed 24"x 36") which shall include the following:

i) Title of development, date, north point, scale, 1" = 800' key map, name and address of record owner, and the professional preparing the site plan.

ii) A class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a Land Surveyor registered in the State of

Connecticut. All plans shall be prepared, signed and sealed by a Connecticut Registered Professional Engineer, Architect or Landscape Architect whichever shall be appropriate.

iii) Information on areas in adjacent parcels within one hundred (100) feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man- made features; circulation systems; public facilities; and/or unique natural features.

iv) The existing and proposed topographic contours of the land and abutting streets with intervals of two (2) feet or spot elevations where necessary.

v) Location of existing water courses, wetlands, wooded areas, flood hazard areas, ledge out-crops, single trees with a diameter of twenty (20) inches or more measured three (3) feet above the base of the trunk, with an indication of whether they are to be retained.

vi) Notations to reference all previous approvals issued by all authorities to include dates, conditions, site plan references, and permit numbers.

vii) A subdivision plan, or parcel assembly plan, if part of the proposal.

viii) A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations, landscaping and any other specific site elements required by these regulations.

ix) Location and use of all existing and proposed structures, and location of any land uses not requiring structures.

x) Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas with the number of stalls provided therewith, and pedestrian walkways or other means of separation.

xi) A parking demand analysis, if requesting less than the minimum required parking as set down in Section 15.P.1 of these Regulations.

xii) Location and construction design of all existing and proposed pedestrian circulation system and its relationship with the vehicular circulation system, public areas and open space.

xiii) A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit/Exception involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving

said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses.

xiv) Grading, sedimentation and erosion control, and drainage plans.

xv) A general landscaping plan, including location, number and identification of proposed plantings.

xvi) A development phasing plan, including a proposed schedule with projected completion dates for each phase.

xvii) Fire Lanes, where required by Section 15 of these Regulations, as amended.

xviii) A plan incorporating the requirements of Section 3C, Water Supply for Fire Protection, unless served by a public water system that is adequate for fire protection purposes.

xix) The following Approval Block:

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT
DATE APPROVED DATE OF EXPIRATION
_____CHAIRMAN
_____SECRETARY

d. Where the application includes proposed housing under Section 7B, Incentive Housing Zor'ie, if approved, compliance with that Section shall be demonstrated.

e. Low Impact Development ("LID") measures to be employed on the site, as set forth in Section 16A.2.1 of these Regulations.

f. A fee to defray the cost of the legal notice, the processing of the Application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance

4. Application Referrals

The Commission shall refer the application to the Conservation Commission, Fire Marshall, the Bolton Lakes Regional Water Pollution Consol Authority, Town Engineer, appropriate Town of Manchester officials (concerning public water supply issues), or such other Board, or Commission, or official deemed appropriate by the Commission for their comments. Failure of any Commission or staff to provide written comments to the Commission within thirty-five (35) days after the date of submission of the proposal shall be taken as a report of no objections or comments.

5. Decision Guidelines

In approving a Preliminary Development Plan, the Commission shall find the following:

a. The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study
b. The proposal satisfies the purposes of the GMUIZ as established in Section 9B.1 above.
C. For phased developments, each phase, standing alone, will comply with the purposes of the GMUIZ as established in Section 9B.1 above.
d The proposal conforms to the Architectural & Site Design Guidelines, Town of Bolton, CT (Appendix "C" of these Regulations).
e. The proposal conforms to the criteria of Section 16.B.4 of these Regulations.

6. Recording
An approved Preliminary Development Plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within ninety (90) days of the date of approval. The Commission may, for good cause shown, grant two (2) extensions of up to ninety (90) days each for such endorsement and filing.

7. Changes
Changes to an approved Preliminary Development Plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than five percent (5%) change (increase?) in proposed gross building square footage, changes requiring the addition of more than two (2) parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than those thresholds may be approved by the Zoning Enforcement Officer in accordance with Section 3A.22 of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six (6) days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or thirty-five (35) days from the date of receipt, whichever is sooner.

9B.3.b Site Development Plan Approval Required
Before any development connected with a Preliminary Development Plan can begin, a site plan must be approved by the Commission. If the approved Preliminary Development Plan provided for phased development, then each phase shall require a site development plan approval. The Site Plan shall substantially conform to the approved Preliminary Development Plan, and shall be in accordance with the submission requirements, procedures, and criteria of Section 16A of these Regulations. Any substantive deviations from the approved Preliminary Development Plan, or any details not indicated on the approved Plan, shall be considered as amendments to the Plan and shall be subject to the procedures and criteria of Section 16.B.

1. Procedure - Site Development Plans must be submitted within eighteen (18) months of Preliminary Development Plan approval, and the failure to do so shall render the Preliminary Development Plan approval null and void. For phased developments, the Site Development Plan for the first phase must be submitted within eighteen (16) months of Preliminary Development Plan approval, and each subsequent phase Site Development Plan must be submitted within eighteen (18) months of the previous phase Site Development Plan approval. The Commission at its discretion may approve an extension of 18 months per development (if not phased) or per phase.

Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations and with the Town of Bolton Aquifer Protection Area Regulations. To the extent possible, the processing of any application for subdivision approval shall be coordinated with the processing of a Site Development Plan application under these GMUIZ Regulations.

2. Site Development Plan Application - In addition to the requirements of Section 16A of these Regulations, without duplication, the following materials are required with a GMUIZ Site Development Plan application:

a. Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;

b. Concept building plans, including schematic floor plans and exterior elevations.

c. Where the site plan includes Incentive Housing under Section 7B of these Regulations, the application shall include all materials required by that Section and Section 16A.

9.B.4 Signage. See Section 18 of these Regulations

9.B.5 Lighting. See Section 3A.20 of these Regulations.

9.B.6 Use Variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the GMUIZ if such uses are not otherwise allowed in the GMUIZ.

9.B.7 Special Bulk Requirements

In addition to the bulk requirements in the table of Section 11.E, the following shall apply in the GMUIZ:

a. Build-To Line. Except for Unified Village-style Developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than twenty-five (25) feet from the Street Line. The Commission may waive this requirement for additions of less than five (5%) percent to buildings existing on the effective date of tliis Section 9B where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section. See waiver provision for unified sites in Section 9.B.8. e.

b. First Floor Uses - RESERVED

C. Upper Floor Uses - RESERVED

d. Maximum Building Coverage for Retail Uses in a Unified Village-stvle Development on 10 or more acres. The maximum building coverage for retail uses in a single building or buildings that is an integral part of a Unified Village-style Development of 10 acres or more shall be seventy-five thousand (,75,000) square feet. The Commission reserves the right to limit the numbers of such buildings in a single Unified Village-style Development. The Commission may accept an increase in the size of this threshold. Such decision to allow an increase in square footage shall be in accordance with the following findings:

1. The use occupying the building is an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style.
2. The design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the facade, and by incorporation of elements adding interest and human scale.
3. Amenities have been provided to the site design which enhance the pedestrian environment in connection with the building.
4. Site design creatively creates a street presence for the building and related satellite buildings, and deemphasizes and buffers large scale parking and loading and service area.

e. Maximum Building Coverage for all other buildings shall be 25,000 s. f., unless increased in size by a majority vote of the Commission.

f. Two and three-story buildings are strongly encouraged in a Unified Village-style Development in the GMUIZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Architectural and Site Design Guidelines of the Town of Bolton, and that such variation is essential to the design theme and economic objectives of the unified development. The Commission as a part of this Special Permit may require a higher first floor height for single-story development to create a compatibility of facade heights where a mix of one and multiple story buildings occurs in proximity to each other.

g. Flexible Bulk Standards for Unified Village-style Developments. The Commission may, by Special Permit, allow for reduced or zero yards or buffers, increased building coverage, increased impervious coverage, or increased building height on sites where the criteria are met for Unified Village-style Developments as set forth in the following Section 9B.8, and in Section lIJ, HK, lIL, and HN.

9B.8 Incentives and Standards for Unified Village-style Developments

a. Parking, utilities, and vehicular and pedestrian / bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian / bike access on abutting properties which are zoned GMUIZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting land owners located in the GMUIZ.

b. Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the GMUIZ) shall be provided to abutting land owners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set down in Section 16. The applicant shall enter into agreements with abutters as necessary to equitably share costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.

C. Parking requirements set down in Section l5O may be reduced to the minimum for any Unified Village-style Development containing multiple lots and/or businesses, and which establishes

common access and utility rights, a common sign plan, and integrated parking and circulation, with perpetual cross easements to assure continued integration of the site or sites.

d. Parcel Consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a Unified village-style development.
    1. Incentive for Parcel Consolidation. The incentives listed in Section 11J, 11K, 11L, and 11Mof these Regulations shall apply to projects which consist of consolidated parcels.

e. Bulk. See the provisions of 9B.7. The Commission may waive the build-to line of Section 9B.7.a where it contributes to the character of a Unified Village-style Development.

9B.9 Disincentives and Exceptions for Single Structure Development

a. The Commission may approve a Preliminary Development Plan for a single structure only if the following requirements are met:
    1. The site finds that the lot is so limited in development potential due to size, environmental constraints, and / or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking such that a Unified Village-style Development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion.

b. The Commission may approve a Site Development Plan with a single building pursuant to the requirements of Sections 9B3.lb. and 16 A under the following circumstances
    1. The Commission finds that it is in compliance with a Preliminary Development Plan approved pursuant to Section 9B.3.a.
    2. The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed 5% of the area of the building, and / or 2 parking spaces, taken cumulatively as of the effective date of this section.
    3. The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.

C. Any site approved under this section is otherwise subject to the Architectural and Site Design Guidelines of the Town of Bolton, Appendix "C" of these Regulations.

SECTION 10 – GOLF COURSES

10A. Location and Definition

A Golf Course Overlay Zone may be applied to an area in the R – 1 or R – 2 Residence Zones only by the sole discretionary action of the Planning and Zoning Commission. When a Golf Course Overlay Zone is applied to any land, the former R-1 or R – 2 Residence Zone designations shall be deemed to be the "underlying zone or zones" for that land. For purposes of this Section 10, the term "golf course" shall mean an area on which uses are the principal use as the game of golf, with a length of play of at least 3,000 yards for each nine holes and other general and special accessory uses as described in this Section 10.

10B. General Standards

Golf courses and accessory uses to golf courses shall be subject to Special Permit procedures and criteria as set forth in Section 16 of the Bolton Zoning Regulations. Before determining whether to issue a Special Permit, the Planning and Zoning Commission shall consider the following criteria to determine if the proposed use provides for the protection of the public health, safety, convenience and property values:

1. Compatibility with neighboring uses.

2. Anticipated noise levels, traffic congestion, odors, lighting or general appearances.

3. Impacts on neighboring property values.

4. Accessibility by emergency vehicles and equipment; potential fire or traffic hazards; and potential for damage to town roads, bridges or other public facilities.

5. Potential for destroying or defacing historic areas or scenic landmarks; potential detriment to the neighborhood or alteration of the neighborhood's essential characteristics.

6. Hours of operation and lighting for each use must be established so as to not adversely affect neighboring properties or traffic on neighboring streets.

7. Need for screening from adjoining properties and public streets.

10C. Dimensional, Parking and Access Requirements

1. Golf courses and accessory uses to golf courses shall comply with the dimensional, parkng and access requirements of this Section 10C, which shall supersede any conflicting requirements in other sections of the Bolton Zoning Regulations.

2. The minimum contiguous acreage of a nine-hole golf course shall be 75 acres. Public roads may pass through a golf course. The entire golf course must be owned by the same people or entities.

3. No buildings, except open shelters, shall be constructed within 400 feet of a property line except that buildings may be located no closer than 50 feet to the property line along the public road on which the motor vehicle entrance for the general public is located.

4. All buildings except maintenance buildings and open shelters shall be located within one 1,000-foot diameter circle located on the golf course.

5. A 25-foot wide buffer area of trees must be provided on a golf course along residential properties to provide for safety and privacy. If there is less than one tree at least six inches in diameter per 100 square feet of buffer area, the Planning and Zoning Commission may require that evergreen trees at least five feet high, or other trees suitable for the conditions as approved by the Commission, be planted in the buffer area to obtain this tree density. The Planning and Zoning Commission may substitute the tree buffer requirement in various locations with either of the following alternates:

   a.) A fence acceptable to the Planning and Zoning Commission, to be maintained by the golf course owner for the life of the course.

   b.) No fence, provided that the adjacent property owner does not object before the close of the public hearing for the special permit.

6. The maximum building area coverage, not including structures that are actively being used for farming, shall not exceed two percent (2%) of the golf course area exclusive of any lands that have been previously designated as open spaces.

7. The maximum impervious area coverage, not including structures that are actively being used for farming, shall not exceed seven percent (7%) of the golf course area exclusive of any lands that have been previously designated as open spaces.

8. The minimum frontage along a public street shall not be less than 200 feet.

9. The maximum building height shall not exceed 35 feet.

10. The minimum number of parking spaces shall be as required in the Parking and Fire Lane Requirements section of the Zoning Regulations for each use or building unless otherwise specified in this section. Parking areas are not required to be paved but all unpaved areas and travel ways shall be maintained so as not to create any off site dust.

11. A paved road at least 12 feet wide with 3 foot shoulders capable of carrying emergency vehicles shall be provided from the golf course public entrance at the public street to the golf course maintenance buildings and all enclosed buildings open to the public, except that open shelters and unheated buildings shall only require access as approved by the fire marshal.

10D. Specific Requirements for Golf Courses

Golf courses all changes to golf courses all accessory uses to golf courses and all changes and expansions of uses on golf courses shall require a Special Permit in accordance with Section 16 of the Bolton Zoning Regulations, and, in addition, shall meet the following specific requirements except as otherwise permitted by Section 10G of these regulations:

1. Each golf course shall be designed by a golf course architect, registered with a nationally recognized golf organization and shall have a minimum of nine holes in active use.

2. A minimum of eight (8) parking spaces shall be provided for each golf course hole.

3. A comprehensive traffic study by a qualified traffic engineer shall be provided that addresses at least the following items: existing and future traffic volumes, traffic accident history and existing geometric conditions from the golf course public entrance to the nearest arterial road, the improvements necessary to provide the minimum requirements for a commercial street, as defined in the Subdivision Regulations for Bolton, on town roads from the golf course public entrance to the nearest arterial road. Arterial roads and other road classifications are as described in the Plan of Development, Town of Bolton.

4. The golf course shall have one motor vehicle entrance for the general public along a public road. If more than one public road could be used for the golf course entrance the Commission will determine which road will be used to minimize the impact on the adjacent roads and neighborhoods.

5. The golf course owner shall improve the public road between the golf course public entrance and the nearest arterial road to the same conditions required for a Commercial Street as described in the Subdivision Regulations for Bolton except that the Planning and Zoning Commission may allow a paved travel way width as narrow as 26 feet and may waive any requirements for curbs. The golf course owner shall provide for safe and convenient vehicular movement on all private travel ways.

6. A comprehensive drainage study prepared by a qualified engineer shall be provided that includes drainage calculations for the existing and proposed development conditions for the 2, 10, 25 and 100 year storms. The drainage flows from the developable area described in Section 10C.4. and from the golf course site after it is developed shall each not vary by more than 10% from the flows before any development occurs.

7. A comprehensive water use management plan prepared by a qualified environmental consultant shall be provided that as a minimum addresses the following items: an Integrated Pest Management (IPM) system as endorsed by the Environmental Protection Agency, the application times and volumes

of specified fertilizers, herbicides and pesticides, the periodic testing of surface water flowing offsite at specified locations for chemicals used on the golf course, and the periodic testing of the ground water at specified well sites for the chemicals used on the golf course and for the static level of the ground water near wells on adjacent properties. As a minimum there shall be a surface water test location at each off-site flow point and at least four ground water monitoring wells. Testing shall begin before any development work starts, and if possible one year before development starts and shall continue for as long as the golf course is in use. The water use management plan shall describe the chemical concentrations allowed by the Connecticut Department of Environmental Protection and it shall describe the procedures to follow if chemical concentrations are near or exceed the allowable limits for all chemicals. The water use management plan shall recommend a minimum static level in each monitoring well to protect levels in nearby wells. If the minimum level is approached in a monitoring well, ground water shall only be used at the golf course site for domestic uses. Static ground water reports for each monitoring well shall be obtained as often as once per week when irrigation equipment is being used or as otherwise required by the Zoning Enforcement Officer and shall be retained by the golf course superintendent and provided to the Zoning Enforcement Officer upon request. The water quality and water availability in wells on adjacent properties shall not be affected. The golf course owner shall at all times engage the services of a qualified environmental consultant and testing laboratory to conduct the water monitoring and other requirements of the water use management plan.

10E. General Accessory Uses

The following uses shall be deemed to be accessory uses to a golf course, provided the golf course is actively open and in playable condition for daily use for at least six consecutive months of the year. All general accessory uses shall require a Special Permit in accordance with Section 16 of the Bolton Zoning Regulations.

1. One clubhouse with locker rooms and a restaurant with the sale of alcoholic beverages.

2. One pro-shop with a snack bar with a gross floor area not to exceed 3,000 square feet. No additional parking is required for this use. The retail items for sale shall be limited to items associated with recreational activities on the golf course.

3. One tennis court for each two holes of play on the golf course. A minimum of two parking spaces shall be provided for each tennis court. Each tennis court shall be no closer than 400 feet to a property line.

4. One swimming pool for each nine holes on the golf course. Each pool shall be no closer than 400 feet to a property line.

5. Maintenance, operational and storage buildings, including golf cart storage.

6. One freestanding sign meeting the requirements of Section 18I.2.

10F. Special Accessory Uses

The following uses shall be deemed to be special accessory uses and may be permitted only in connection with a golf course having a length of play of at least 6,000 yards for 18 holes on at least 125 acres of land, and only if the golf course is actively open and in playable condition for daily use for at least six consecutive months of the year. All special accessory uses shall require a Special Permit in accordance with Section 16 of the Bolton Zoning Regulations.

If the 18-hole golf course has not been actively open and in playable condition for daily use for a period of six consecutive months, all special accessory uses shall cease operation immediately until full resumption of the golf course use.

1. One guest bedroom per golf hole, with only interior entrances to the guest rooms.

2. Retail sales with a gross floor area not to exceed 12,500 square feet. Retail sales shall be allowed only for the following: Antiques, Books, Clothing, Flowers, Gifts, Jewelry, Leather Goods, Novelties and Photography.

3. Farming, including one farm store with a gross floor area not to exceed 5,000 square feet. The items for sale shall be limited to farm products, with at least 50% of the items being produced from a local farm.

4. The sign allowed in Section 18I.2. above may be increased in area by no more than 16 square feet per side, with the additional area being for the purpose to advertise the special uses described in Sections 10F.1, 2, and 3.

10G. Uses Permitted by the Underlying Zone

For purposes of this Section 10G, the term "underlying use" shall mean a use that would be permitted by the regulations for the underlying zone.

The designation of any area as a Golf Course Overlay Zone shall not preclude the establishment or continuation of any underlying use, provided that the following requirements are fulfilled:

1. If special accessory uses have been permitted pursuant to Section 10F, no underlying use shall be allowed in the minimum area required by Section 10F unless and until all such special accessory uses are physically and completely removed from the property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.

2. No underlying use shall be allowed in the minimum area required by Section 10C unless and until the golf course use and all general accessory uses are physically and completely removed from the property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.

3. Notwithstanding the provisions of Sections 10G.1 and 10G.2, above:

a.) No building or structure that was used for a golf course or a general or special accessory use to a golf course shall be required to be removed if the building or structure otherwise complies with all requirements applicable to an underlying use and the landowner has obtained any zoning permit, Special Permit or Site Plan Approval that may be necessary to conduct the underlying use.

b.) Farming activities may be conducted without a Special Permit outside of the area designated for golf course uses. No farming or other activities shall be conducted that disturb the golf course, its tees, fairways or greens.

4. If a proposed underlying use would require the modification of any area that is shown on the currently approved plan as being used for a golf course or a general or special accessory use to a golf course, a Special Permit shall be required for the proposed modifications. The applicant shall be required to submit revised plans demonstrating that the golf course and accessory uses, as modified, comply with these Regulations.

The effective date of the amended Section 10 shall be May 1, 1998.

SECTION 11 - DIMENSIONAL REQUIREMENTS

A. The following standards shall be required for single family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by Sections 6A.13, 6A.14, 7C, 7D, and 11D, respectively, of these Regulations:

Zone	Min. Lot (Sq. Ft.)	Min. Lot Frontage (Ft.) [1]	Min. Front Yard (Ft.)	Min. Side Yard (Ft.) [2]	Min. Rear Yard (Ft.)
R - 1	40,000	200	35	25	40
R - 2	40,000	200	35	25	40
R - 3	22,500	150	35	10	30

Zone	Maximum Building Height (Feet)[3]	Minimum Dwelling Unit Floor Area (Square Feet)[4]	Maximum Lot Coverage (%)	Maximum Impervious Coverage (%)
R - 1	35 (or 2.5 stories)	---	15	20
R - 2	35 (or 2.5 stories)	---	15	20
R - 3	30 (or 2.5 stories)	---	15	20

[1]For a corner lot, this requirement must be satisfied along one existing public street.

[2] For any side yard that abuts an existing or future public street the minimum side yard shall be equal to the minimum front yard required for the zone.

[3]Whichever is less, the height in feet or the number of stories.

[4]No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing and/or Health Codes. (effective 11/01/21)

B. The following standards shall be required for all two-family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by Sections 6A.13, 6A.14, 7C, 7D, and 11D, respectively, of these Regulations:

Zone	Min. Lot (Sq. Ft.)	Min. Lot Frontage (Ft.)[1]	Min. Front Yard (Ft.)	Min. Side Yard (Ft.)[2]	Min. Rear Yard (Ft.)
R-1	60,000	300	35	40	40
R-2	60,000	300	35	40	40

Zone	Max. Bldg. Ht. (Ft.)[3]	Min. Floor Per Dwelling Unit (Sq. Ft.) [4]	Max. Lot Coverage (%)	Max. Imperv. Coverage (%)
R-1	35 (or 2.5 stories)	---	15	20
R-2	35 (or 2.5 stories)	---	15	20

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[1]For a corner lot, this requirement must be satisfied along one existing public street.

[2] For any side yard that abuts an existing or future public street the minimum side yard shall be equal to the minimum front yard required for the zone.

[3]Whichever is less, the height in feet or the number of stories.

[4]No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing and/or Health Codes. (effective 11/01/21)

C. The following standards shall be required within Business (GB, NB, RMUZ) and Industrial (I & GMUIZ) zones

Zone	Min. Lot Area (Sq. Ft.)	Min. Lot Frontage (Ft.)[1]	Min. Front Yard (Ft.)	Min. Side Yard (Ft.)[2]	Min. Rear Yard (Ft.)
GB	40,000	See § 11.J	35	See § 11.K	See § 11.K
NB	40,000	See § 11.J	35	See § 11.K	See § 11.K
I	40,000	200	35	30 but see § 11.M	10 but see § 11.M
GMUIZ	120,000	See § 11.J	See Build To Line requirement of §9B.7.a	See § 11.K	See § 11.K
RMUZ	80,000	See § 11.J	See Build To Line requirement of §8C.7.a.1	See § 11.K	See § 11.K

Zone	Max. Bldg. Ht. (Ft.)[3]	Min. Floor Area (Sq. Ft.)	Max. Lot Coverage (%)	Max. Imperv. Coverage (%)
GB	40 (or 3 Stories)	600 (Grd. Flr.)	25	65
NB	35 (or 2.5 stories)	600 (Grd. Flr.)	20	50
I	45	1000(Grd. Flr.)	25	65
GMUIZ	40 (or 3 Stories)	600 (Grd. Flr.)	25 (See § 11.L)	50 (See § 11.L)
RMUZ	35 (or 2.5 stories)	600 (Grd. Flr.)	25 (See § 11.L)	50 (See § 11.L)

D. Accessory Buildings

Front and side yard requirements for accessory buildings shall be the same as for the principal building. In R-1 and R-2 zones, the minimum rear yard requirement for accessory buildings shall be twenty-five feet. In the R-3 zone, the minimum rear yard requirement for accessory buildings shall be ten feet.

In the R-1 and R-2 zones, including lots in Open Space Conservation Developments, one shed per property may be located as close as ten feet to a side or rear property line, provided that no principal building on the land adjacent to that property line is located within the minimum yard area along that property line. The front yard requirement

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[1] For a corner lot, this requirement must be satisfied along one existing public street.

[2] For any side yard that abuts an existing or future public street the minimum side yard shall be equal to the minimum front yard required for the zone.

[3] Whichever is less, the height in feet or the number of stories.

for sheds shall be the same as for the principal building. Other sheds shall be located in accordance with the requirements of the previous paragraph.

E. Encroachment
Cornices, eaves, gutters, entrance steps, basement hatchways and chimneys may encroach no more than two feet within a required yard area.

F. Rear Lots

1. Purpose: Irregular or Rear Lots, sometimes known as "flag lots", are unconventional and pose a number of potential problems compared to standard lots. They are difficult to find and access in an emergency; increase the density of neighborhoods, and can reduce the level of privacy that homeowners have come to expect in abutting established backyards and side yards. To limit their use to only the most appropriate locations, and ensure that they are both safe and have minimal impact on their neighboring properties, review is required by the Commission.

   The following provisions are intended for use when, after laying out lots within a subdivision in accordance with the dimensional requirements of these Regulations, some "leftover" land remains. Accordingly, these provisions are meant as a last resort in the design of a lot, and as such are to be employed sparingly, and not as a common design technique.

   Applications under this Section shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate no adverse effects on surrounding properties.

2. Rear Lots shall be permitted only in the R-1 zone in subdivisions of four (4) lots or more. A Rear Lot shall not be created by a first or free cut. The number of Rear Lots shall not exceed one (1) lot for every four (4) lots contained within a subdivision, as it is originally divided, and any Resubdivision thereof. Rear Lots shall comply with all requirements of this Section 11F.

3. An access strip/frontage for a Rear Lot shall:
   a. Be at least 50 feet wide at its narrowest point including frontage exiting to a public street.
   b. Be owned in fee as part of a single parcel comprising the Rear Lot.
   c. Contain only one (1) driveway.
   d. Provide access for one (1) lot only.
   e. Be separated by a minimum distance of 400 feet from any other Rear Lot access as measured along any public street.

4. Rear Lots shall:
   a. Contain at least a minimum lot area of 80,000 square feet, exclusive of any access strip area. In computing such lot area, the access strip extending from the front lot line to the public roadway shall not be counted towards satisfying the lot area requirement.
   b. The front, side and rear yard setbacks shall be a consistent perimeter of 85 feet from the property lines.
   c. The design of the rear lot shall be such that a rectangle of 200 feet by 400 feet can be placed within the parcel lines of the rear lot.
   d. No more than one (1) rear lot shall be permitted to abut any other rear or interior lot created by a prior subdivision or first cut.

5. Driveways serving Rear Lots shall:
   a. Meet the Town Driveway Specifications.
   b. Be located generally in the center of the 50-foot strip subject to the needs of topography.

6. It is not the intention to allow the creation of lots behind other existing properties which would change the characteristics of the neighborhood. The Commission may require a landscape buffer where necessary within the lot and along the access way to ensure that any new development will be in harmony with the surrounding areas and protect existing homes.

G. Cul-de-sac Lots

Where a portion or all of a lot is located along the main circular curve of the turnaround area for a permanent cul-de-sac street that will not be further extended, the minimum lot frontage may be measured along a building line parallel or concentric with the street line. The distance between the street line and the building line used to measure the lot frontage must be specified and must be at least 35 feet. This building line shall be the front building line for the lot and no building may be located between the front property line and the front building line.
See the cul-de-sac drawing in the appendix.

H. Frontage in Business Zones

The minimum lot frontage in the General Business and GMUIZ Zones shall be 200 feet, and the minimum lot frontage in the Neighborhood Business and RMUZ Zones shall be 150 feet, provided that the Commission may, by Special Permit, allow a lesser frontage where all of the following conditions exist:

a. Driveways curb cuts in the General Business and GMUIZ Zones are no less than 200 feet from any other driveway curb cut located on the property or on an adjacent property. Driveways curb cuts in the Neighborhood Business and RMUZ Zones are no less than 150 feet from any other driveway curb cut located on the property or on an adjacent property.

b. Two or more adjacent lots are under separate ownership but having a combined frontage of at least 200 feet, with combined parking lots and driveway curb cuts and perpetual cross easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination; and provide cross easements for signs at the driveway curb cuts such that all business located on the lots shall share a single Ground Sign for the entire development.

I. Side and Rear Yards in Business Zones

The minimum side and rear yards in the General Business and GMUIZ Zones shall be 25 feet, or equal to the height of the principal building at its tallest point, whichever is greater. The minimum side and rear yards in the Neighborhood Business and RMUZ Zones shall be 25 feet, except that the side and rear yards shall be 50 feet where

abutting a Residential Zone. The Commission may, by Special Permit, allow for a reduction in side yards where all of the following conditions are met:

a. One or more adjoining lots are designed as a single site, with combined parking lots and driveway curb cuts and perpetual cross easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination.

b. The buildings have been designed, or existing buildings will be modified, such that the buildings on the combined site are of a harmonious architectural style, illumination, roof line, and landscaping pattern.

c. The signage is of uniform design throughout the entire combined site, having the same basic size, shape, mounting method and location, and type of illumination. There shall be a single ground sign identifying the driveway curb cut, with cross easements for each owner to install and maintain its own message on such ground sign.

d. There shall be no reduction in side yards except for the interior lot lines between the lots which are submitted for unified site, building, access, and sign designs in accordance with this section, and not on the side of any lot adjacent to a parcel that is not included in such overall unified plan.

J. Minimum Landscaped areas in Business and Mixed Use Zones

No less than 25% of the lot in any General Business and GMUIZ Zone, and no less than 30% of the lot in any Neighborhood Business and RMUZ Zone, shall be landscaped with grass, trees, shrubs, or other ornamental plantings. Such landscaped areas may include benches and other ornamental street furniture, but sidewalks and outdoor dining or display areas shall not be counted as landscaping.

K. Side and Rear Yards in Industrial Zone

The minimum side and rear yard in the Industrial Zone shall be 50 feet where abutting a Residential Zone.

L. Maximum Lot Coverage and Maximum Impervious Coverage in GMUIZ and RMUZ zones.

In connection with Unified Village-style Developments encompassing multiple lots, the Commission may allow a greater maximum lot coverage and / or maximum impervious coverage on one or more lots provided the overall coverage of the combined lots conforms to these regulations.

SECTION 12 - EXCAVATION AND FILLING OR REMOVAL OF EARTH PRODUCTS

The Planning and Zoning Commission may grant a Special Permit for the excavation and filling or removal of earth products in all zones, subject to the requirements of the specific zone or zones in which the excavation operation is located, the provisions of Section 16 of these Regulations, and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section. Notwithstanding the above, the quarrying of stone or rock is specifically prohibited in all zones.

12A. Purpose

The purpose of these Regulations is to:

1. regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, gravel, soils, minerals, loam, fill, clay, peat moss and any other earth products;

2. prevent conditions detrimental to the public health, safety and general welfare, including but not limited to, erosion, nuisances, or permanent damage to the landscape;

3. conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes;

4. assure continuity of operation at a given location until a deposit is fully utilized in conformance with these Regulations;

5. minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergence of any blighting influences.

12B. Exemptions from Special Permit for Excavation Operations

The following operations are exempt from the requirements of this Section:

1. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Bolton or the State of Connecticut or within streets or roads as shown on a subdivision map or a plan of development map approved by the Planning and Zoning Commission.

2. Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.

3. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation, for which no building permit is required from the Town of Bolton, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in or more than six hundred (600) cubic yards of earth products for each individual premises.

4. Excavation operations either conducted in accordance with and pursuant to a permit granted by the Planning and Zoning Commission prior to the effective date of these Regulations, or existing prior to the effective date of these regulations.

The owner of any premises or rights-of-way falling within the provisions of Section 12B., from or into which any earth products have been removed or filled, shall, within thirty (30) days after the completion of such operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four (4) inches of topsoil or loam removed from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Zoning Enforcement Officer. Any such seeding shall be sowed at a rate not less than three (3) pounds of seed for every one thousand (1000) square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February or until such time as conditions permit proper germination.

Notwithstanding this Section 12B, a Site Plan Review in accordance with the provisions of these Regulations may be required for any excavation operations fifty (50) feet or less from any watercourses or wetlands. In addition, excavation operations as noted in this Section 12B. shall not include the disposing of said earth products within the Town of Bolton after removal, or the obtaining of said earth products prior to filling in. The Planning and Zoning Commission may require a Site Plan Review for said disposition and/or obtaining, in accordance with the provisions of these Regulations.

12C. Permitted Stipulation with Special Permit for Excavation

The Planning and Zoning Commission may, after applying these Regulations in harmony with their purposes, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole, and the public health, safety and welfare and which promote sound land use and resource excavation practices.

12D. Criteria for Evaluating a Special Permit for Excavation

The Planning and Zoning Commission shall evaluate each and every application for a special permit for excavation operations and shall consider the provisions of this Section 12 in light of the following criteria (at a minimum).

1. Appropriateness of Location - The compatibility of the proposed excavation operations with the adopted Town Plan of Development, the specific zone and neighborhood, including but not limited to property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.

2. Conformance - Conformance with the Bolton Zoning Regulations, other applicable Town codes or ordinances and the purposes of these Regulations as set forth in Section 12A.

3. Safety - Accessibility for emergency vehicles and equipment; potential for increased fire or traffic hazards; potential for damage to Town roads, bridges or other public facilities.

4. Historic and Scenic - Potential for destroying or defacing historic areas or scenic landmarks or otherwise being detrimental to a neighborhood or altering a neighborhood's essential characteristics.

5. Traffic - Impact of anticipated additional vehicle traffic generated by the excavation operation on local access, town and state roads. This impact will be evaluated in conjunction with the impact of truck traffic generated by all other excavation operations at the time of application for the permit.

12E. Required Standards for a Special Permit for Excavation Operations

Prior to approving any application for a special permit for excavation operations, the Planning and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding Section 12D. and shall determine whether such operations conform to the following standards. Failure of the operations to properly satisfy the criteria set forth in Section 12D. or to conform to any of the following standards shall be sufficient reason for the commission to deny or withhold the special permit.

The following standards are requirements for excavation operations based on the criteria set forth in Section 12D:

1. Site Standards

   a. LOT SIZE. The minimum size of any lot proposed to contain an excavation operation shall be five acres. Prior to the issuance of any special permit for excavation operations, boundaries of the site shall be clearly surveyed and marked with permanent monuments by a Connecticut Registered Land Surveyor.
   b. AREA OF EXCAVATION. The Planning and Zoning Commission shall have the discretion to determine the limits of the area of excavation within the subject lot.
   c. MINIMUM SETBACKS. All excavation operations shall be located at least fifty (50) feet from any property line, public street, road or highway right-of-way, except as may otherwise be permitted by the Commission.
   d. ACCESS ROADS. All vehicular access to any excavation operations shall be arranged and aligned to minimize danger to traffic and nuisance to surrounding properties and the general neighborhood. All access roads shall be finished with a properly bound material so as to provide a durable anti-tracking surface to the property line from the work area. In addition, the section of the street right-of-way between the traveled portion of the street and the property line shall be paved to Town standards, at a width equal to that of the access road, plus turning radii.
   e. FENCES. All motor vehicle accesses to any excavation operations shall be barred by fence and/or gate deemed appropriate by the Planning and Zoning Commission.
   f. BUILDINGS AND STRUCTURES. No buildings or structures related to the excavation operations shall be permitted or erected on the premises during the excavation operation except as may be permitted by the Planning and Zoning Commission and subject to any conditions set forth by the Commission.

g. MACHINERY AND EQUIPMENT. No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Planning and Zoning Commission.

Such fixed equipment and machinery as permitted by the Planning and Zoning Commission shall be located a minimum distance of three hundred (300) feet from any residential zone or any existing residential dwelling in any zone, except as may otherwise be permitted by the Commission.

All equipment and machinery, whether fixed or not, shall be properly maintained and secured and shall be dismantled and removed from the premises by the owner not later than sixty (60) days after the termination of the excavation operations or expiration of the special permit, whichever occurs first.

2. Operating Standards

a. Hours of Operation. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7 a.m. and 4 p.m., and Saturdays between the hours of 8 a.m. and 1 p.m., except as may otherwise be permitted by the Planning and Zoning Commission. Excavation operations shall not be allowed on legal State holidays. Equipment startup and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of operations.

b. Equipment and Machinery. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.

c. Dust and Wind Erosion. all storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other wind blown air pollutants and wind erosion.

d. Spillage/Vehicle Identification. to prevent spillage from vehicles and wind blown air pollution, any truckload of earth material which is to travel on a public street shall be covered with tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles with a hauling capacity of less than 8 cubic yards shall be exempt from the above marking/identification requirements, but not from the above mentioned spillage prevention requirements.

e. Drainage and Water Erosion. The owner and operator of the premises shall provide proper drainage, as approved by the Planning and Zoning Commission, at all stages during and after completion of the excavation operations. This shall be done in order to prevent the collection and stagnation of water, any interference with, or disturbance of, the flow, banks or bed of any watercourses, the erosion of the premises or adjoining properties, and any other harmful effects to adjoining properties or the future use of the premises.

f. Natural Water or Drainage Areas. No watercourse, wetland, drainage area or buffer area within 100 feet, on all sides, of such watercourse, wetland or drainage area shall be altered in any way until and except as approved by

the Zoning commission and the Inland Wetlands Commission, subject to any conditions set forth by both Commissions. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Proper sedimentation and erosion control measures shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.

g. Lateral Support. Adequate provisions, as approved by the Planning and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation(except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one foot of vertical rise in three feet of horizontal distance (i.e., 1:3), except that in any case the acceptable slope shall be determined by the Commission.
In appropriate instances, as determined by the Commission, terracing of banks to achieve proper slope and insure adequate support and stabilization of such banks, may be permitted, subject to any conditions or limitations set forth by the Commission.

h. Stockpiling and Overburden. All overburden shall be stockpiled in windrows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Planning and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other wind blown air pollutants.
There shall be no stockpiling of materials within one hundred feet of any property line, watercourse or wetland area.

i. Topsoil Preservation. A minimum of the top four inches of soil shall be set aside on the premises for re-spreading over the excavated area in accordance with these Regulations. Such topsoil stockpiles shall be treated, as approved by the Planning and Zoning Commission, to prevent the effects of erosion by wind or water and shall not be sold or removed from the premises.

j. Loaming and Seeding. No later than sixty days after expiration of the special permit, or completion of the excavation operations or completion of any substantial portion thereof as determined by the Commission or its agent, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four (4) inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Planning and Zoning Commission. This requirement may be held in abeyance during the time period of November through February.

k. Screening and Landscaping. The Planning Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.

l. Curbs and Sidewalks. it shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations and/or any related activity.

m. Safety. All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking, collapse or blasting.

12F. Time Period

The Planning and Zoning Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.

In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.

Any permittee seeking to renew a special permit for earth excavation or filling must submit an application for renewal no less than thirty (30) days prior to the expiration date. Each such special permit may be renewed by the Commission, without need for any public hearing, for up to an additional period of two years per extension provided the following conditions are met: (1) the permitted activity must be in compliance with all terms and conditions of the special permit, as initially issued or subsequently modified by the Commission, and of these Regulations; (2) the applicant shall certify that there have been no material changes in the facts or circumstances which served as the basis for the issuance of the current special permit; and (3) the Zoning Enforcement Officer or other authorized agent of the Commission must provide a report to the Commission that he or she has inspected the property no more than ninety (90) days prior to the expiration date of the special permit, as it may have been previously renewed, and has found no violations of any terms and conditions of the special permit or of these Regulations. The commission or its staff retains the right to require an updated engineering plan and an updated bond calculation, and may adjust the bond amount accordingly. (effective 02/01/14)

Upon notice to the applicant, the Commission and its staff shall have the right to enter the permit property at reasonable times in order to determine compliance with the approved application and these regulations. Denial of such permission by the permit holder is cause for revocation on any permit issued hereunder. (effective 02/01/14)

12G. Monthly Reports

All excavators shall maintain monthly reports available for inspection by the Planning and Zoning Enforcement Officer which specify the number of vehicle trips completed during that month. Additionally, the Commission may require that an updated site plan map be completed during the term of an excavation if it is deemed necessary to determine the operation's compliance with these regulations.

12H. Expiration of Permit

Any special permit for excavation operations shall expire and become null and void at the time the excavation operations are completed to the limits shown on the approved application and site plan map.

12I. Change or extension of Permit

Nothing herein shall prevent the applicant from filing a revised site plan map, modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Planning and Zoning Commission, except that any such

expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of these Regulations.

12J. Compliance with Special Permit

All excavation operations, except those exempted under Section 12B of these Regulations, shall comply with all the standards and conditions set forth in its Special Permit as approved by the Planning and Zoning Commission. Failure to comply with all such standards and conditions shall be grounds for the Commission, following an additional Special Permit procedure, to revoke the original Special Permit. A new application shall then be required in conformance with the provisions of these Regulations for any continued operation of the excavation operations. If there is noncompliance with any standards or conditions, the excavator shall report to the next regularly scheduled Planning and Zoning Commission meeting to explain such noncompliance.

The Zoning Enforcement Officer may at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the excavation operations which may be necessary to allow normal operations of field equipment and machinery. Such minor deviations shall not affect in any way the final results, grading, contours, and the like of the premises as shown on the approved application and site plan map.

SECTION 13 - CERTIFICATE AND FEES

13A. No construction, erection or alteration which affects the exterior of a building, shall be started until the plans for such construction, erection or alteration have been certified by the Zoning Enforcement Officer to be in compliance with these Regulations.

13B. All applications for approval of a Building Permit for a principal building shall fulfill the requirements of Section 3H of these Regulations. Such plan shall be 8 1/2 x 11 inches in size or multiples thereof, i.e., 11 x 17, 17 x 22, 22 x 34, etc. No Building Permit as herein required shall be valid for more than one year from date of approval.

13C. All applications for a Building Permit for an accessory building or alterations or additions to existing buildings shall be accompanied by a plan drawn to scale based on a prior certified plan or a plan certified by a land surveyor licensed in the State of Connecticut, subject to the discretion of the Zoning Enforcement.

13D. No building shall hereafter be occupied or used until a Certificate of Approval or Occupancy has been issued by the Zoning Agent to certify that the permittee has complied with the Zoning Regulations. The Plan submitted for the Building Permit shall be updated and certified to show actual dimensions and installed locations prior to the granting of the Certificate of Approval or Occupancy. Certification for a principal building shall be Class A-2 by a land surveyor licensed in the State of Connecticut.

13E. The foundations of all new Principal Buildings shall have their locations certified, by letter or by map, to be in compliance with the Bolton Zoning Regulations, before any further construction may continue. Such certification must be made by a Land Surveyor licensed in the State of Connecticut. New construction other than Principal Buildings, may be required to have this certification as well at the discretion of the Zoning Enforcement Officer.

13F. FEE SCHEDULE FOR ZONING COMMISSION PERMITS AND APPROVALS

The items listed below shall require payment as stated in the Town Code of Ordinances:

1. Zone Change Application;
2. Zoning Regulations Amendment;
3. Special Permit Application;
4. Site Plan Review;
5. Zoning Permit and Certification of Zoning Compliance.

SECTION 14 - ENFORCEMENT AND VIOLATION

14A. Intent. It is the intent of this Section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Bolton.

14B. Zoning Enforcement Officer. The Zoning Enforcement Officer or Officers, shall enforce these Regulations. The Officer(s) shall be that employee(s) of the Town of Bolton designated by the Planning and Zoning Commission, and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this Section, it shall be presumed to include all those individuals so designated by the Commission.

14C Enforcement and Penalties. The Zoning Enforcement Officer(s) shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these Regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation, or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission or the Zoning Enforcement Officer may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations, and securing such remedies or penalties as are provided by law.

14D. Certificate of Zoning Compliance.

1. Issuance and Requirement. The Zoning Enforcement Officer(s) is hereby authorized to issue a Certificate of Zoning Compliance (also referred to as a "Zoning Permit" in these Regulations) for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any Site Plan approval, variance, Special Permit, or other permit or approval issued under these Regulations.

   In addition, the Zoning Enforcement Officer(s) is hereby authorized to issue a Certificate of Zoning Compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these Regulations. Such Certificate shall be evidence that such site, use, building or structure is permitted as of right by these Regulations, or is a valid non-conforming use, building or structure, as defined in these Regulations. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a pre-existing use or substitution of an identical use, without the issuance of a Certificate of Zoning Compliance.

Prior to the issuance of Certificate of Zoning Compliance, the Zoning Enforcement Officer shall require the approval of the Town Sanitarian for any building, structure, or use which requires the review and approval of said Town Sanitarian. In addition, in accordance with Town Ordinance, no Certificate of Zoning Compliance shall be issued for new curb cut onto a local or State highway until the same has been approved for location and construction by the Town Engineer and the Board of Selectmen or the Department of Transportation, as the case may be.

2. Site Plans. Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide two (2) complete sets of plans prepared by a Licensed Land Surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than l" = 40' and all information required by this Section shall be certified to the "Class A-2" standard of accuracy, as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-300b, as amended. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, watercourses, flood plains, contours at two (2') foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any other permit or approval issued thereunder. The Zoning Enforcement Officer may permit a survey of "Class C" standard of accuracy for buildings, structures, or uses occupying, in the aggregate, no more than five hundred (500) square feet, or where there is no reasonable difficulty in determining that adequate separations, and compliance with Bolton Zoning Regulations and Bolton Inland Wetland and Watercourses Regulations, can be achieved. Maps to be filed in the Office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to Connecticut General Statutes §11-8, et. seq., as amended.

Any site plan shall include, in both plan and narrative, an erosion and sedimentation control plan complying with the Connecticut Guidelines for Soil Erosion and Sediment Control, published by the Connecticut Council on Soil and Water Conservation, Connecticut Department of Environmental Protection Bulletin No. 34, as amended.

3. Building Plans. In addition, the property owner shall provide two (2) sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Enforcement Officer may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.

4. Application Fees. Any application for a Certificate of Zoning Compliance shall be accompanied by an application fee which shall be in accordance with Town Ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended., (such fees to be payable at the time of application for Building Permit only, and not at the time of application for Certificate of Occupancy or Certificate of Completion).

5. Compliance With Regulations. No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any approval or permit issued thereunder, is proposed or exists.

6. Expiration of Certificate. For any use for which the issuance of a Certificate of Zoning Compliance, is the only requirement under these Regulations (hereafter referred to simply as, "such Certificate"), any such Certificate shall be null and void if the subject land use is not established, or the subject construction is not completed, within one (1) year from the date of issuance of such Certificate. Such Certificate may be renewed for additional periods of one (1) year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by Town Ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended.

   Notwithstanding the provisions herein for renewal of any Certificate, in accordance with Connecticut General Statutes §8-3(i), any such Certificate issued under this Section 14.3 after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the issuance of such Certificate; provided, however, that, in accordance with §8-3(j) of the Connecticut General Statutes, for any such Certificate issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the issuance of such Certificate.

7. Compliance with Application; Revocation. All work performed pursuant to a Certificate of Zoning Compliance issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Certificate. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the Certificate has filed with the Zoning Enforcement Officer a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Enforcement Officer may approve minor

modifications of an approved foundation location, provided that all provisions of these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit or approval issued thereunder, continue to be met.

In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Certificate, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Certificate should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Certificate issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

14E. Building Permit.

1. Issuance. In accordance with Connecticut General Statutes §8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the plans submitted to the Building Official conform to these Regulations and any Site Plan, Special Permit, variance, or other permit or approval. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Permit, Site Plan, variance, or other permit or approval, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of the Certificate of Zoning Compliance, or any documents or representations submitted in support thereof, or of these Regulations or any Special Permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Bolton free access to the site.

2. Amendments. Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Building Permit has been issued prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 14.C.6. See Section 16A.4.h for special provisions regarding Site Plans and Section 16B.7 for special provisions regarding Special Permits.

14F. Certificate of Occupancy. No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes §8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Site Plan, Special Permit, variance, or other permit or approval, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan has been submitted to and approved by the Eastern Highlands Health District. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 14.6

14G. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded.

14H. Appeals of Decisions. Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of thirty (30) days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty- day period.

SECTION 15 - PARKING AND FIRE LANE REQUIREMENTS

15A. PURPOSE

These parking regulations are adopted for the purpose of providing sufficient parking facilities to meet actual demand off the street and on the same lot as the building or buildings they serve for all existing and proposed uses, and to:

A. Allow flexibility in addressing vehicle parking, loading and access issues;

B. Present a menu of strategies to solve parking issues rather than parking space requirements;

C. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air;

D. Ensure that off-street parking, loading and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;

E. Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage stormwater runoff and optimize natural infiltration of rainwater;

F. Support and promote safe and convenient pedestrian and bicycle movement in parking lots.

G. Mitigate against the urban heat island effect.

15B. DIMENSIONS

All non-handicapped parking spaces shall measure nine feet in width and eighteen feet in length.

15C. HANDICAPPED PARKING

All aspects of handicapped parking spaces, including dimension, design, location, quantity, signage and stenciling shall be as required in the State of Connecticut Building Code, as amended from time to time.

15D. CONSTRUCTION AND DESIGN

All parking areas consisting of greater than five spaces shall be provided with an asphalt or bituminous paved, all-weather surface or other dust free, structurally suitable, stable material as approved by the Commission and suitable sub-base throughout their entirety. All spaces shall be clearly marked with standard pavement

paint. Permanent curbing shall be installed around the perimeter of any such parking area as well as around the perimeter of any interior islands. Wheel stops or bumper strips within parking spaces shall not be permitted. Adequate drainage flow, drainage structures, traffic safety signage and exterior illumination shall be provided. Within parking areas of greater than fifty spaces speed bumps may be permitted subject to review by the Town of Bolton Fire Marshal. Back-up areas, measuring four feet in length and sixteen feet in width, shall be provided at "dead-end" sections of parking areas. For all of the above, proposed construction and design must be demonstrated to the satisfaction of the Town Engineer. In the Business and Industrial Zones, unless otherwise permitted by the Commission, parking or parking areas shall not be permitted between the building and any street.

Notwithstanding the above, the Commission may waive certain requirements of this section as appropriate to implement the Low Impact Development requirements of Section 16A.2.1 Stormwater Management, and the flexible design standards set down in Section 15.P, Waivers and Exceptions.

15E. ANGLE OF SPACES

Parking spaces shall interface with the abutting curb at either a 90-degree or 45-degree angle. The mixing of angles within a parking area shall be discouraged, unless recommended by the Town Engineer and approved by the Planning and Zoning Commission.

15F. DRIVE AISLES

Drive aisles serving parking spaces angled at 90 degrees shall have a width either as designated by the Town of Bolton Fire Marshal, or 22 feet, whichever is greater. Such drive aisle shall accommodate two-way traffic flow, with appropriate pavement marking with arrows indicating such flow. A drive aisle serving parking spaces angled at 45 degrees shall have a width either as designated by the Town of Bolton Fire Marshal, or 11 feet, whichever is greater. Such drive aisle shall accommodate one-way traffic flow, with appropriate pavement marking with arrows indicating such flow.

15G. LOCATION

All parking spaces plus any associated parking area shall be located on the lot containing the use or uses served by such parking. Except for single-family and two-family residences, no pavement or other all weather surface material shall be installed within fifty feet of the front property line (except for entrance/exit drives), and no more than twenty-five percent of the proposed parking spaces shall be situated in the area between the building line and the front property line unless a landscaping plan is provided to improve the parking area appearance as approved by the Commission.

15H. LANDSCAPING

For all parking areas of greater than ten spaces, landscaped areas shall be provided within the perimeter of the parking area at the rate of 20 square feet of landscaping per parking space. Such landscaping shall be contained within raised, curbed islands. If any parking is proposed in the area between the building line and the front property line, a landscaped berm, suitable in size and choice of plantings to the Planning and Zoning Commission, shall be installed between the parking area and the front property line. For any parking area within a Business or Industrial Zone which is proposed to abut a Residence Zone or a lot containing a residential use, such area shall be separated from the abutting zone or lot by a landscaped buffer strip ten feet in width consisting of a solid screen of evergreens measuring at least four feet in height and four feet on center at the time of initial use of such area.

15I. FIRE LANES

Dimension, design, location, quantity, signage and stenciling of fire lanes shall be as required by the Town of Bolton Fire Marshal.

15J. OBSTRUCTION

Except for permitted motor vehicle usage, all parking spaces, drive aisles, and fire lanes shall remain free and clear of obstruction at all times. In addition, no curb, sidewalk or raised island, or portion thereof, shall be contained within the dimensions of any parking space, drive aisle, or fire lane.

15K. EXPANSION OR CHANGE OF USE

For any proposed expansion or change of use, additional parking as required by this Section in order to serve such expansion or change, shall be provided prior to opening or occupancy of such expansion or change.

15L. LOADING SPACES

Loading spaces shall be located to the rear or side of the building to be served, and shall be used solely for the loading and unloading of goods onto and from authorized motor vehicles. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height. In Business and Industrial Zones, the number of loading spaces required shall be as follows:

1. less than 5,000 square feet of floor area: none required;
2. from 5,000 to 20,000 square feet of floor area: one required;
3. for floor areas greater than 20,000 square feet: one required for each 20,000 square feet (or fraction thereof).

15M. ACCESS TO STREET

All parking areas shall be designed so as to provide safe and appropriate means of vehicular ingress from, and egress to, an adjacent or abutting street. The Planning and Zoning Commission shall recommend a suitable curb cut location to either the Board of Selectmen or the State Department of Transportation, whichever is applicable.

15N. BICYCLE ACCOMMODATIONS

1. Number Required. Bicycle parking spaces shall be provided for developments within the Business, Industrial, and Mixed Use Zones as follows:
    a. Industrial Uses: 1 space for every 15 parking stalls
    b. Mixed Use Developments: Sum of Residential & Commercial/Office/Retail requirements Residential: 1 space for every 4 residential units
    c. Commercial/Office/Retail: 1 space for every 25 parking stalls
2. Design Requirements. All bicycle parking spaces shall be provided in the form of anchored bicycle racks or locker type facilities unless otherwise approved by the Commission. Bicycle parking facilities shall be designed and installed to include:
    a. a minimum area per bike rack of twelve (12) square feet;
    b. minimization of the number of potential conflict points between bicycles and motor vehicles or pedestrians;
    c. adequate lighting;
    d. provision for locking of bicycles to the rack or bicycle locker;
    e. where possible, bicycle parking located within view of building entrances or in view of windows, and/or security personnel stations and evenly dispersed throughout the project site to provide convenient parking opportunities;
    f. bicycle racks located at least three (3) feet from any wall or obstruction;
    g. bicycle rack design utilizing materials that are durable finishes that can tolerate abrasions and the materials and form shall be consistent with the streetscape elements.
    h. where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side counted as one required space; and,
3. Waiver. The Commission may reduce or waive the preceding requirements where the applicant can demonstrate bicycle activity will not occur at the particular location. The Commission may reduce one (1) vehicular parking space for every five (5) bicycle rack spaces provided.

15 O. PARKING STANDARDS

Off-street parking for customers and employees shall be provided and maintained in connection with any use, any substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures. Such spaces shall be provided

using the following guidelines in amounts per 1000 square foot (s. f.) of Gross Floor Area (GFA) unless otherwise indicated:

Land Use	Maximum	Minimum
Bank / Financial Institution	6	2
Small Commercial Centers (up to 20,000 sq. ft.)	5	2
Large Commercial Centers (>20,000 s. f.	3	2
Free Standing Retail	5	2
Farmers Market	At the discretion of the Commission based on parking demand study	At the discretion of the Commission based on parking demand study
Farm Stand	2	2
General Office Building	5	2
Manufacturing, single shift	2	1
Manufacturing, multiple shifts	4	2
Medical Office Building	9	4
Veterinary hospital	9	4
Nursing Home	4	1
Restaurants / taverns / eating / drinking establishments / banquet facilities	11	6
Motion picture / live theater / pub & cinema	11	6
Bed and Breakfast	1.2 spaces per guest room or suite	1 space per guest room or suite
Personal Services	3	2
Mortuaries / funeral homes	4	3
Printing establishment	2	1
Public utility building, substation, cable / satellite TV office	4	3
Day Care Centers	1 space per 4 children at max. capacity	1 space per 8 children at maximum capacity
Churches and Places of Worship	1 space per 3 seats in portion of the building used for services	1 space per 5 seats in the portion of the building used for services

Museums, art studios, art galleries, and libraries	2	1
Social, Fraternal Clubs and Organizations	4	3
Private Elementary, Middle and High Schools	1 space per 4 children at max. capacity	1 space per 8 children at maximum capacity
Hotels and Motels	1.2 spaces per guest room or suite	1 space per guest room or suite
Warehouse	1 per employee	1 per employee
Home Occupation	4 per d. u. plus 1.5 per non-resident employee	2 per d. u. plus 1 per non-resident employee
Single-family residences (in mixed use zone)	2 / d. u.	2 / d. u.
Two-family residences (in mixed use zone)	2 / d. u.	2 / d. u.
Accessory Apt.	2	1
Multi-Family Residences	2.5 / d. u.	1 / d. u.
Continuing Care Retirement Communities	?	?
Health Care Facility	At the discretion of the Commission based on parking demand study	At the discretion of the Commission based on parking demand study
Automotive Sales and/or Rental (employee, customer & display)	3	1
Automotive Repair and/or Service (employee & customer)	4	2
Gymnasiums, Physical Fitness Centers, Health Spas, Martial Arts Centers and Dance Studios	10	2
Outdoor Recreation Facilities	At the discretion of the Commission based on parking demand	At the discretion of the Commission based on parking demand

	study	study
Indoor Recreation Facilities	5	5

15.P. RESTRICTIONS AND CLARIFICATIONS

1. For uses not listed in this section, the minimum and maximum number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission.
2. Where two or more different principal or accessory uses are located on the same premises the parking requirements for the various uses shall be computed separately and cumulatively.
3. When computation of required parking spaces results in a fraction of a parking space the required number of spaces shall be increased to the next whole number of spaces.
4. No area shall be credited as a parking space which is in any part credited or used as a loading space or travel way.
5. No required parking space shall be used for the sale, storage, or display of goods.
6. The Commission may require the submission of a parking demand analysis to guide it in its decision as to the appropriate parking standard between the maximum and minimum range.

15.Q. WAIVERS AND EXCEPTIONS

It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties or aggregation of properties. This section of the regulations is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed.

The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements. Except for buildings or parts of buildings used or occupied for residential use, all or part of the off-street parking requirements may be waived by the Commission where the proposed site creates unique parking demand, design or construction.

1. Parking Reduction Requests.

   In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements based on a parking demand analysis. The Commission will consider and act on this request concurrent with, and as a part of, the full development application process.

2. Parking In Excess of the Maximum.

   The Commission may approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a

pervious surface, such as permeable pavement, concrete or grass pavers and where adequate stormwater management is provided as specified in Section 16A.2.lof these regulations.

The Commission may also approve parking lots with additional impervious parking spaces above the allowed maximum spaces where the use of pervious spaces would not be environmentally sound and where a stormwater management plan in which the increase in runoff volume for a two-year rainfall event is completely retained on the site utilizing the LID measures found in Section 16A.2.1 of these regulations.

3. Shared Parking**.**

By Special Permit, the Commission may allow up to twenty-five percent (25%) of the required parking spaces for a use which operates primarily during the evening or on weekends to be counted toward the parking requirements of a use which operates primarily during the daytime or on weekdays, and vice versa. All of the shared parking spaces shall be located within five hundred (500) feet more or less of the main building entrance of the recipient use. In approving such a Special Permit, the Commission shall find that there shall not be a substantial overlap of peak parking periods for the uses and that legally documented arrangements satisfactory to the Commission have been made to guarantee long-term access to and use of the shared parking spaces by the recipient use.

4. Common Parking.

By Special Permit, the Commission may allow common parking for multiple lots and multiple uses, especially in connection with a unified village plan, provided that the applicant provides evidence of reciprocal parking and access and utility rights affecting all uses within the unified plan, and provided that the parking meets the requirements of this section.

5. Reserved Parking**.**

If an applicant can demonstrate that the demand for off-street parking spaces for the proposed use is less than the minimum required, the Commission may agree to the applicant reserving up to twenty-five percent (25%) of the required spaces for future parking needs. Such reserved spaces shall be of standard size, shown in dotted lines on the site plan and labeled "Reserved Parking," and shall be limited to natural or grassed areas without trees or buildings thereon. The Commission may require the future construction of said reserved parking, or a portion thereof, into paved parking within three (3) months of written notice to do so based upon a change in parking demand, a change of use or a change in traffic safety circumstances as determined by the Commission. Such notice shall take into account the time of the year suitable for pavement installation.

SECTION 16: APPLICATION PROCEDURES FOR SITE PLANS, SPECIAL PERMITS, ZONING MAP AMENDMENTS, AND ZONING REGULATION AMENDMENTS

Purpose: This Section sets for the procedures to be used and the criteria to be applied for various types of applications. Where these Regulations are directly contrary to an applicable provision of the Connecticut General Statutes, as amended, the Statutes shall control. The Commission may, consistent with the Statutes and these Regulations, prescribe additional or modified procedures and criteria where the unique conditions of that application so warrant.

16A. SITE PLAN REVIEW

16A.1 General

Certain uses of Premises, Buildings and other Structures, and the construction, reconstruction, Expansion, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith, and any changes in site development of a previously approved site plan, are permitted under these Regulations subject to the submission of a Site Plan and approval of the plan by the Commission under this Section.

The provisions which follow establish the Site Plan submission requirements and the GENERAL STANDARDS and SPECIAL STANDARDS for site development. The provisions which follow also establish the procedures for the Commission's administrative approval of Site Plans for uses, other than Special Permit uses, for which such a Plan is required to be submitted and approved.

16A.2 Submission Requirements. The Site Plan submission shall consist of the following:

16A.2.a. Application Form and Fee The completed Site Plan application form as adopted by the Commission, and the payment of the application fee as provided by Section 13F of these Regulations Town Ordinance. See Section 16A.4.b below. The application form shall be accompanied by the Checklist included as an Appendix to these Regulations, and all items set forth on that Checklist, whether listed below or not, shall be included with the Application.

16A.2.b. Statement of Use. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these Regulations and to establish the nature and extent of site occupancy as proposed; fourteen (14) copies shall be submitted;

1. a detailed narrative description as to the nature and extent of the proposed use or occupancy;

2. provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;

3. the number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;

4. an estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;

5. the equipment or other methods to be established to comply with required performance standards; and

6. disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from Federal, State and Town agencies having jurisdiction.

16A.2.c. Site Plan A site plan prepared in accordance with the specifications and showing the information hereinafter required; fourteen (14) copies shall be submitted.

1. Preparation: The site plan shall be clearly and legibly drawn on good quality fixed line mylar or other material that will enable production of clear prints as required by these Regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.

2. Size and Scale: The site plan shall be drawn to a scale of not less than 1″ = 40′ or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Bolton Town Clerk shall be prepared on sheet sizes 36″x24″, 24″x18″or 18″x12″, and shall be printed on material acceptable for such filing.

3. Information on Plans: The information listed below is the minimum required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with Sections 16A.3 and 16A.4 of these Regulations, unless, in accordance with Paragraph 16A.2.n a determination is made by the Commission that the particular information is not required or is deferred. The title of individual site plan sheets and orientation of north arrows shall, to the extent practicable, be consistent from one sheet to the other.

4. General Information, as follows:

   a) title of development.

   b) name and address of applicant and owner.

   c) north arrow, numerical and graphic scale.

   d) date of plan and revision dates with each revision identified.

   e) a key map at a scale of 1" = 500' showing streets, property lines and zoning

district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.

f) a schedule specifying in square feet the area of the lot, certified by a Connecticut Licensed Land Surveyor or Professional Engineer; the area of wetlands and water courses, as determined by a Certified Soils Scientist and calculated by a Connecticut Licensed Land Surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these Regulations.

5. Property Information, as follows:

a) the boundaries of and existing conditions on the Lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-00b, as amended

b) the names of all Abutting Lot owners, as disclosed in the records of the Town Assessor.

c) any line delimiting a portion of the Lot to be used under the Application and any zoning District boundary on the Lot.

d) location, width and purpose of all existing and proposed Easements and other encumbrance lines.

e) existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a bench mark at the site and certified in accordance with Class T-1, T-2, or T-3 by a Land Surveyor licensed in the State of Connecticut.

f) location of all Wetlands, Watercourses, rock outcrops, wooded areas, floodway and flood hazard area boundaries, established encroachment or Building lines, and other significant physical features.

g) U.S.D.A. Soil Conservation Service soils type boundaries and codes.

h) the Commission may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ground water levels, and providing ratings of soils for suitability as on-site sewage disposal leaching areas (as defined in "Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, New London County, Connecticut", dated 1986).

6. Location of Existing and Proposed Buildings and Uses, as follows:

   a) The Height, Bulk, Use and location of all Buildings and Structures; typical floor plans or other plans for the use of interior spaces of proposed Buildings; location of heating, air conditioning, ventilation, and similar equipment if located outside the Building;.

   b) Signs.

   c) fences, walls including retaining walls, including details.

   d) outside storage areas.

   e) supporting or Accessory Uses, including underground and overhead services and utilities, as well as any associated above ground equipment.

7. Location, Design and Dimensions for Existing and Proposed Parking, Loading and Circulation, as follows:

   a) The site plan shall include all information necessary to establish conformance with the requirements of Section 15 of these Regulations, Parking and Fire Lane Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

   b) The site plan shall depict and dimension all access aisles and circulations driveways, the dimensions of all Parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

   c) For any site plan which depicts impervious surface, be it Building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff, and demonstrate that drainage from the site will not adversely impact down-gradient Inland Wetlands or Watercourses. The methods used to meet this requirement shall conform to the current Connecticut Department of Transportation requirements.

   d) sidewalks and other pedestrian ways.

   e) fire access lanes.

   f) specifications for parking, loading and circulation improvements.

g) off-site roadway improvement and traffic management facilities.

8. Signs and Outdoor Illumination, as follows:

a) location, size, height, character and illumination of project Signs.

b) location, size and message of traffic management Signs.

c) The proposed design, location, height and illumination level of all outdoor lighting, including manufacturer's specifications particularly in pedestrian and vehicular areas. Such lighting shall comply with Section 3A.20 of these Regulations

9. Landscaping and Open Spaces, as follows:

a) location of existing trees of 6" caliper or more [excepting densely wooded areas shown under the requirements of Paragraph 16A.2.c.5.f) above].

b) location, arrangement, type and size of planting for all landscaped areas.

c) trees required for Parking areas and landscape strip along Street Lines.

d) lines delimiting areas not to be disturbed and the top and toe of graded slopes.

e) materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.

f) ornamental paved areas, plazas and courts.

g) a schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.

h) methods of planting.

i) provision to preserve existing trees, vegetation, wetlands and water courses.

j) methods to protect plantings from vehicles.

k) special natural features identified for preservation under Paragraph 16A.3.s and Lot requirement modification therefore.

l) significant archeological sites identified under Paragraph 16A.3.t.

10. Existing and proposed drainage, utilities and related facilities and services, as follows:

a) electric, telephone and cable television lines (underground and aboveground).

b) storm drainage including pipe, catch basins, manholes, sediment chambers, oil separators, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts therefore. In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

c) facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits; or public sanitary sewer lines and laterals, as applicable.

d) well locations and facilities for water supply.

e) underground storage for fuel or other liquids and fill facilities and connecting lines.

f) base flood elevation and floor elevation data, as specified in Section 3A.18 of these Regulations, based on the datum identified in paragraph 16A2c.5.e).

11. Measures for soil erosion and sediment control in accordance with Section 3A.9 of these Regulations.

12. A signature block for approval by the Commission and date of signing.

13. The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on _____, 20 __."

16A.2.d. Sanitary Waste Disposal Plan. If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes Section 7-245, a report from the Bolton Lakes Regional Water Pollution Control Authority or any other Water Pollution Control Authority having jurisdiction in the Town of Bolton, indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided. If individual on-site septic systems are to be used, the applicant shall provide a sanitary waste disposal plan which conforms to the Public Health Code as administered by the Eastern Highlands Health District. Conformance with the Code shall be certified by a written report from such Health District.

16A.2.e. Protection of Surface and Ground Water Supply. Pursuant to Connecticut General Statutes Section 8-2, as amended by Public Act 85-279, every application for Site Plan shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

1. A statement describing the nature of the Use of any Buildings or areas of the site

and their method of solid and sanitary waste disposal.

2. The nature of any discharges anticipated.

3. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

4. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

5. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

6. Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections 4, 5 and 6 need only be provided when the information set forth in paragraphs 1, 2 and 3 indicates the presence of materials or processes which have the potential to adversely impact groundwater.

In addition to the preceding, see any Aquifer Protection Ordinance which may hereafter be adopted by the Town of Bolton pursuant to Conn. Gen. Stats. § 22a-354o.

16A.2.f. Water Supply; Certificate for Community Wells. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16-262m(a), shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Site Plan involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

16A.2.g. Covenants and Restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure

the fulfillment of the intent and requirements of these Regulations and the Site Plan as approved.

16A.2.h. Architectural Plans. Architectural plans of all proposed buildings and structures, drawn to scale, as follows:

1. The architectural design of the proposed buildings and structures, including elevations at an appropriate scale, of the facade and all exterior elevations, showing all fenestration, signs and other architectural features in sufficient detail to indicate the exterior building materials, color, height, Bulk, stories, roof line, ornamentation and general character of Buildings and Structures, and special exterior features, such as Building- mounted Signs, drive-in windows, Building or roof lighting, roof drainage/gutters, and ornamental or decorative features on the interior of the Building designed to be capable of being seen from the exterior all prepared, except for drawings for Signs, by an architect or professional engineer licensed to practice in the State of Connecticut. Such submissions shall include the color and type of all exterior building materials and samples of such materials if required by the Commission;

2. Floor plans to depict the interior uses of the floor area;

3. Color photographs buildings if located elsewhere or color renderings of proposed buildings;

4. A drawing showing the height and architectural style of the proposed Building or Structure in relation to surrounding Buildings and Structures; composite elevations for all streets abutting the site where multiple buildings are proposed on a Lot.

5. The height, location, fixture design, and intensity of all exterior lighting and anticipated illumination off-site. The Commission may require the submission of a photometric plan, which plan shall depict all lighting fixtures to be used on the site.

6. The height, location, material, exact colors and design of all signs, fencing and screening.

7. Elevation drawings from all streets abutting the site with all proposed plantings superimposed thereon. Location and size of all plants and trees shall be shown.

8. All provisions for the design of the following appurtenances if visible from the exterior of a Building or Structure:

   a) Utility lines, meters, boxes;

   b) Refuse storage and pickup areas;

   c) Stairs, ramps;

   d) Flues, chimneys, exhaust fans, ventilators;

e) Sunshades, awnings, louvers;

f) Balconies, decks, terraces, and patios;

g) Mechanical equipment visible from the exterior, including roof-mounted units;

h) Loading docks, loading spaces;

i) Roof leaders, downspouts;

j) Antennas;

The application shall include all information required to demonstrate compliance with the criteria of Section 16A.3.x.

16A.2.i. Soil Erosion and Sediment Control Plan. A Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 3A.9 of these Regulations, which Plan may be combined with the site plan submitted under Paragraph 16A.2.3; fourteen (14) copies shall be submitted.

16A.2.j. Wetlands, Water Courses. If any part of any Lot affected by the Site Plan is within the jurisdiction of the Inland Wetlands and Water Courses Regulations of the Town of Bolton, the report and/or action of the Inland Wetlands and Watercourses Commission of the Town of Bolton concerning any regulated activity on the lot shall be submitted with the application. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission

16A.2.k. Traffic Impact Report. For Site Plans involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; fourteen (14) copies shall be submitted. Such traffic study shall demonstrate that the proposed development will not cause a decrease in the level of service of surrounding intersections.

16A.2.l. Stormwater Management

1. Purpose

Stormwater management requirements and controls are hereby established to protect and safeguard the quality of the ground and surface water resources of Bolton, and to reduce adverse impacts associated with increases in peak rates of stormwater runoff.

2. Stormwater Management Objectives:

- To incorporate decentralized stormwater management systems in any new development designs;
- To minimize the increases in peak rates of stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion, and to maintain the integrity of stream channels and downstream drainage structures;
- To minimize the increase in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local ground and surface water quality;
- To minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and designed to minimize potential threats to public safety.

3. Design and Performance Criteria

In order to prevent the adverse impacts of stormwater runoff, the Commission has developed a set of performance standards that must be addressed in the design of any new site development plan or modification to an existing site development plan that disturbs five thousand (5,000) square feet or more of area.

a. All stormwater run-off generated from new development shall not discharge stormwater run-off directly into natural wetland systems, waterbody, municipal drainage system, or abutting property without adequate pretreatment;

b. A vegetative separation shall be maintained to provide a disconnection between impervious surfaces and the natural wetland systems of the site and abutting sites;

c. All stormwater Best Management Practices (BMPs) shall be designed to minimize the need for maintenance, while maintaining water quality discharge treatment standards;

d. All site development plans shall be designed to minimize the need for stream bank/channel protection for the receiving natural system, but when required, shall include provisions to prevent erosion and scouring of the stream bank/channel;

e. The design of all stormwater BMPs shall convey stormwater runoff in a manner to allow for the maximum removal of pollutants and reduction in flow velocities;

f. Stormwater discharges from land uses or activities with a higher potential pollutant loading may require the use of specific pretreatment structural methods and pollution prevention practices;

g. All site development plans shall include the design of stormwater detention or retention facilities to attenuate the increase in peak rates of stormwater runoff for the 2, 5, 10, 25 and 100 year 24-hour duration storm events to provide for a zero post development increase whenever practical.

h. Drainage Report. A storm drainage study and runoff computations for design of storm drainage systems for the 1, 2, 10, 50 and 100 year frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, storm water renovation methods, and Best Management Practices specified by the Connecticut Department of Environmental Protection.

4. Sensitive Waters & Wetlands: Enhanced Criteria

Stormwater discharges to critical areas with sensitive resources such as the Blackledge River, Railroad Brook, Hop River, Lower Bolton Lake, Risley Reservoir, and their contiguous wetlands, the Bolton Aquifer Protection Area, and the Town of Manchester's Lydall water supply watershed may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices. Within the Aquifer Protection Area and the Lydall Watershed, the Commission may require pretreatment of runoff from paved areas as recommended in the 2004 Connecticut Stormwater Quality Manual, as amended, concerning stormwater management practices in water supply watersheds. Land development that discharges to sensitive waters and wetlands as noted above shall meet enhanced criteria. These may include, but are not limited to:

a) Nutrient Sensitive Waters: Enhanced control of nutrients and sediment removal for stormwater discharges shall be required.

b) Cold Water Fisheries: Techniques to control temperature increases from stormwater discharges into these streams and water bodies shall be required.

c) Groundwater: Enhanced recharge and pretreatment of stormwater discharges shall be required to protect groundwater supplies.

d) Wetlands: Controls to minimize impacts to the natural or predevelopment wetland hydrology, including limiting adverse fluctuations in surface and groundwater elevations.

In these cases the Commission may require additional storage capacity, treatment, filtering, infiltration, or other mitigation techniques. The use of non-structural practices shall be used to the maximum extent practical to meet enhanced criteria. In making its determination to apply enhanced criteria the Commission shall consider the cumulative impacts of the site development plan.

5. Stormwater Management Plan Requirements

All stormwater management plans shall include measures to capture and treat stormwater runoff in accordance with the guidelines outlined in the most recent version of the CT DEP Stormwater Quality Manual and to incorporate low impact development design elements to the extent that is practical. No application involving any site development plan will be approved by the Commission unless it includes a stormwater management plan detailing how the stormwater runoff and associated water quality impacts resulting from the development will be controlled and managed during and after construction. The plan must be prepared by an appropriate design professional. The Commission may also require a storm drainage study and runoff computations for design of storm drainage systems for the 1, 2, 10, 50 and 100 year frequency storms, conforming to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, storm water renovation methods, and Best Management Practices specified in this section.

The Commission may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate, and/or quality of run-off if the hydrologic, geologic, topographic, or land use conditions warrant greater control than provided by the applicant. Further the Commission may restrict the use of certain BMP's , and may require pretreatment to exceed the minimum standards established in the most recent version of the CT DEP Stormwater Quality Manual.

a) Compliance with Federal & State Regulations

   All stormwater facilities and conveyance systems shall be designed in compliance with all applicable Town, State and Federal Laws and Regulations. It shall be the applicant's sole responsibility to identify and obtain all required permits prior to the start of any construction.

b) Protection of Public Health, Safety, & General Welfare

   The design of stormwater BMP's shall consider public health, safety, and general welfare. These considerations shall include, but not limited to: preventing flooding of buildings, structures, & travel ways; preventing long term standing water in and near drainage facilities; minimize the creation of mosquitoes breeding pools; preventing attractive nuisance conditions and dangerous conditions due to stormwater depth or velocity and/or access to drainage structures, including inlet and outlet openings. In addition, designs shall not result in the creation of aesthetic nuisances due to excessive slopes, cuts & fills, lack of suitable native landscaping and other similar conditions that would detract from the appearance of the surrounding environment.

c) Natural Resource Inventory

   Stormwater management designs shall include an inventory of important natural resources features on the site, and these features shall be shown on the stormwater management plan. Protection and/or conservation of the site natural features shall be a part of the stormwater management plan. The plan shall identify important

natural features identified through a natural resource inventory that includes, but not be limited to the following: natural drainage features, riparian buffers, wetlands, steep slopes, soils with high infiltration capacity, significant forest cover, significant trees and natural communities including the presence of any threatened and /or endangered species**.**

d) Site Design Feasibility Report

Stormwater management practices for a site shall be selected on the basis of the physical characteristics of the site. The design professional shall submit a report outlining the stormwater practices options including low impact alternatives that were considered and those that were chosen for the design based on the evaluation and analysis of site opportunities and constraints. Among the factors that should be considered:

- Depth to Ground Water/Ledge
- Hydrologic Functions
- Contributing Drainage Area
- Site Vegetation
- Soil Characteristics
- Topography
- Location in relation to environmentally sensitive features

A soils report based on on-site boring logs or soil test pit data shall be submitted with all designs. The number and location of soil borings/test pits and associated soil testing shall be that which is necessary to determine the suitability and distribution of soil types present at the location of the proposed stormwater measures as shown on the site development plan.

e) Infiltration

All stormwater designs shall include infiltration for any new site development unless the Site Design Feasibility Report and associated Soils Report demonstrate that the physical characteristics of the site are not suitable. Low impact design elements utilized for infiltration discharge into a natural system shall utilize native plant species.

f) Overland Flood Routes

Overland flood routing paths shall be provided to safely convey stormwater run-off from the 100 year, 24 hour duration storm event to receiving water resource or stormwater BMP with adequate hydraulic capacity, such that the run-off is contained within a drainage easement for the flood routing path that does not cause flooding of buildings and abutting properties. There shall be an allowance in all designs for a minimum of one (1) foot of free board for all flood conveyance systems and flood control structures.

g) Stormwater Conveyance

Stormwater conveyance systems shall be designed to:

- Maximize the flow path from inflow to outflow points;
- Include protection of inlet and outlet structures;
- Provide for the elimination of or protection from erosive velocities; and,
- Utilize infiltration systems where applicable.

h) Velocity Dissipation

Devices and techniques to reduce stormwater velocities and prevent erosion shall be placed at discharge outlet locations and along or within the full length of any outlet channels to convey and discharge peak design flows in a manner that will not result in scouring or surface erosion, including receiving streams or channels or wetlands so that the natural physical and biological characteristics and functions of the receiving waters are maintained and protected.

i) Landscaping/Planting Plan

All stormwater management designs shall include have a detailed Landscaping Plan that indentifies the types (both common and botanical names), locations, sizes and total number of all proposed plantings. Planting notes and details shall also be provided, as well as a Maintenance and Management Plan to ensure the long term viability of all plantings. In addition the landscaping plan shall include a stabilization schedule for the re-vegetation of all disturbed areas of the site. Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be seeded with temporary vegetation within seven (7) days after the suspension of grading work is expected to last a period of thirty (30) days or more. Permanent vegetation shall be fully established by the date of substantial completion of construction. Following the first year after the establishment of permanent vegetation and the completion of all landscaping plantings, an inspection shall be conducted by the Town to confirm their health and survival. Should any permanent vegetation or plantings be determined to be dead or dying following one (1) year period, then they shall be re-vegetated or replaced. A second inspection shall then be conducted by the Town one (1) year from any subsequent revegetation or replanting.

j) Non-Structural Stormwater Practices

To the extent that they are feasible the use of non-structural stormwater treatment practices are required and shall be selected and designed using the appropriate criteria from the most recent version of the CT DEP Stormwater Quality Manual or other appropriate design low impact design manuals acceptable to the Commission.

k) Structural Stormwater Practices

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the CT DEP

Stormwater Quality Manual. For other structural stormwater controls not included in the CT DEP Stormwater Quality Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means acceptable to the Commission, before approval of any design utilizing such structural stormwater controls.

l) Discharge to Municipal Stormwater System

If any stormwater run-off from a new or modifies site development plan is discharged to a Municipal Separate Storm Sewer System (MS4) or other publicly municipally or privately owned storm sewer system the applicant must demonstrate that the existing storm sewer system has adequate excess hydraulic capacity to convey both increases in peak discharge flow rates and runoff volumes. In addition, all such discharges shall conform to all the requirements contained in the applicable General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, the General Permit for the Discharge of Stormwater Associated with Industrial Activity, or, the General Permit for the Discharge of Stormwater Associated with Commercial Activity, as originally issued and reissued.

m) Operation, Inspection and Maintenance Plan Agreement & Schedule

An enforceable Operation, Inspection and Maintenance Plan Agreement and Schedule shall be executed to ensure that the Stormwater Management Plan facilities functions as designed and approved. The agreement shall designate the responsible party for the long term maintenance of the approved stormwater management facilities and include a provision passing the responsibility for such maintenance to successors in title. This agreement shall include easements to the Town allowing access to all Stormwater Management Plan facilities at reasonable times for periodic inspection by the Town and/or their agent to ensure that the facilities are being properly maintained and in good working order. Said easements shall be executed and recorded on the Bolton Land Records with filing of the final endorsed plan.

The design and planning of all Stormwater Management Plan facilities shall include detailed inspection procedures and frequencies, maintenance plans and schedules, as well as, repair procedures to ensure their continued long term function. These items shall identify the components of the stormwater management system that need to be inspected and maintained, provide a maintenance schedule for each facility, and the equipment necessary to perform that maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

All stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and to ensure compliance with the requirements of the CT DEP Stormwater Quality Manual and any

additional conditions assigned by the Commission. Any maintenance and/or repair needs found must be addressed in a timely manner by the owner and a re-inspection made confirming the completion of the identified items. The owner shall submit to the Commission annually a copy of the inspection report and if necessary any re-inspection reports. If the responsible party fails or refuses to fully address all items identified in an inspection report after thirty (30) days notice from the Commission of such failure to comply, the Commission shall commence enforcement action to achieve compliance.

n) Substantive Changes to Plan

No changes shall be made to an approved Stormwater Management Plan without review and written approval by Town Staff, or if any such changes are determined to be substantive by the Commission. Additional data may be requested to allow for a complete review and evaluation of proposed changes to ensure compliance with the required discharge standards.

o) Drainage Report. A storm drainage study and runoff computations for design of storm drainage systems for the 1, 2, 10, 50 and 100 year frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, storm water renovation methods, and Best Management Practices specified by the Connecticut Department of Environmental Protection.

p) Stormwater Management Requirements for Single-family Lot Development. All building permits for new single family homes, or additions to such homes of 500 s. f. or more, taken cumulatively from the date of adoption of these regulations , or the construction of accessory structures exceeding a building coverage of 500 s. f. shall comply with the Design and Performance Criteria set down in Section 16A.2.l.3.a through f., but shall not otherwise be subject to the requirements of this section. Any practices approved by the ZEO under this section shall be maintained, and any deviation from an approved plan shall be deemed a zoning violation. The ZEO may require a covenant or other appropriate legal mechanism to ensure perpetual maintenance of the stormwater improvements.

16A.2.m. Cost Estimates. Cost Estimates for landscaping and installation of erosion and sedimentation control measures, such estimates to be in accordance with costs published by the Connecticut Department of Transportation.

16A.2.n. Additional Reports. The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; fourteen (14) copies shall be submitted;

1. results of potable water supply analyses and tests required under Paragraph 16A.3.k.1;

2. results of test holes and percolation tests for storm drainage and sewage disposals and the basis for design of the sewage disposal system, as required under Paragraph

16A.3.k.2;

3. identification of source of water for fire protection, and where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for fire fighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.

16A.2.o.Other.

1. Other Permits: a list of Federal, State, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;

2. Legal Documents: draft copies of all proposed Easements and other legal documents pertaining to and/or required by the proposed Use and site development.

3. Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission and its staff.

4. Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in Section 16A.3 of these Regulations.

16A.2.p. Review and Modification of Submission. The Commission, upon written request by the applicant, may by resolution a) determine that the required submission of all or part of the information required under paragraph 16A.2.c through 16A.2.o, except for Sections 16A.2.e, 16A.2.f, 16A.2.i and 16A.2.j, is not necessary in order to decide on the application and need not be submitted or b) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

16A.3 Criteria for Review of Site Plans The Commission shall consider the following criteria in evaluating a Site Plan.

16A.3.a. General Standards. The proposed Use, Buildings, Structures and site development shall conform to all of the requirements of these Regulations and shall be designed and arranged as follows:

1. to protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these Regulations (See Section 1 of these Regulations) and Chapter 124 of the Connecticut General Statutes;

2. to conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site, and the lakes, ponds and rivers of Bolton identified for protection in the current Bolton Plan of Conservation and Development;

3. to be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Bolton;

4. to protect nearby residential, historic, and environmentally fragile areas.

5. to show that reasonable consideration has been given to the restoration and protection of the ecosystem and habitat of Bolton Lake and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.

16A.3.b Complete Application. The application shall contain all information required by this Section 16A, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

16A.3.c. Compliance with Regulations. The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with Section 3A.3 of these Regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

16A.3.d. Plan of Conservation and Development. The Site Plan shall be in conformance with the purpose and intent of any plan of conservation and development, or supplement or amendment thereto, adopted by the Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly in regard to but not limited to the following:

1. the provision or improvement of streets in the area of the site which the Use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;

2. the setback, location and Bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;

3. the preservation of natural land form features, wetlands and water courses;

4. the provision, location and character of landscaping;

5. the location, character and intensity of outdoor illumination; and

6. the extent, character, purpose and location of signs.

16A.3.e. Neighborhood. The Use of Premises, Buildings and other Structures, the location and Bulk of Buildings and other Structures and site development shall be of a character as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.

16A.3.f. Access and Circulation. Provision shall be made for vehicular access to the Premises and circulation upon the Premises in such a manner as to safeguard against hazards to traffic and pedestrians in the Street and upon the Lot, to avoid traffic congestion on any Street and to provide safe and convenient circulation upon the Lot and on the Street giving access to the Premises. Access and circulation shall also conform to the following:

1. The Street giving access to the Lot shall have traffic carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed Use, taking into account access to existing uses along the Street and existing traffic projected to the date the proposed Use will be in effect. Roadway, traffic management and other deficiencies in the Street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the Street or other traveled way.

2. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the Street.

3. Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any Street.

4. Driveways into the Lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the Street Line and travel way of the Street in such a manner as to conform to the established cross section for the Street as may be specified by the Town or State of Connecticut.

5. Where a Lot has frontage on two (2) or more Streets, the entry and exit from the Street shall be provided where potential for traffic congestion and for hazards to

traffic and pedestrians are minimized.

6. Where reasonable alternate access is available, the vehicular access to nonresidential use of a Premises shall be arranged to minimize traffic use of local residential Streets and other traveled ways situated in or bordered by residential districts.

7. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining Lots of similar existing or potential use 1) when such driveway connection will facilitate fire protection services, as approved by the First Selectman and Town Fire Marshal, or their agents, and/or 2) when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a Street.

8. There shall be no more than one (1) driveway connecting from any Lot to any Street, except that 1) separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and 2) additional driveway connections may be provided, particularly for but not limited to large tracts and Uses of extensive scope, if traffic flow in the Street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the Street Line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut. See Section 11 concerning shared driveways.

9. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

16A.3.g. Existing Streets. Along an existing Street where the Lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the Street and in accordance with the pattern of development along the Street. Provision shall be made for turning lanes and traffic controls within the Street as necessary to provide the access specified in Paragraph 16A.3.d.

16A.3.h. Handicapped Persons. The site plan shall make proper provision for Buildings and site development that are accessible to and usable by physically handicapped persons, such as by 1) provision of walks and ramps of suitable width and grade, 2) inclined curb approaches or curbs cut flush with parking areas, 3) reserved, wide parking spaces, and d) ground level Building entrances.

16A.3.i. Parking and Loading. Off-street Parking and loading spaces shall be provided in number and with location and design as specified in Section 15 of these Regulations.

16A.3.j. Lighting. Outdoor illumination facilities shall comply with Section 3A.20 of these

Regulations, and shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomforting or disabling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Lighting shall be designed so as to be on two circuits, one for security light levels and one for full operation, and security light levels only shall be employed except when the use is open to the public. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this Section.

16A.3.k. Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:

1. Demonstration of a suitable system of potable water supply to serve the proposed use shall include evidence from a public water company that such company is willing and able to serve the site, or, where a private well is used, evidence relating to: 1) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of Health Services, and 2) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum draw down. The potable water supply system shall be approved by the Eastern Highlands Health District.

2. Public sanitary sewers shall have the capacity and proximity to serve the site. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Environmental Protection (ConnDEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Eastern Highlands Health District, and by ConnDEP when applicable, prior to approval of the Site Plan.

3. Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Eastern Highlands Health District. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Eastern Highlands Health District. Waste management shall include control of litter by means of receptacles, fences or other means.

16A.3.l. Storm Drainage. Provision shall be made for the management of storm water in accordance with the requirements of Section 16A.2.l.

16A.3.m. Utilities. Electric, telephone and cable television lines on the Lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the Site Plan. Lines when necessary to be installed aboveground shall be located, landscaped or screened in a manner to harmonize with the design of the Premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of Buildings being served and screened from view; and if on rooftops, shall be screened in a manner which compliments the architectural style of the Building.

16A.3.n. Emergency Services. Suitable provision shall be made on the lot for access to Lots, Buildings and other Structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.

16A.3.o. Outside Storage. See Section 3A.17 of these Regulations. Hazardous, explosive, or flammable materials shall not be stored outside, except in accordance with applicable Federal, State, and local laws and regulations, and in those locations depicted on a site plan approved by the Commission.

16A.3.p. Total Ground Coverage. See Section 11, Dimensional Requirements.

16A.3.q. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 15 (Parking and Fire Lanes) and to the following:

1. In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and water courses.

2. All portions of the Lot not covered by Buildings and other Structures, outside storage areas, areas for off-street Parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the Premises. No landscaping shall include any invasive specie(s) as published by the Connecticut Department of Environmental Protection.

3. Any parking area accommodating 10 or more cars shall 1) be provided with interior landscaping within the paved portion of the Parking area and 2) have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an immediately adjacent Lot. Landscaped areas within the interior of the Parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight (8) feet. Parking areas shall contain no more than 15 spaces in a row or have more than four (4) rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one (1) tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five (5) feet and shall be planted with grass or shrubs and with at least one (1) tree for every 50 feet along such perimeter. All such trees shall be of not less than three (3) inches caliper and 10 feet in height when planted. Landscaping required under the following paragraph (e) may, if appropriately located, be counted to satisfy this requirement. Islands within the Parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Commission may by resolution, upon request of the applicant, modify or adjust one or more of the

requirements of this Paragraph for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this paragraph.

4. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in General Business Zones and 30 feet in width in all other non-residential Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Plan The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.

5. All off-street loading bays or docks visible from any Street or Residential Zone shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.

6. Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.

7. All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in Paved Areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Commission.

8. Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these Regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these Regulations.

16A.3.r. Signs. All Signs shall conform to the standards for the subject zoning district as specified in these Regulations. The following are also applicable to Signs:

1. Signs installed on or at the Lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.

2. The Commission, in connection with approval of a Site Plan, may require and may approve 1) an overall Sign design program for the Premises establishing, in advance, the area, location and character of Signs and thereby avoiding the need to submit in the future each Sign for individual review and approval, and/or 2) a Sign

program for additional Signs attached to buildings and designed to be read only by Persons who are pedestrians on the Lot, as such Signs may be needed to identify the location of particular stores, offices or other occupancies.

3. All illuminated signs shall be turned off when the occupant which it identifies is not open for business to the public.

16A.3.s. Preservation of Natural Features. The Site Plan , including proposals for the location and arrangement of Buildings, Structures, driveways, landscaping, drainage, wetlands protection, Paved Areas and other development, shall be prepared with consideration for preservation of the natural assets of the Lot and to minimize changes in the elevation of existing topography. When the Commission finds that there exist on the Lot significant natural or manmade features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these Regulations, such Commission may, after due notice and public hearing as required by law, grant a Special Permit reducing by not more than 25% the minimum Lot dimension and/or the Building Setbacks specified in these Regulations, or modifying the required location of the square on the Lot, provided that the following requirements are met:

1. The reduction or modification shall be only to the degree necessary to achieve such preservation;

2. The features to be preserved shall be clearly and accurately shown on the site plan element of the Plan and their significance described in writing as part of the Plan submission;

3. The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;

4. The reduced Lot dimension and/or Building setback requirements and modified location of square shall be shown on such site plan and reference made to this Section of the Regulations by notation thereon; and

5. The total Lot Area required by the Zoning Regulations remains the same.

16A.3.t. Significant Archeological Sites. When a Lot or Premises for which a Site Plan is to be submitted has been identified by the State of Connecticut Archeologist or by the Bolton Plan of Conservation and Development as historically or architecturally significant, the Site Plan submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.

16A.3.u. Soil Erosion and Sediment Control. Provision shall be made in the Site Plan for installation, maintenance and completion of measures for soil erosion and sediment

control in accordance with Section 3A.9I of these Regulations.

16A.3.v. Surface and Groundwater Protection. In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies, and shall diligently implement the provisions of Section 16A.2.l, Stormwater Management in public water supply watersheds and Aquifer Protection Areas. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the Site Plan.

16A.3.w. Water Supply. No Site Plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with Section 16A.2.f of these Regulations.

16A.3.x. Buildings and Structures, Architectural and Design Requirements:

1. Applicability The Commission, in accordance with Connecticut General Statutes Section 8-2 shall review all applications for special permits, site plan approvals or modifications to an already approved plan, in accordance with this Section 16A.3.x.

2. Purpose The purpose of these architectural and design requirements is to promote and encourage public and private actions to:

a) Maintain a high standard of community development;

b) To protect the public health, safety, convenience and welfare;

c) Protect the value of all real property within the community;

d) Promote aesthetically pleasing development; and

e) Preserve the special character of existing neighborhoods.

Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness of poor quality of design in the exterior appearance of buildings erected in any neighborhood may adversely affect the desirability of the immediate area and the neighboring areas for residential, business or other purposes.

It is the policy of the Commission that it will seek improvements in design rather than practice censorship of creativity.

3. Evaluation The Commission shall consider and evaluate each and every application subject to architectural and design requirements by applying, at a minimum, the following criteria:

a) Appropriateness of Location or Use:

1) The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Conservation and Development, the specific zone and the neighborhood.

2) The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan.

3) The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.

4) The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.

5) The overall effect on market values and utilization of neighborhood properties.

6) Unusual topography or the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site.

7) The extent, nature and arrangement of parking facilities, entrances and exits.

8) Problems of fire and police protection.

9) The preservation of the character of the neighborhood including but not limited to historical significance.

10) The availability of adequate sewerage and water supply.

b) Safety, Health and Environment: Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The commission may seek reports on the application from any appropriate federal, state and local officials and agencies.

c) Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

d) The Commission's evaluation of the criteria in this Section 16A.3.x shall be made in view of the fact that excessive uniformity, dissimilarity,

inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided therefore.

e) Relationship of Building to Site.

1) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and parking area.

2) Parking areas shall be treated with building wall extensions, planting berms, or other innovative means to partially screen parking areas from view from public ways. These elements should also be designed with public safety in mind.

3) The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

4) Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

f) Relationship of Buildings and Site to Adjoining Area

1) Buildings adjacent to those of different architectural styles are to be made compatible by means including, but not limited to, materials, fenestration, screens and sight breaks.

2) Attractive landscape transition to adjoining properties is encouraged where practical.

3) Compatibility with adjacent buildings to texture, lines, colors and massing shall be considered.

g) Landscaping and Site Treatment Landscaping elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction except buildings and utilitarian structures.

1) Landscaping treatment shall be provided to enhance architectural features, strengthen vistas and provide shade.

2) Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.

3) Plants shall be of sufficient size and number to ensure an attractive appearance upon completion of the landscape construction.

4) Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.

5) Existing trees at four inches caliper or greater shall be incorporated into the site plan, wherever possible.

6) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting or combinations of these. Screening shall be effective during all seasons of the year.

7) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

8) In areas where general planting will not survive, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

9) Parking areas and traffic ways shall be enhanced with landscaped spaces containing shrubs, trees or tree groupings.

10) For every five parking spaces, a minimum of one three inch caliper tree shall be provided. Preferred varieties include: Pin Oaks, Sugar Maples, Crimson Maples, Great Ash, Little Leaf Linden and Black Locusts.

11) Within wetlands and regulated areas, plantings must conform to those listed in the document entitled "Native Wetland Plants for the Hockanum Watershed" and outlined in "Planting Guide to Native Wetlands Plants of the Connecticut River Watershed for Wetland Restoration Use" dated February, 1997.

h) <u>Building Design</u>

1) Architectural style is not restricted. Evaluation of the appearance of

a project shall be based on the quality of its design and relationship to surroundings.

2) Buildings shall be in good scale and in harmonious conformance with permanent neighboring development.

3) Building Materials:

(a) Materials shall have good architectural character;

(b) Materials shall be selected for suitability to the type of building and the design in which they are used; and

(c) Materials shall be of durable quality.

4) Building components, such as windows, doors, eaves, and parapets, shall have good proportion and relationships to one another.

5) Colors shall be harmonious.

6) Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building or they shall be located as not to be visible from any public ways.

7) Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view of public ways.

8) Monotony of design in single or multiple building projects is discouraged. Variation of detail, form and siting shall be used to provide visual interest.

9) Prototype structures (the first new structure in an area which has been designed for a particular character) shall reflect the desired character of the entire area.

i) <u>Lighting, Street Hardware and Miscellaneous Structures</u>

1) Exterior lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

2) Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.

j) Signs

1) Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.

2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

3) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

4) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign fence.

5) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

6) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

7) Signs which specifically advertise brand names or symbols of products of any kind shall be strongly discouraged.

k) Maintenance – Planning and Design Factors

1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conductive to easy maintenance and upkeep.

2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.

3) Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.

l) All Other Standards Prescribed by These Regulations.

16A.4 Procedures When Commission Action on Site Plan is Required. When a Use, other than a Special Permit Use, is permitted in a Zone subject to administrative approval of a Site Plan by the Commission, the following procedures, standards and conditions are applicable.

16A.4.a. Preliminary Consideration. Prior to filing of an application for approval of a Site Plan , the future applicant is invited to prepare and present for informal discussion with the Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than 1" = 40', and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and water courses, test holes and percolation tests and data therefore, and significant natural and manmade features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.

16A.4.b. Application and Fee. Application for approval of the Site Plan shall be submitted in writing to the Zoning Enforcement officer or the Commission's designee and shall be accompanied by the following:

1. an application for approval of the Site Plan on forms approved by the Commission and an application fee as set by the Commission pursuant to Town Ordinance and Section 13F of these Regulations.

2. The following persons may apply for a Site Plan : An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

3. Site Plan submission documents as specified in Section 16A.2.

16A.4.c. Application Review. When received, the Commission shall review the application and Site Plan submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in Section 16A.2.p. Incompleteness of a Site Plan submission is cause for denial. The Commission shall consider 1) whether a Site Plan meets the standards and criteria set forth in Section

16A.3; and 2) whether it meets other applicable sections of these Regulations, including, but not limited to, Section 3A and 3B, Section 11, Section 12, and Section 15; 3) the potential environmental impact of the proposed project on the Town's natural resources, with specific consideration of Bolton Lake and other watercourses in the Town.

16A.4.d Notices of Consideration.

1. Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan application in accordance with Conn. Gen. Stats. § 8-3h.

   In accordance with Conn. Gen. Stats. §8-3i, in any Site Plan application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

   In addition to the requirements set forth in the preceding paragraphs, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

2. Posting of Sign. No less than ten (10) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for Special Permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three (3) days after the close of the hearing. The Commission may require a cash deposit to assure such return.

   Where a Site Plan review is reviewed without a public hearing, all provisions of this section shall apply, except that the sign shall be posted no less than four (4) days before the meeting at which such Plan is to be reviewed.

16A.4.e. Public Hearing. The Commission may hold a public hearing regarding any Site Plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on Special Permits. (Conn. Gen. Stats. §8-3c.)

In the event that a public hearing is scheduled, the applicant shall also notify all Abutting landowners of record of the date, time and place of the public hearing of the Commission at which said Site Plan is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

16A.4.f. Action and Notice. The Commission shall review the application for conformance with the criteria of this Section 16A. The Commission may approve, modify and approve, or deny the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 16A. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as tag sales, outdoor events, and the like), the Commission may grant a Site Plan which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Chairman or Secretary, by certified mail, to the applicant within fifteen (15) days of its action. A copy of the decision shall also be transmitted by the Commission to the Zoning Enforcement Officer.

16A.4.g. Filing of Site Plan. A copy of the site plan element of an approved Site Plan, and as such Plan may have been required by the Commission to be modified, shall be made on which meets the requirements for filing in the office of the Town Clerk and presented to the Commission for endorsement of its approval. The final Plan shall include upon the face thereof a complete statement of any conditions imposed on the approval. The following are applicable to endorsement and filing of the site plan:

1. Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Section 16A.4.i, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Section 16A.4.h, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its clerk.

2. The applicant shall then file in the office of the Bolton Town Clerk such endorsed

copy of the site plan and shall record in such office any required legal documents received from the Commission's clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two (2) additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.

3. Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No Zoning Permit shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.

16A.4.h. Commencement and Completion of Work. For any approved Site Plan application for which a Building Permit is required, the applicant shall obtain such Permit within twelve (12) months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.

16A.4.i. Posting of a Completion Bond. The Commission as a condition of approving a Site Plan may require that the applicant, within 90 days from the date of the approval of the Site Plan, file with the Treasurer of the Town of Bolton a completion bond in an amount approved by the Commission as security for the satisfactory completion of all of the work shown on such Site Plan, including erosion and sedimentation control per Section 3A.9.c of these Regulations.

1. Term and Form of Bond: Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. Bonds of up to twenty thousand ($20,000.00) dollars shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to legal counsel for the Commission.

2. Continuing Effectiveness: Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission. The site plan filed in the office of the Bolton Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the Site Plan have been met.

3. Prerequisite to Field Work: No field work implementing an approved Site Plan shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.

16A.4.j. Minor Changes to Site Plans. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved Site Plan if in the judgment of the Zoning Enforcement Officer such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan as approved, and such changes are in conformity to the requirements of these Regulations.

16A.4.k. Major Changes to Site Plans. If the Zoning Enforcement Officer determines that changes in the Site Plan may alter the overall character, quality, density, intensity, uses, amenities, parking facilities or other major features of the Site Plan as approved, said modification shall be made only after approval thereof by the Commission. The Commission may determine that the modifications are so substantial as to require a new application.

16A.4.l. Conformance to Approved Site Plans; Deviations, Amendments, Misrepresentations.

1. No person who has obtained a Site Plan approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission without an amendment as provided in these Regulations. Violation of this provision shall be grounds for the Commission to void said Site Plan approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Site Plan approval and the conditions attached thereto.

2. In the event that the Commission determines or discovers that information submitted to it in support of any application for Site Plan review was incorrect or invalid, the Commission may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

16.B SPECIAL PERMITS

16B.1 General: Certain uses of land, Buildings and other Structures, and the construction, reconstruction, Extension, moving and Alteration of Buildings, and other Structures and site development in connection therewith in Sections 6, 7, 8 and 9 of these Regulations; and certain waivers/modifications and other particular uses in these Regulations; are permitted in a Zone subject to the securing of a Special Permit from the Commission. The provisions which follow establish the application and submission requirements, the General Standards applicable to Special Permits and the procedures to be followed by the Commission. Special standards apply to particular Special Permit and other uses, per Section 3B of these Regulations. In addition, the following uses require a Special Permit, regardless of the provisions of Section 6, 7, 8, and 9:

16B.1a. Multiple dwellings, whether traditional or OSCD;

16B.1.b. Excavation and filling or removal of earth products, per Section 12;

16B.1.c. Construction of, or addition to, any structure(s) or building(s) on a Lot for which use a Special Permit is required, or where such construction or addition totals over 15,000 square feet of floor area, in the aggregate, whether at one time or at any time since the adoption of zoning regulations in the Town of Bolton;

16B1.d. Mortuaries, funeral homes, and crematoriums;

16B.1.e. Uses of premises for the sale of alcoholic beverages, including sales for both off-premises and on-premises consumption;

16B.1.f. Buildings that would be Accessory Buildings, but to be located on a Lot which lacks a Principal Building;

16B.1.g. Houses of worship, schools, colleges, libraries, and other civic buildings; and

16B.1.h. Commercial stabling of horses.

16B.2 Purpose and Requirement; Waiver.

16B.2.a. Purpose Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this Section. Special Permit uses that may be permitted in a District are unusual uses which under favorable circumstances will be appropriate, harmonious and desirable uses in the District but that possess such special characteristics that each use must be considered as an individual case.

16B.2.b. Special Permit Requirement; Waiver In any instance involving a Use or Uses requiring a Special Permit as set forth in these Regulations, no land or water areas shall be Used, nor Uses Altered or Expanded in space, time, or intensity, nor Buildings or Structures erected, Altered, Enlarged, or Used until the Commission shall grant a Special Permit in

accordance with this Section 16B, or amend a previously granted Special Permit.

The Commission may waive the requirement for a Special Permit where it finds that: (a) One Special Permit Use is being substituted for another similar Use on the same Lot which was previously granted a Special Permit by the Commission; (b) The new Use will require no greater parking or loading than the original, as set forth in Section 15 of these Regulations; (c) The new use shall entail no exterior change to the Building or Premises; and (d) The new Use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 16B.4 of these Regulations.

16B.3 Application Procedure

16B.3.a. Informal Discussion Any proponent of a use permitted by Special Permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Special Permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit.

16B.3.b. Who May Apply The following Persons may apply for a Special Permit: An owner, or all of the joint owners, of the property upon which the Use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

16B.3.c. Application: Application for a Special Permit shall be submitted in writing to the Zoning Enforcement Officer, and shall also be accompanied by the following:

1. Application and Fee: an application for approval of a Special Permit on forms approved by the Commission and signed by the applicant and by the owner if different from the applicant, and an application fee as set by such Commission pursuant to Section 13F of these Regulations and Town Ordinance.

2. Site Plan : A site plan and other documentation consisting of the Statement of use, Site Plan, Architectural Plans, Soil Erosion and Sediment Control Plan, Traffic

Impact Report and other reports and lists as specified in Section 16A.2 of these Regulations for Site Plan s. Fourteen (14) copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan & Zoning Commission 211 Conn. 331, 334 (1989). The reference herein to Section 16A.2 is for convenience only to avoid the repetition of the information contained there, and shall not be construed as creating a separate application or request for Site Plan review. The materials required to be submitted in connection with a Special Permit application are to allow the Commission to evaluate the Special Permit and determine compliance with the standards of this Section 16B.

16B.3.d. Review and Modification of Submission The Commission, upon written request by the applicant, may by resolution 1) determine that the required submission of all or part of the information required under Section 16A.2 is not necessary in order to decide on the application and need not be submitted or 2) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these Regulations.

16B.3.e. Complete Application A complete application shall consist of the application form and fee, together with the required information set forth in this Section 16B. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or thirty-five (35) days following, the submission of such application, whichever shall first occur.

16B.3.f. Notices Mandated by Statute The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in accordance with Conn. Gen. Stats. § 8-3h.

In accordance with Conn. Gen. Stats. § 8-3i, in any Special Permit application for any property which is within the watershed of a water company, as defined in Conn. Gen. Stats. §16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

16B.3.g. Notice to Abutting Owners The applicant shall also notify all Abutting landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said Special Permit is to be considered no less than ten (10) days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

16B.3.h. Posting of Sign No less than seven (7) days prior to the opening of any public hearing, the

applicant shall post a sign on the property which is the subject of any application for Special Permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three (3) days after the close of the hearing. The Commission may require a cash deposit to assure such return.

16B.3.i. Submission for Review In addition to the requirements set forth in the preceding paragraph, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.

16B.3.j. Time Limits The Commission shall, within sixty- five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty-five (65) days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

16B.4 General Standards The proposed Special Permit Use, Buildings and other Structures and site development shall conform to all of the requirements of these Regulations including the following General Standards and any Special Standards that may be contained in Section 3B of these Regulations for particular Uses:

16B.4.a. Complete Application The application shall contain all information required by this Section 16B, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

16B.4.b. Compliance with Regulations The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or except to the extent that the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre-existing nonconformity in

accordance with Section 3A.3 of these Regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

16B.4.c. Conformance with Criteria of Section 16A.3 Any application for Special Permit shall, at a minimum, conform to all of the General Standards for Site Plans of Section 16A.3. Those standards and criteria are considered the basic ones for all Uses and Premises in Bolton, other than Uses permitted as of right, with the criteria of this Section 16B.4 being over and above those of Section 16A.3.

16B.4.d. Character The location, type, character and extent of the Use and of any Building or other Structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and Use of adjacent property or impair the value thereof.

16B.4.e. Lot Size The Lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the Use and provision of Buildings, other Structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property.

16B.4.f. Landscaping The Premises will be suitably landscaped to be in harmony with adjacent Lots and the character of the neighborhood.

16B.4.g. Access The traffic to be generated by the Use and the provision to be made for vehicular access to the Lot shall assure safety and convenience on the Street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the Use, Buildings, Structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, concrete, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

16B.4.h. Traffic Access All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall

include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway to a public street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, except as otherwise approved by the Commission after the submission of a traffic engineering study demonstrating the need for greater driveway width. No proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.

16B.4.i. Water Supply No site plan depicting a development to be served by a water company, as defined herein above, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with Section 16A.2.f of these Regulations.

16B.4.j. Public Health and Safety; Environmental Protection The site and Building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with Section 3C and in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; Flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies in or adjacent to the Town including Bolton Lake; avoidance of glare visible from Streets or adjacent properties.

16B.4.k. Appropriateness of Use The proposed Use shall be appropriate for the designated location with regard to: The size and intensity of the proposed Use, and its relation to existing land Uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential Streets; the development will not hinder or discourage the appropriate development and use of adjacent land and Buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of Use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the Use may entail; the degree of population concentration and building

density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the Use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes (particularly Bolton Lake), streams, and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.

16B.4.l. Architectural Character, Historic Preservation, Site Design The overall architectural character of the site and Building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of Buildings and Structures, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, Signs, colors, and all other features of the site and buildings which are visible from the exterior of any Building on the site or from adjoining properties or Streets, or which may impact the character or quality of life on Abutting properties, in the neighborhood, or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

In multi-building commercial or industrial developments, all Buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

16B.4.m. Uses In, Adjacent to, or Impacting Residential Areas In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential Zone or area of residential uses, the Commission shall find that:

1. The location and size of such Use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the Use will not be hazardous or inconvenient to, or detrimental to the character of the said residential area or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, Signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.

2. Where any Lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of Section 11.K (concerning setbacks) shall apply. In addition, the Commission may require additional setbacks or buffers for Uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics.

3. The location and height of Buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the Premises shall be such that the Use will not hinder or discourage the appropriate development and Use of

adjacent land and Buildings or impair the value thereof.

4. No Use shall be permitted which does not meet the requirements of Section 3A (General Regulations) of these Regulations.

5. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.

6. All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.

16B.4.n. Specific Recommendations and Requirements for Sites and Buildings The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for Special Permit, and the preferred or required features, as the case may be:

1. Mechanicals. All roof-mounted ventilation, heating, and air conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed Building.

2. Lighting. Lighting shall conform to Section 3A.20 of these Regulations and shall be limited to that required for basic security and protection of the Premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted flood-lights, and ornamental Building lighting are prohibited in all zones.

3. Walkways. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around Buildings. Walkways along Streets may also be required.

4. Landscaping and Screening. All Parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading,

improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one-half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

16B.4.o. Special Standards – Various The proposed Special Permit use, and the Buildings, Structures and site development proposed in connection therewith, shall also conform to any requirements contained in Section 3B, Special Regulations; or any other applicable standards of these Regulations.

16B.4.p. Special Standards - Open Space Conservation Development (OSCD) Open Space Conservation Developments (OSCD's), and the Buildings, Structures, and site development proposed in connection therewith, shall also conform to the applicable provisions of Section 7 of these Regulations.

16B.5 Action on Applications

16B.5.a. Action The Commission shall review the application for conformance with the criteria of this Section 16B. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re-application is made within one (1) year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Section 16B. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission may grant a Special Permit which is temporary and will be effective only commencing on, or terminating on, specified dates.

The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

16B.5.b. Endorsement and Filing Within sixty-five (65) days of the Commission approval, the

applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per Section 16B.6 of these Regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's vote of approval shall become null and void; provided, however, that the Commission may grant one (1) extension not to exceed an additional ninety (90) days. Any Special Permit site plan filed in the Town Clerk's Office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a Zoning Permit for the proposed Use. The Commission may establish an effective date for the Special Permit, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

16B.6 Bond If the Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Bolton, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on any site plan element of the approved Special Permit. Bonds of up to twenty thousand ($20,000.00) dollars shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to the Commission's legal counsel. The approved plans shall be cited in the bond agreement. The Bond may be released only after written certification, that all of the requirements of the Special Permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be.

16B.7 Commencement and Completion of Work For any approved Special Permit application for which a Building Permit is required, the applicant shall obtain such Permit within twelve (12) months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.

16B.8 Conformance to Approved Plans, Specifications, and Representations; Deviations, Amendments, Misrepresentations

16B.8.a. No person who has obtained a Special Permit approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission

without an amendment as provided in these Regulations. Violation of this provision shall be grounds for the Commission to void said Special Permit approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said Special Permit approval and the conditions attached thereto.

16B.8.b. In the event that the Commission determines or discovers that information submitted to it in support of any application for Special Permit was incorrect or invalid, the Commission may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

16C <u>Change of Zone</u> (Public Hearing Required)

The following items shall together constitute a complete Change of Zone application for amendment to the Town of Bolton Master Map, and such application shall not appear on any Zoning Commission agenda until all of the following items have been submitted to the Town of Bolton:

16C.1. completed and signed application form;

16C.2. filing fee (see Sec. 13F of theses Regulations);

16C.3. written evidence of the applicant's legal interest in the subject property (deed, lease, option to purchase, bond for deed, Etc.);

16C.4. six copies of a plan containing a boundary survey of the subject property at a scale not smaller than 1' = 100 feet, certified at least Class D by a land surveyor licensed in the State of Connecticut, and also depicting all properties and road rights-of-way within 500 feet of the subject property;

16C.5. a list of all current property owners within 500 feet to the subject property, as shown in the records of the Town Assessor, with coded reference to the particular properties depicted on the above mentioned plan;

16C.6. stamped mailing envelopes listing the name and primary mailing address of all current property owners within 500 feet of the subject property, as shown in the records of the Town Assessor;

16C.7. a list of all hazardous or potentially hazardous materials which will be present on the property as part of the proposed use, with a full description of procedures that will be used to assure safety;

16C.8. a written statement of intended use of the subject property if the change of zone is approved;

16C.9. any other items or information which the Commission may feel is pertinent to review of the application (this requirement need not delay placement of the application on a Planning and Zoning Commission agenda).

16D Zoning Regulations Amendment (Public Hearing Required)

The following items shall together constitute a complete application for amendment to these Regulations, and such application shall not appear on any Planning and Zoning Commission agenda until all of the above items have been submitted to the Town of Bolton:

16D.1. completed and signed application form;

16D.2. filing fee (see Sec. 13F of these Regulations);

16D.3. six copies of a statement containing all proposed new wording and/or deletions listed under the Section of subsection to be affected.

16E Waiver

The Commission may waive a portion or portions of the application filing requirements, or may permit the combining of various forms of information onto a small number of plan sheets, if, in its opinion, circumstances warrant such action.

16F Criteria for Consideration and Permitted Stipulations

16F.1 Criteria for Consideration The Planning and Zoning Commission may require an applicant to submit any of the following items for review before making its decision on a Special Permit, Site Plan Review, Change of Zone or Zoning Regulation Amendment application (this requirement need not delay placement of the application on a Planning and Zoning Commission agenda):

16F.1.a. Drainage calculations for the existing and proposed development conditions for the 2, 10, 25 and 100 year storms.

16F.1.b. Methods to limit the increased drainage flow rates from a site for the proposed development to be 10% or less than the existing development flow rates for the 2, 10, 25 and 100 year storms.

16F.1.c. Traffic studies and proposed traffic improvements to ensure that development will not create or worsen traffic hazards or create traffic congestion any worse than a Level of Service "C" as defined by the Highway Capacity Manual.

16F.1.d. Perspective sketches or color drawings of the developed site and buildings to represent the final proposed conditions.

16F.1.e. A lighting plan by a qualified lighting designer that shows adequate on site lighting for safety and security and shields adjacent properties from glare.

16 F.2 Permitted Stipulations The Commission, in approving a Special Permit, Site Plan Review, Change of Zone or Zoning Regulation Amendment application, after applying these Regulations in harmony with their general intent, may stipulate such restrictions as

appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

16G Expiration

For any approved Site Plan Review or Special Permit application for which a building permit is required, the applicant shall apply for such initial permit within twelve months of the date of the Commission meeting at which such application was approved. Otherwise, such approval shall become null and void. Within the initial 12 month period, the applicant may apply for, and the Commission may grant, one extension of this time period for not more than twelve months.

16H Consultant Assistance

For any Site Plan Review, Special Permit, Change of Zone or Zoning Regulations Amendment application, the Commission may engage the services of a professional engineer and/or professional planner or other qualified professional to assist in the review of plans and information submitted by the applicant. Such planner or engineer may also make recommendations to the applicant and to the Commission.

SECTION 17 - WIRELESS TELECOMMUNICATION SITES

17A. Purpose

The purpose of this regulation is to provide for the operation of wireless telecommunication services within the Town of Bolton while protecting neighborhoods and minimizing the adverse visual and operational effects of Wireless Telecommunications Sites (WTS) through careful design, siting and screening. More specifically this regulation has been developed in order to:

Maximize use of existing towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;

Encourage providers to co-locate their facilities on a single tower;

Site facilities below visually prominent ridge lines;

Minimize the location of facilities in visually sensitive areas;

Encourage creative design measures to camouflage facilities;

Protect historic and residential areas from potential adverse impacts of communication towers;

Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

17B. Definitions

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

Antenna means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

Co-location means locating wireless communication facilities from more than one FCC licensed provider on a single support structure such as a tower or existing structure.

Wireless Telecommunication Services means licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), wireless video services, paging services and similar services that are marketed to the general public.

Height of Tower means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

Tower means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include but are not limited to (a) self-supporting lattice, (b) guyed and (c) monopole

17C. Location of Wireless Telecommunication Sites

The locations for siting the antennas and equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs 1 through 6 below, in order of preference.

1. On existing or approved towers.

2. On existing structures such as but not limited to buildings, water towers, steeples and utility poles.

3. On new towers less than 75 feet in height located in business or industrial zones.

4. On new towers 75 feet or greater in height located in business and industrial zones.

5. On new towers less than 75 feet in height located in residential zones.

6. On new towers 75 feet or greater in height located in residential zones..

17D. Uses Allowed by Site Plan Review

The following uses which generally pose minimum adverse visual effect, as determined by the Commission, are permitted uses subject to the standards in Subsection 17G and subject to the Site Plan Review requirements of Section 16. Uses that do not comply with the requirements of Section 17 D shall comply with the requirements of Section 17 E.

1. Wireless telecommunication sites with no towers but with antennas located on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public. The method and materials used to shield such sites must be approved by the Planning and Zoning Commission as part of the Site Plan Review provided that the standards in Section 17D.3. are met.

2. Wireless telecommunications sites with no new towers where the antenna is mounted to existing towers, utility poles, water towers, steeples, light standards,

bridges or other structures not classified as buildings provided the standards in Section 17D.3. are met:

3. WTS standards for Site Plan Review:

   a. No changes are made to the height of such structure except that an antenna may extend no more than 72 inches above the structure.

   b. No panel antenna shall exceed 72 inches in height and 24 inches in width.

   c. No dish antenna shall exceed 3 feet in diameter.

   d. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Planning and Zoning Commission as part of the Site Plan review.

   e. The following information shall be submitted in accordance with each particular application where applicable:

      1. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

      2. Details of all proposed antenna and mounting equipment including size and color.

      3. Elevations of all proposed shielding and details of materials including color.

      4. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

      5. Maps depicting the extent of the provider's planned coverage within the Town of Bolton and the service area of the proposed wireless telecommunication site. Maps indicating the search radius for the proposed wireless telecommunication site showing the least number of towers and all towerless antenna locations possible.

17E. <u>Uses Allowed Only by Special Permit</u>

All proposals to develop or expand a wireless telecommunication site shall be subject to the requirements in this Section 17 and the Special Permit requirements in Section 16 of these regulations except as otherwise provided for in these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

1. Items listed in Section 17 D.3.e. above.

2. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse without encroaching upon any adjoining property line.

3. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.

4. If applicable a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements.
5. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

6. For towers located in or within 100 ft of an R-1, R-2, or R-3 zone, upon request of the Commission, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

17F. Dimensional Requirements

1. Lot Size. Each wireless telecommunication site located in a Residence Zone and containing a tower shall comply with the following requirements:

   a. Each tower shall be located on a lot that has at least the minimum frontage for the zone that the lot is in.

   b. Each tower shall be located on a lot that has at least the minimum lot area of 40,000 square feet per tower, exclusive of all other uses.

   c. Any other uses on a lot with a tower shall comply with the area requirements of Section 11 exclusive of the tower(s) area requirements.

2. Height. The maximum height of a tower proposed under this regulation shall be 150 feet including the antenna and all other appurtenances.

   The maximum height of any building shall be as required by Section 11.

3. Setbacks.

   a. All towers shall be located a minimum distance from any property line equal to 125 percent of the proposed tower height.

b. All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.

4. Building Size. The lot coverage area of all buildings for wireless telecommunication services shall not exceed 500 square feet per tower.

17G. General Requirements

1. No tower wireless telecommunication service shall be located within 200 feet of an existing dwelling.

2. No tower shall be located within 200 feet of the boundary of an existing approved historic district or a site on the national registry historic places.

3. No lights shall be mounted on proposed towers unless otherwise required by the FAA or applicable law. All strobe lighting shall be avoided if possible. Any required lights on a tower shall be directed upwards as much as possible. There shall be no outdoor lights in use except while a person is on the site and there shall be no direct light beyond the property line.

4. Towers not requiring special FAA painting or markings shall be a non-contrasting blue or gray or other unobtrusive color as approved by the Commission

5. Towers may not be used to exhibit any commercial signage or other advertising.

6. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

7. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.

8. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with public safety communications.

9. All applications for wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Section 3A18 of these regulations.

10. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. A report shall be provided from a Connecticut licensed engineer in the field of

telecommunications broadcasting indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection 17G. of this regulation.

11. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.

12. All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.

13. Any building in a residential zone or on a lot adjacent to a residential zone shall be made to look like a residential building with a pitched roof.

14. Appropriate trees and other vegetation as approved by the Commission shall be planted and maintained to screen a tower and any equipment buildings from view from nearby residences and roads. Existing trees and vegetation should be used as much as possible to provide this screening.

15. The Commission may require that an appropriate bond be submitted as surety to remove any abandoned towers, buildings or equipment.

17H. Factors Upon Which Special Permit Decisions of the Commission Shall Be Based.

In order to approve applications for wireless telecommunication sites, the Commission, must find:

In the case where an application for the proposed location of a wireless telecommunication site is not a preference 1 through 3 location in Section 17C the applicant has adequately described the efforts and measures taken to pursue those preferences and has provided an adequate explanation as to why a higher preference location was not technologically, legally or economically feasible. The documentation supplied by the applicant should include an evaluation of the following factors:

1. Whether the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower and whether the interference can be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.

2. Whether the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies and whether such deficiencies cannot be eliminated at a reasonable cost, as documented by a Connecticut licensed engineer, in the field of telecommunications broadcasting.

3. Whether the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant and whether the interference cannot be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.

4. any restriction or limitation imposed by the FCC.

17I. Abandonment

A wireless telecommunication site that is determined by the Commission or its agent to be not in use for 12 consecutive months shall be removed by the service facility owner. The Commission shall send the service facility owner a notice of abandonment by certified mail. This removal shall occur within 90 days of the date that the notice of abandonment is sent. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.

17J. Expiration of Approval

The approval of an application for special permit or site plan review shall be void and of no effect unless the applicant has obtained a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support and construction of the WTS is completed within one year from the date of the approval granted by the Commission. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall not grant an extension unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and the applicant provides adequate evidence that construction is able to be completed within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approvals shall extend the aforementioned one-year period the length of such appeal. The Commission may as a condition of approval of a special permit establish a time period that such special permit shall remain in effect.

17K. Any existing tower as of the effective date of this Section 17 may continue to be used to the full approved height of the tower in accordance with all the requirements of Section 17 except for height.

SECTION 18: SIGNAGE

18A. Purpose

The purpose of this section is to promote the public safety and welfare by providing adequate standards to control the number, height, size and location of signs and by providing criteria for the illumination and design of signs. The provisions and controls of this section have been formulated to preserve the right of free speech and expression, and to protect against traffic distractions and hazards, to provide reasonable standards by which permitted uses within the various zones may relate their function to the public and to aid in preserving and enhancing the aesthetic and historical values of the community. The purpose of this Regulation is also to encourage unified, multi-use development in the Gateway Mixed Use Industrial Zone and the Rural Mixed Use Zone by providing additional sign area for such mixed-use development that share common access and shared signs, and that provide a streetscape that emphasizes landscaping or pedestrian-friendly buildings along the street line.

18B. General

No sign shall be established, constructed, structurally altered or moved except in conformance with these Regulations. Except for those signs specified in Section 18E and 18F, a Zoning Permit shall be obtained for all signs in accordance with the provisions of Section 3A.8. of these Regulations. In situations where a proposed sign or signs are one component of a comprehensive construction project, the sign authorization may be incorporated into one comprehensive Zoning Permit for the subject construction project.

Wherever commercial speech is allowed by these regulations, the same degree of non-commercial speech is hereby permitted.

18C. Definitions

The definitions pertaining to signage are found in Section 2 of these Regulations.

18D. Prohibited Signs

The following signs are prohibited:

1. Abandoned Signs
2. Advertising Signs
3. Permanent Banner Signs, except noncommercial banners (such as streetscape banners) installed by public entities.
4. Signs on Structural Canopies.
5. Electronic Message Board
6. Flashing, Rotating, or Moving Signs. This provision shall not apply to clocks or time / temperature signs that have been approved by the Planning and Zoning Commission in connection with a Site Plan or Special Permit Approval.
7. Graphic Light Projection Signs
8. Moving message board, except time / temperature signs.
9. Roof signs
10. Signs that are illuminated in a manner or with such intensity or brightness that they may tend to cause glare, distraction or nuisance to operators of vehicles, pedestrians, or neighboring property owners.

11. Signs including structural elements that may tend to endanger vehicular or pedestrian traffic on a street, driveway or public way by obstructing or obscuring visibility or by causing confusion with traffic control signs or signals.
12. Signs including structural elements that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress from any building or structure, except as may be permitted under Section 18E.8.
13. Pennants, or streamers, aerial signs, inflatable signs or flag-like devices hung from or attached to any part of a building, vehicle, structure or otherwise on a lot for commercial purposes, except where specifically exempted pursuant to Section 18E and 18 F of these Regulations.
14. Structural Canopy Signs
15. Vehicle Signs
16. Signs located in Town Rights of Way except those authorized pursuant to Section 18E of these Regulations.
17. Portable signs, such as sandwich board signs or A-frame signs, which are moveable and not permanently attached to a building, structure or the ground, except as may be authorized on a temporary basis as temporary signs pursuant to Section 18F of these Regulations.

18E. <u>Temporary Signs</u>

1. The following signs are authorized without Zoning Permit approval, provided that they comply with all other applicable provisions of these Regulations and with the specific standards noted below:

    a. "Help Wanted" signs, provided that the size of any such signs shall not exceed two (2) square feet in area.
    b. Window signs for authorized commercial uses provided the signs do not cover more than forty (40) percent of the window area, or do not cover more than (25) percent of the glass area of a door used actively as an entrance door, such 25% covering the lower half of the door.
    c. Political Signs
    d. Project and Real Estate Signs - Except as noted below, one non-illuminated sign not exceeding six (6) square feet in area, pertaining only to the sale, lease, rental or construction or improvement of the land or building upon which it is displayed;
        i. Real Estate signs shall be removed within 30 days after the subject property is sold (i.e., the closing has occurred), leased, or rented
        ii. For construction projects, project signs shall only be displayed during the period of active construction, and removed when construction is complete.
        iii. For commercial or industrial projects approved by the Planning and Zoning Commission, one non-illuminated sign not exceeding twenty-four (24) square feet in area, pertaining only to the contractors or professionals involved in the project may be maintained on the premises where the work is being performed. Said sign shall be removed prior to the issuance of any Certificate of Compliance and Occupancy permits.
        iv. For subdivisions containing a new road, one non-illuminated sign not exceeding twenty-four (24) square feet in area may be maintained on the premises, provided it bears only a map of the project, the name of the project, and the name of the contractor and professionals involved in the project. The sign shall be removed after 75% or more of the lots have

been sold. The Commission may approve well-maintained additional signage in connection with the subdivision approval.

b. Special Events Signs for communitywide public, educational, charitable, or religious events. One non-illuminated sign or banner not exceeding thirty-two (32) square feet in area, for public, charitable, educational or religious events, provided the sign is posted at the site of the event no sooner than twenty-one (21) days prior to the event and provided the sign is removed within 24 hours of the close of the event.. In addition, up to three (3) offsite directional signs are permitted, provided each of said signs does not exceed five (5) square feet in area and provided the signs are posted and removed as per the aforementioned time requirements.

c. Signs Associated with Agricultural and Horticultural Sales. One non-illuminated sign not exceeding sixteen (16) square feet in area, provided the sign is located at the stand site, and provided it is utilized only when products are available for sale. In addition, up to 32 s. f. of offsite directional signs are permitted, provided no one sign exceeds eight (8) square feet in area and provided the signs comply with the locational provisions of Section 18K of these Regulations.

2. The following signs are authorized without Zoning Permit approval, provided that the property owner or tenant submits to the Zoning Enforcement Officer a Notice of Intent Form to be provided by the ZEO to install a sign or signs authorized as follows. In all other respects, such signs shall comply with all other applicable provisions of these Regulations and with the specific standards noted below:

a. Grand Opening Event Signs. One free-standing sign or banner no larger than sixteen (16) square feet in area, subject to the following requirements:
   i. Grand opening signs shall be permitted only in business and industrial zones.
   ii. The proposed grand opening event shall be a bona fide opening of a new commercial or industrial business at the site or a bona fide change of business ownership at the site.
   iii. All grand opening event signs shall be located on the site of the subject commercial or industrial business.
   iv. All grand opening event signs shall be displayed on the site and remain onsite for no more than twenty (20) days.
   v. All grand opening event signs shall comply with the location and height provisions of Section 18G of these Regulations.
   vi. All grand opening events shall be conducted within six (6) months of the business opening.

b. Signs for Seasonal or Special Sales.
   i. Seasonal and special events signs will be permitted for a total period of 120 days annually, as documented by the required Notice of Intent form.
   ii. All signs for seasonal or special sales must be constructed of weather resistant materials, professionally constructed, and have clear, legible lettering, and may be double sided.
   iii. All seasonal or special sales signs may be an A-frame sign, self-standing sign, or a banner sign.

iv. Temporary banner signs for seasonal or special sales shall be no larger than 16 s. f. in size and must be securely and neatly fastened to the building wall located on the business or tenant space.

v. A-frame or self-standing signs for seasonal or special sales may be 2-sided signs, but shall be no larger than 2 ½feet by 3 ½feet and may not contain materials such as papers, balloons, winds socks, streamers, pennant flags, lights, etc. Such signs shall be installed level, and the height of the sign shall not exceed 4feet from the existing ground, nor be artificially increased above the allowed maximum height by placement of additional materials under the base of the sign, except as necessary to level the sign.

vi. All A-frame and self-standing signs must be located :
    1. on the property the subject of the sale event.
    2. a minimum of 100 feet from another temporary sign along the road frontage for single-tenant properties; a minimum of 50 feet for multiple tenant occupancies;
    3. outside of any sight line from an ingress/egress;
    4. outside of parking spaces, drive lane, or Town or State rights-of-way; and
    5. so as not to interfere with pedestrian and vehicular traffic;

vii. In multiple tenant occupancies, no more than two A-frame and self-standing signs may be permitted at any one time..

viii. All seasonal or special sales signs must be secured to the ground so as to withstand strong winds so as to not cause a roadway hazard.

ix. All seasonal and special events signs shall be professionally made and made of weather-resistant materials.

x. Any seasonal or special sales sign placed in violation of these Regulations will result in a violation notice and will result in the suspension of a business's temporary sign permit privileges for the remainder of the calendar year, upon notice by the Zoning Official.

18F. <u>Permanent Signs Not Requiring a Zoning Permit</u>

The following signs are authorized without Zoning Permit approval, provided that they comply with all other applicable provisions of these Regulations and with the specific standards noted below:

1. Public Flags, provided they do not pose an obstruction as set down in Section 18D.5 and 6 and Section 18K of these Regulations.
2. Public Signs - Signs erected in the public interest by or on the order of a local, State or Federal official in the performance of duty, such as, but not limited to, traffic control signs and identity signs of public buildings, parks or historical sites, signs for governmentally-funded events, and public banners (such as for streetscape projects). This section does not apply to political signs.
3. Residential Name Plate / Street Address/Home Occupation - For any residence, or authorized home occupation on the premises, one name plate with street address and one home occupation sign are authorized, provided neither sign is larger than 0.5 square foot in area if located within 20 feet of the street line, or no more than 3 square feet if located more than 20 feet from the street line. Home occupation signs shall not be internally illuminated and, if lighted externally, the sign shall be lighted only during the hours open for business.

4. "No Trespassing" signs or signs indicating the private nature of a premises or the restricted use of the premises, provided that the size of any such signs shall not exceed two (2) square feet in area.
5. Name plates or public convenience signs for authorized commercial and industrial uses identifying the building occupant, store hours, or other non-advertising notices, provided the size of any such signs shall not exceed two (2) square feet in area
6. "Open / Closed" flag signs (no more than 1 per business), provided the longest side does not exceed 4 feet.
7. In lieu of an "open / closed flag sign permitted in Section 18E.6, above, signs displayed in windows or doors of commercial uses, including neon or LED signs, indicating whether the subject use is "open" or "closed," provided the size of any such sign shall not exceed four (4) square feet in area.

18G. Permanent Signs Requiring a Zoning Permit

The Zoning Enforcement Officer shall issue a Zoning Permit in connection with the following signs within 30 days after receipt of a request demonstrating compliance with these Regulations.

1. Business Identification Signs for Industrial and Commercial Uses (for residential uses, see Section 18E and 18F).

    a. Wall signs in General Business, Gateway Mixed Use Industrial, and Industrial Zones

        i. Wall Signs
        ii. Wall signs shall have an area not exceeding a total area of one-half (1/2) square foot for each linear foot of building front for the first fifty (50) feet of building front; one-quarter (1/4) square foot for each linear foot of building front for the next fifty (50) feet of building front; and one-eighth (1/8) square foot for each linear foot of building front for the third fifty (50) feet of building front, such calculation to be based on the front building wall of each individual occupancy
        iii. Neon or LED signs are permitted on the exterior of a wall or interior of a window, provided that the sign area is included in the total area of the wall sign as set down above, provided the sign area or face of the neon sign is no more than 25% of the total permitted wall sign area, and provided that the LED sign message is fixed and not intermittently displayed.
        iv. Entrance canopy signs and awning signs are permitted, provided that the sign face does not exceed 25% of the total canopy or awning area, and provided that the square footage of the sign is including in the total wall sign area allocation.
        v. No credit for sign area shall be provided for linear building front exceeding 150 feet.
        vi. Wall Signs may be internally illuminated or externally illuminated

    b. Freestanding Signs in General Business, Gateway Mixed Use Industrial, and Industrial Zones

        i. No more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the General Business and Industrial Zones. In the Gateway Mixed Use Industrial Zone, no freestanding sign shall be permitted except as provided in 18.G.1.c.ii below,

ii. A freestanding sign shall not exceed thirty-six (36) square feet in area, except that such freestanding signs for properties with multiple occupancies may be increased by 12 s. f. for each additional occupancy.

iii. Neon or LED signs are permitted as components of freestanding signs provided that the sign area or face of the neon sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.

iv. A freestanding sign shall be not less than fifteen (15) feet from any lot line, except the front yard setback wherein the setback is 0, or 20 feet from the sight line, whichever is greater.

v. A freestanding sign shall be located at least 100 feet from an adjacent residential zone.

vi. Maximum height from ground level to the top of a freestanding sign shall not exceed 12 feet.

c. Total Sign Area in General Business, Gateway Mixed Use Industrial Zone, and Industrial Zones

i. The total sign area of all signs on the premises shall not exceed three (3) s. f. per linear feet of building front or two-hundred and fifty (250) square feet, whichever is smaller, except as provided in Section 18G.1.c.ii. and 18G.1.c.iii

ii. Freestanding <u>Signs in the Gateway Mixed Use Industrial Zone.</u> The Commission may allow one (1) ground sign per street frontage, which sign shall not exceed thirty-six (36) square feet in area and shall be not less than zero (0) feet from any Street Line and not less than fifteen (15) feet from any other lot line; and which sign shall not exceed a maximum height of twelve (12) feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Section 18G.1.b except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one (1) directory sign mounted on the ground or on a building wall, which sign shall not exceed thirty-two (32) square feet in area and shall be not less than fifty (50) feet from any Street Line nor less than fifteen (15) feet from any other lot line; and which sign shall not exceed a maximum height of eight (8) feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such sign freestanding or directory signs only under the following conditions:

1.The development consists of two (2) or more individual buildings and two or more individual businesses;
2.The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza, or other central pedestrian-friendly common space;
3.All parking is used by the businesses in common and street access is restricted to one (1) public entrance per lot frontage (the Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per 9B.4.j below;)
4.The development includes a landscaped area along all road frontages, other than access and loading driveways;
5. No individual building displays a wall sign that is visible from the street;

6. Approval of the ground sign and directory sign under this sectionshall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.

iii. Directional Signs. The Commission may allow directional signs not to exceed two (2) square feet in area nor higher than four (4) feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency access ways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.

d. Wall Signs in Neighborhood Business Zones and Rural Mixed Use Zones

i. Wall Signs

a. Wall signs for each occupancy shall have an area not exceeding a total area of one-quarter (1/4) square foot for each linear foot of building front for the first fifty (50) feet of building front; and one-eighth (1/8) square foot for each linear foot of building front for the next fifty (50) feet of building front, such calculation to be based on the front building wall of each individual occupancy

ii. No credit for sign area shall be provided for linear building front exceeding 100 feet.

iii. Wall Signs shall be externally illuminated; internally illuminated signs are prohibited.

e. Freestanding Signs in Neighborhood Business Zones and Rural Mixed Use Zones

i. Not more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the Neighborhood Business Zone. In the Rural Mixed Use Zone, no freestanding sign shall be permitted except as provided in 18G1.d.ii below,

ii. A freestanding sign shall not exceed eighteen (18) square feet in area, except that freestanding signs for properties with multiple occupancies may be increased by 8 s. f. for each additional occupancy.

iii. LED signs are permitted as components of freestanding signs provided that the sign area or face of the LED sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.

iv. A freestanding sign shall be not less than fifteen (15) feet from side and rear lot lines, and may be 0 feet at the front property line.

v. Maximum height from ground level to the top of a freestanding sign shall not exceed 6 feet.

vi. Freestanding Signs shall be externally illuminated; internally illuminated signs are prohibited.

f. Total Sign Area in Neighborhood Business Zones and Rural Mixed Use Zones

i. The total sign area of all signs on the premises shall not exceed one and one-half (1.5) s. f. per linear feet of building front or one-hundred and fifty (150)

square feet, whichever is smaller. except as provided in Section 18G.1.d.ii. and 18G.1.d.iii

ii. Freestanding Signs in the Rural Mixed Use Zone. The Commission may allow one (1) freestanding sign per street frontage, which sign shall not exceed eighteen (18) square feet in area and shall be not less than zero (0) feet from any Street Line nor less than fifteen (15) feet from any other lot line; and which sign shall not exceed a maximum height of six (6) feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Section 18G.1.f except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one (1) directory sign mounted on the ground or on a building wall, which sign shall not exceed eighteen (18)square feet in area and shall be not less than fifty (50) feet from any Street Line nor less than fifteen (15) feet from any other lot line; and which sign shall not exceed a maximum height of eight (8) feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such freestanding or directory signs sign only under the following conditions:

1.The development consists of two (2) or more individual buildings and two or more individual businesses;
2.The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza, or other central pedestrian-friendly common space;
3.All parking is used by the businesses in common and street access is restricted to one (1) public entrance per lot frontage (the Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per 9B.4.j below;)
4.The development includes a landscaped area along all road frontages, other than access and loading driveways;
5.No individual building displays a wall sign that is visible from the street;
6.Approval of the ground sign and directory sign under this section shall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.

iii. Directional Signs. The Commission may allow directional signs not to exceed two (2) square feet in area nor higher than four (4) feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency access ways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.

18H. Signs Subject to Site Plan Review Approval by the Planning and Zoning Commission

1. Comprehensive Signage Plan

Any use subject to Site Plan Approval by the Planning and Zoning Commission shall be required to apply for any and all signage associated with the application, including the requirement for a comprehensive signage plan for the overall property. The Commission may delegate approval of specific sign details to the Zoning Enforcement Officer. All signs shall be subject to the requirements of Section 16A.3.r and Section 16A.3.x.3.j of these Regulations. The time period for action on these signs shall be the same as for the site plan application for approval of the use.

2. Changeable Copy Signs in Business and Industrial Zones

    a. The Commission may allow a changeable copy sign by Site Plan Review pursuant to Section 16A for up to 20% of either the allowable wall sign area or 20% of the allowable freestanding sign area for purposes of on-premises special event or sale advertizing, which area is in addition to the maximum allowable sign area permitted in Section 18G. No temporary signs or message board signs pursuant to Section 18F and 18I other than a grand opening sign shall be permitted for any property for which a changeable copy sign has been approved. The time period for action on these signs shall not exceed 35 days notwithstanding the provisions of Section 16A.

3. Message Board Signs

    a. The Commission may allow Message Board signs by Site Plan Review, provided that the signs meet the following standards:
        i. The message board component is integral to the freestanding sign
        ii. The message component of the sign face shall be encased to provide protection from the weather.
        iii. The sign shall not be internally lit.
        iv. The sign shall not exceed 16 s. f. in area, shall count towards either the wall sign or freestanding sign size limitations, as applicable; and shall be no more than 50% of the total area of the sign.
        v. No temporary signs or changeable copy signs pursuant to Section 18F and 18H other than a grand opening sign shall be permitted for any property for which a message Board sign has been approved
        vi. The time period for action on these signs shall not exceed 35 days notwithstanding the provisions of Section 16A.

4. Off-site Signs

    The Commission may grant a Site Plan Review to endorse the permitting of an off-site sign by the Board of Selectmen within a Town ROW, or by the State DOT within a State ROW, provided that the following standards are adhered to:

    a. The property is in a GB or I Zoning District, or is a bona fide agricultural commercial use in a residential district and does not have frontage on a State Route.
    b. Compliance with the siting requirements of Section 18 L.

c. The height and size of the sign are in accordance with the requirements for a freestanding sign in a GB or I zoning district.
d. A freestanding composite sign for multiple properties shall be permitted in accordance with the size requirements of Section 18G1b2
e. The time period for action on these signs shall not exceed 35 days notwithstanding the provisions of Section 16A.

18I. Special Signage Regulations
In addition to the standards of this Section 18, the following standards shall apply, and in the case of any conflicts, the following standards shall prevail. Signs in this section shall be subject to the approval of a Zoning Permit, which shall be acted on within 30 days of receipt of a sign application:

1. Signs associated with Adult-oriented establishments in GB Zones

   No sign visible from the exterior shall contain photographic or artistic representation or written description of the human form, or of any specified anatomical areas as defined in the Town's Adult-oriented Establishments Ordinance

2. Signs Associated with Golf Courses Developed in Accordance with Section 10 of these Regulations:
   a. One free standing sign not to exceed 32 s. f.
   b. No closer than 0 feet from the property line along the public road from which access is provided, but 15 feet from side or rear yards.
   c. No interior lighting
   d. 12 feet maximum height
   e. No interference with visibility or traffic hazard
   f. ID message allowed on reverse side of sign board

3. Signs Associated with Continuing Care Facilities and Multi-family Complexes
   a. Such signs shall be located at the driveway entrance,
   b. Such signs shall be no more than 32 s. f. in area
   c. Such signs may be located on the street line, but shall maintain a 15 foot setback from any side or rear yard.

4. Identity Signs for governmental, non-profit, educational, chartable, or religious institutions
   a. One freestanding sign not to exceed 24 s. f. in area

18J Orientation of Signs in Business and Industrial Zones

1. No sign shall face the side of an adjoining lot if such lot is in a Residence Zone.
2. No sign shall face a limited access highway or other street from which the lot has no direct vehicular access

18K. Hazards or Obstruction to Vehicular and Pedestrian Traffic

No sign shall be placed so as to obstruct pedestrian or vehicular traffic, or create a sight line impediment to such traffic.

18L. Determination of Sign Area

The area of a sign shall be determined in accordance with the definition of "sign area or face" contained in Section 2 of these Regulations.

18M. Construction / Design

All signs (including temporary signs permitted pursuant to Section 18F) shall be professionally designed and constructed of weather-resistant materials. Special events signs shall not be subject to the same standards as other temporary signs.

18N. Illumination

All signs shall meet the Outdoor Lighting requirements of Section 3A.20 of these Regulations.

18O. Removal of Sign Faces After Termination of Use

All wall and freestanding sign faces shall be removed within 30 days after the permanent closure of any business, but such removal shall not affect the right of the current or future property owner to install a sign within each sign face equal to or less than the area of the sign previously existing on the property. Removal of the structure supporting each sign shall be deemed to be permanent abandonment, and consequently the installation of new signage and structures supporting those signs must conform to these Regulations in effect at the time the new sign is proposed.

SECTION 19 - ZONING BOARD OF APPEALS

19A. The Zoning Board of Appeals shall have the powers and duties as set forth in Section 8-6 of the Connecticut General Statutes of Connecticut, as amended from time to time.

19B. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in zones in which such uses are not otherwise allowed.

19C. Any appeal or application addressed to the Zoning Board of Appeals (ZBA) shall be on a form prescribed by the ZBA accompanied by the required fee, written evidence of the applicant's interest in the subject property (deed, lease, purchase option, etc.) and three copies of a plot or site plan with the following information:

19C.1 Applicant's name and address together with names of any other parties involved.

19C.2 Location of the property and names and addresses of all current property owners within five hundred (500) feet, as shown in the records of the Town Assessor.

19C.3 Descriptions of the hardship claimed and of the variance or action requested, including the specific paragraph of the zoning regulations to be varied.

19C.4 Statement of any previous request for any similar variance and its disposition.

19C.5 A concise statement of appeal (if applicable), indicating why a decision or action of the Zoning Enforcement Officer should not be sustained. Such statement, plus all associated information, must submitted within thirty (30) days of the date of the action being appealed.

19D. Supplemental Notice

19D.1 Posting of Sign. No less than ten (10) days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any request for Variance. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the general nature of the application; and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. An information sheet providing specifications for the construction of the sign shall be available in the Land Use Office. No sign need be posted for the continuation of a public hearing once it has opened.

19D.2 Notice to Abutting Landowners. The applicant shall also notify all landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time, place of the public hearing of the Board, and general nature of the application at which said Variance is to be considered, such form of notice to be provided by land use staff.. The applicant shall mail such notice at least ten (10) days preceding the date of said hearing, and shall submit to the ZEO certificates of mailing of the abutter notices. No notice shall be required for the continuation of a public hearing once it has been opened.

19E. Findings; Action by Board:

After conducting a public hearing according to statutory requirements, the Zoning Board of Appeals may grant or deny the appeal within limits established by the Connecticut General Statutes and by these Regulations, as amended from time to time. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist:

19E.1 That if the owner or applicant complied with the provisions of these regulations, the owner or applicant would not be able to make any reasonable use of the property.

19E.2 That the difficulties or hardship are peculiar to the property in question, in contrast with those of other properties in the same zone.

19E.3 That the hardship was not the result of the owner's or applicant's own action.

19E.4 That the hardship is not merely financial or pecuniary.

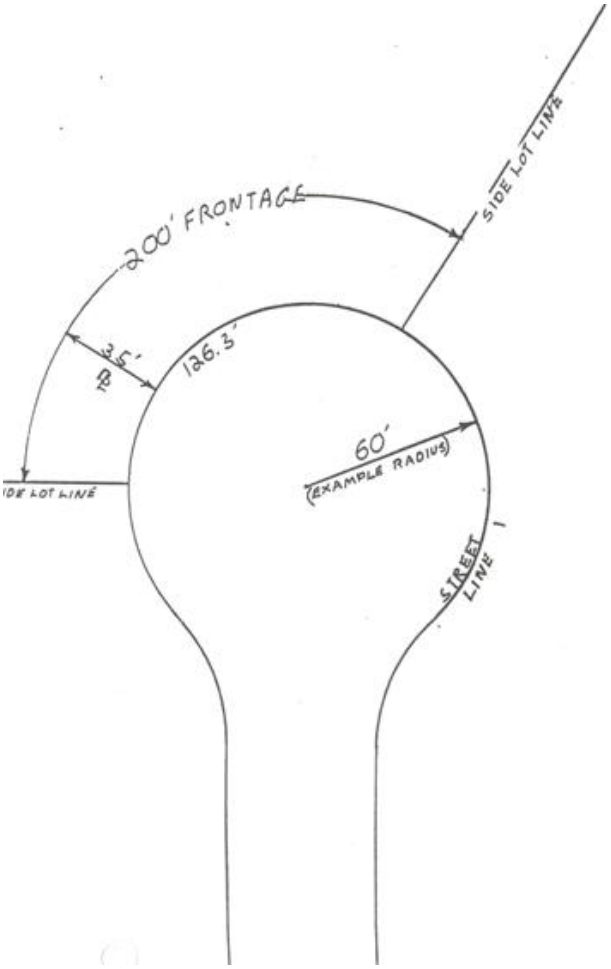
SECTION 20: SEVERABILITY

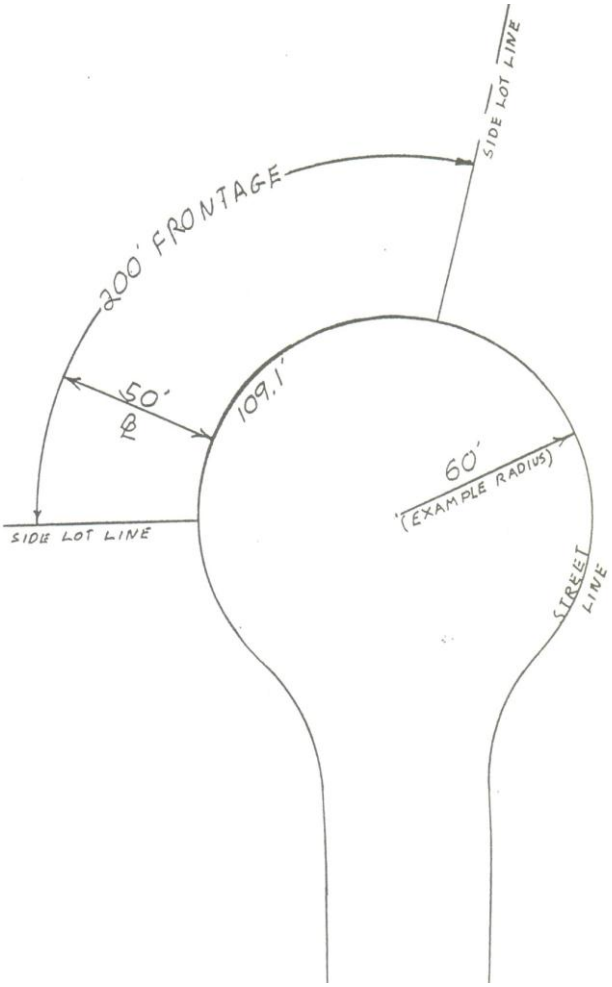
If any section, paragraph, subdivision, clause, provision, sentence, phrase, or word of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, provision, sentence, phrase, or word as adjudged, and the remainder of these regulations shall be deemed valid and effective.

SECTION 21 EFFECTIVE DATE

The effective date of these revised Regulations shall be: August 1, 2011

APPENDIX "A"



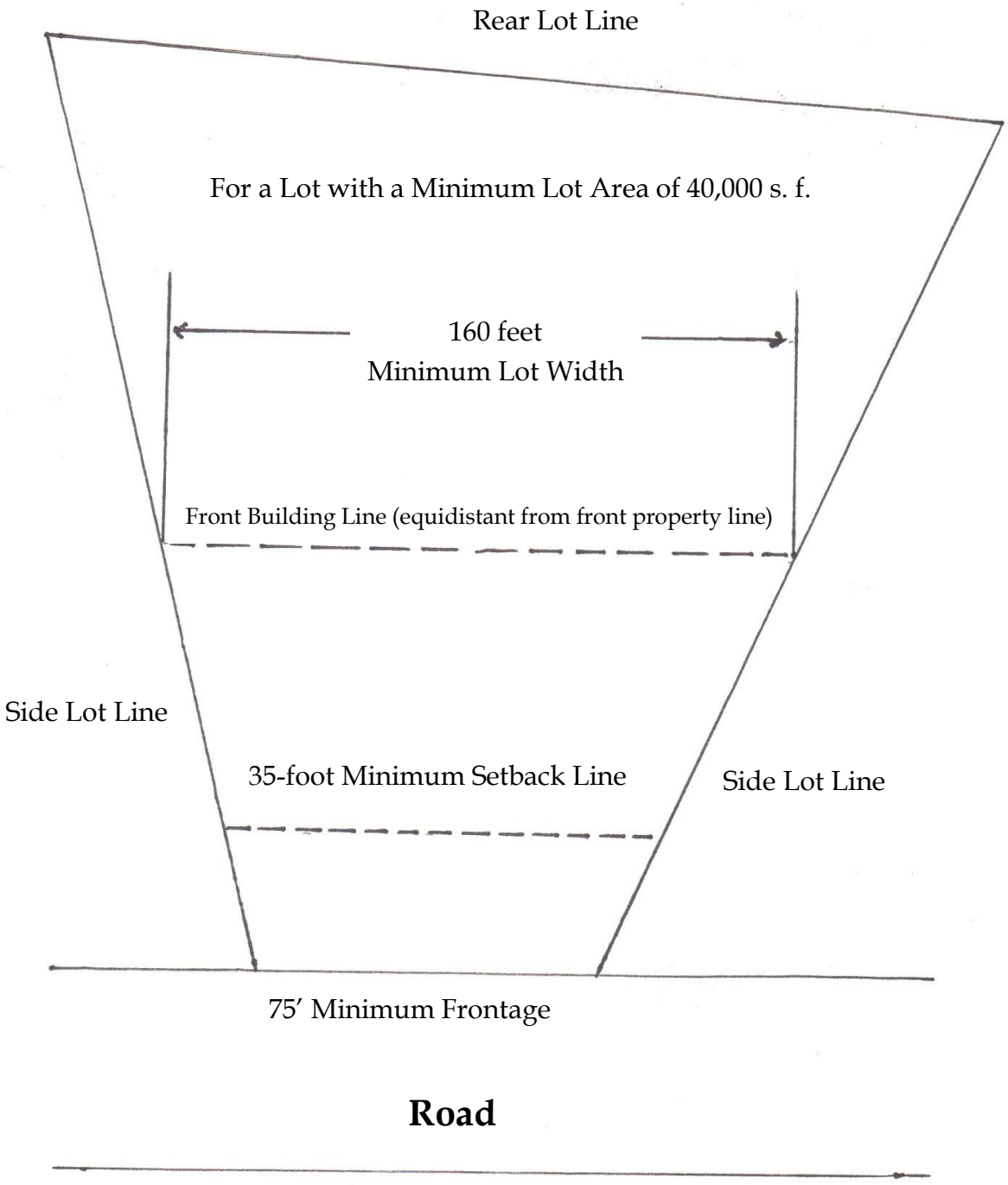


Illustrative Variable Frontage / Building lines on a Cul-de-sac in an R-1 Zone

Building Line / Front Yard Setback Measured from Street Line	Frontage measured along Building line / Front setback Line	Frontage as Measured Along Cul-de-sac ROW Line
35 feet	200 feet	126.3 feet +/-
50 feet	200 feet	109.1 feet +/-
100 feet	200 feet	75.0 feet +/-

APPENDIX "B"

Setback and Minimum Lot Width Requirements for Irregular Lots



Architectural and Site Design Guidelines

Bolton, Connecticut

Approved: June 25, 2012

Effective: June 30, 2012

Bolton Planning and Zoning Commission

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Chapter 1: Introduction

1.1 Overview

***PURPOSE**: The Bolton CT Architectural and Site Design Guidelines is to provide guidance for project planning and design, its integration within a neighborhood, and promote quality design and construction for commercial, mixed use, and high density residential developments that are part of Incentive Housing Zones and mixed use developments, when the residential use is either directly or indirectly mixed within the proposed development.*

The *Bolton CT Commercial and Mixed Use Design Guidelines* (the Design Guidelines) is an essential tool for providing guidance for planning and design of new and infill development in commercial, mixed use and Incentive Housing Zones throughout the Town of Bolton (the Town). The Design Guidelines will assist in ensuring new, renovated and infill development is designed and constructed in a manner that is compatible with the town's historic context, neighborhood character and architectural styles throughout the Town. The Design Guidelines encourage a sustainable and prosperous economic environment.

These guidelines complement various policies and guidance already in place within the Town. The guidelines share similar goals and objectives, but the Design Guidelines focus on the building and spaces between as a unique, comfortable and safe environment.

As the title of this document implies, these Design Guidelines are not intended to constitute a rigid set of requirements, but rather to guide the design process for the applicant, the Commission, and the public. Where dimensional of other numeric criteria are provided, they shall nonetheless be deemed as advisory and not mandatory. Where these Guidelines conflict with the Zoning Regulations, the Regulations shall prevail. Where the Commission approves an application that is inconsistent with these Design Guidelines, such approval shall be deemed to be a waiver or modification of the Design Guidelines, whether or not expressly stated in such approval motion.

To accomplish this goal, the following objectives shall be a priority for all development:

- Create architectural styles that are compatible with each other and harmonious with the surrounding architecture and neighborhood fabric.
- Create a unique sense of place that promotes pride and social interaction among residents and visitors.
- Ensure that the community is open and accessible to all Bolton residences.
- Promote transit oriented design

The Design Guidelines promote high quality architecture and compatibility with existing neighborhoods and consistency in style throughout the Town. The Design Guidelines encourage the use of architectural styles that define the character of the Town and that the community values.

The Design Guidelines are not intended to dictate one particular architectural style, prohibit new types of development, or discourage the use of progressive sustainable materials or new technologies. They are intended to be a guide during the preliminary planning, design, permitting, and construction phases. The Design Guidelines foster well designed, livable, visually appealing neighborhoods.

1.2 Design Guideline Organization

PURPOSE*: The Design Guidelines provides guidance for planning and design principles that are commonly encountered during a project.*

The Design Guidelines are organized sections providing recommendations on specific topics of planning and design. Generally, each topic is structured into three components. 1) *Purpose* defines the relevance of the topic as it relates to quality design, welfare of the public, or protection of resources. 2) A discussion follows explaining the importance of the topics, general concepts, and philosophy of implementing the topic. 3) *Design Guidelines* outlines methods or procedures recommended to be implemented in order to achieve the purpose of the topic. While the outline is not meant to be an exhaustive list, it provides the basis to ensure it is meeting the intent of the Design Guidelines.

1.3 Applicability and Design Integration

***PURPOSE**: The Design Guidelines are intended to be used for all new, infill or adaptive reuse development within the Town.*

The Design Guidelines are intended to be used for new, infill or adaptive reuse for all commercial mixed use development and residential development when a part of development in a mixed use and IHOZ zone. This includes commercial, single family, duplex, townhomes, mixed use and multifamily dwellings. Primarily, the Design Guidelines will be applied Zoning Districts:

- Incentive Housing Zones
- Gateway Mixed Use Zone
- Rural Mixed Use Zone
- Neighborhood Business
- General Business
- Route 6 Hop River corridor

- Open Space Subdivisions (The Design Guidelines shall apply to overall open space subdivision design outside of mixed use and IHOZ zoning districts, and not to design of residential structures and associated private improvements.)

The following are the definitions of each residential type as defined within the Zoning Regulations:

Duplex. Same as "Dwelling, Two-Family."

Dwelling, Multifamily. [Same as current language but add at the end] including Townhouse Dwellings.

Dwelling, Townhouse. A Multifamily Dwelling that contains three (3) or more Dwelling Units that are attached by a common or shared wall, and in which each Dwelling Unit extends from the foundation to the roof and has vacant land on at least two (2) sides. The land is generally held in common ownership

Mixed-Use. Refer to the Zoning Regulations.

A single family home with traditional front and side entries can be adopted as a duplex home that appears to be a single family residence.

1.4 Related Documents

***PURPOSE**: To ensure the Design Guidelines complement existing Town ordinances, policies, and planning documents.*

The Design Guidelines have been developed to complement additional policies, ordinances, and documents prepared by the Town to regulate or guide development patterns throughout the Town. In the event a conflict is found between regulations and Design guidelines, the regulations will prevail. The user of the Design Guidelines shall consult the following documents:

1. Plan of Conservation and Development
2. Zoning Regulations
3. Subdivision Regulations
4. RT 44 Bolton, CT Strategic Corridor Plan
5. RT 6 Hop River Corridor Economic Development Strategy and Master Plan Study

1.5 Design Review Requirements

***PURPOSE**: To encourage a comprehensive plan review process that accurately explains and depicts the application of the various aspects of the design guidelines outlined within this document.*

Design review assists both applicant and town to ensure the design guidelines outlined within this document are appropriately applied. Preliminary design review is encouraged to occur at the conceptual design stage as well as during site plan approval. The following methods and processes are recommended.

1. Preliminary Site Analysis. The applicant shall conduct an analysis of the site. The analysis shall document such pertinent information that influences the design of the site, buildings and visual impacts of adjoining and nearby properties. This includes but is not limited to steep slopes of 20% or greater, the shape of the land, wetlands/watercourse, views/vista, stone walls specimen vegetation and critical habitat. The CT Natural Diversity Database shall be consulted.
2. Viewshed Review. Bolton consists of a diverse topographic landscape with contributes to scenic views and vistas. Available GIS information shall be consulted to determine if development will impact the scenic quality from other locations throughout town. If a possible impact is anticipated, building siting, landscaping and site improvements shall be planned to mitigate visual impacts.

3. Conceptual Master Plan. A conceptual master plan shall be prepared to show the general location of future buildings, parking lots, vehicular and pedestrian circulation, common open spaces, utilities, service areas, stormwater systems and other components of site development. Multiple site elevations, sketches and/or perspective drawings are encouraged to be included in the earliest stages of the review process and the preliminary site analysis and viewshed review.
4. The master plan shall show how traffic, stormwater systems and utilities will be integrated and coordinated with adjacent properties, pedestrians, cyclists and transit and vehicular traffic.
5. Illustrate the measures that will be taken to preserve significant natural or cultural features such as wetlands, specimen trees or stone wall.
6. If to be constructed in phases, the sequence of development and the steps to be taken to ensure compatibility between proposed and future activities.
7. All elevations of proposed buildings shall be evaluated as part of the design review and shall be consistent with the architecture to be built and accurate in context with the environment.

1.6 The Town of Bolton: Historic Context

***PURPOSE**: To ensure building and site design respects and is compatible with the historic styles and rural character of the Town of Bolton.*

Bolton enjoys a rich history, an intact inventory of historic buildings, farms, woodlands and scenic vistas. Instrumental in the settlement and independence of the United States, Bolton strives to preserve its heritage and architectural character while promoting economic growth. All applications shall be compatible with the historic nature and celebrate the communities heritage and unique qualities by:

1. Development (site and building) shall respect the architectural styles prevalent within the community.
2. Understanding the significance of historic events at or near the development site and integrated into the naming, branding, and design of the development.
3. Wherever feasible, interpretive panels or markers that bring awareness to the town's culture and heritage shall be integrated into the planning and design.
4. The following images represent the town's character and every effort shall be made to enhance and celebrate this sense of place.

Bolton Heritage Farm: Perhaps the focal point of the community, the Rose Farm exemplifies the beauty of New England farmlands. The rolling terrain, stone walls and vegetation are clear examples of rural New England. The architecture and landscape can bring inspiration to any development project.

Historic Bolton Center: Representative architecture of Bolton Center, a traditional rural agricultural town center.

Views and Historic Architecture are dominant and unique aspects that contributes to Bolton's community character and strong sense of pride. The view to the right overlooks the Hop River valley and Route 6 corridor. Development along Route 6 could have an impact of this viewshed. The Jared Cone house, c. 1780-1810, is an example of the federal style. Its barn, attached to the rear of the house, depicts how, even a larger structure, can be integrated into the architecture of the principal building while not dominating the landscape.

Bolton Businesses: These businesses, located adjacent to each other and within a Neighborhood Business Zone, represent high quality examples of how a business can be successful, the structures designed in context with the community and the neighborhood. Their presence reinforce the streetscape, neighborhood and while still positively contributing to the local economy.

2.1 Overview

***PURPOSE**: Special Planning and Design Considerations applies to unique and common issues that may be applicable to all forms of development.*

Development impacts the neighborhoods it is situated within, the natural resources, influences the quality of life, and the public's health, safety and welfare. The planning, design and construction industry has increasingly become aware of how decisions regarding development influence these various aspects. New standards, rating systems, methods, and permitting policies continue to evolve in an attempt to mitigate the impact development has on natural and financial resources and quality of life. *Chapter 2: Planning and Design Considerations* discusses some of the evolving strategies that have applicability to development within Bolton and elements commonly found within a development that influence quality of life for residents.

Streetscape defined by residences and buildings close to the street frontage, decorative lighting and sidewalks reinforce a pleasant pedestrian environment. Reinforced by public spaces and buildings help to create traditional residential that promote social interaction and a sense of place.

2.2 Design and the Human Scale

***PURPOSE**: Designing for the human scale creates unique, vibrant, and pleasant spaces that encourages social interaction, healthy neighborhoods, and creates pride throughout the community.*

The Design Guidelines are an essential tool for higher-density developments. Higher-density development by its nature places buildings and site features in closer proximity to one another. Therefore, the details, patterns, scale, and rhythm of one building is influenced by those of nearby structures and harmony becomes of utmost importance. Buildings can also define public spaces such as streets, courtyards, and village greens where people gather. The most comfortable public spaces for such activity are built at a human scale. The human scale is therefore an important aspect of creating a livable and pleasant residential community.

<u>Design Guidelines</u>

1. Front porches and stoops facing the streets
2. Sidewalks, benches, and tranquil spaces
3. Street trees and plantings
4. Orientation of uses
5. Pedestrian friendly environments
6. Multimodal transportation amenities (i.e. bus shelters) along routes for existing and proposed/planned transit routes
7. Bike storage at employers/transit or racks for temporary use (approx. 1 hour)
8. Shower facilities for employees who commute through alternative means
9. Connectivity and linkages to open space/recreation areas and bike lanes
10. Low scale site lighting
11. Architectural detailing
12. Minimal curb cuts

Narrow roadways, fences and landscaping also contribute to a pedestrian oriented environment, as depicted in the above photos from Edgartown and Mashpee, MA.

13. Fences or other defining means (i.e. hedges) delineating public space from private space and between private spaces
14. Spacing between buildings
15. Integrate pocket parks.
16. Promote on street parking.

2.3 Town History

***PURPOSE**: Embracing the rich heritage of the community and integrating elements of the past into a project's design celebrates and preserve what has made Bolton a great town to live, work and play.*

The design and planning of both site and building elements shall be reminiscent of Bolton's heritage and respect cultural resources.

Design Guidelines

1. Preserve existing stone walls or rebuild when their preservation is not feasible.
2. Use site amenities that blend with the indigenous character of the landscape.
3. When development is proposed upon or near a site of significant historical events or uses the development shall celebrate its history by integrating design patterns or commemorative monuments within the plan.

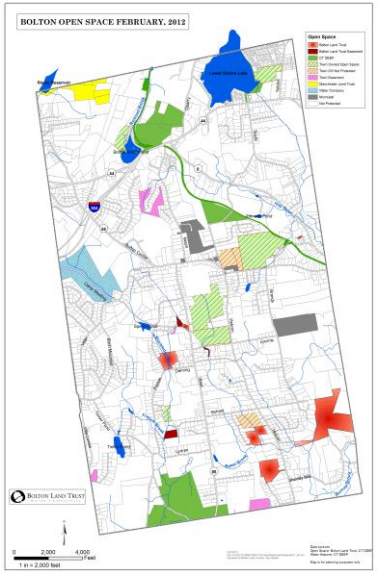
2.4 Master Planning and Site Design

***PURPOSE**:* To create a plan that respects and responds to natural, cultural and community resources.

Initial master planning and site design shall be executed with the project's architectural goals and objectives in an integrated fashion. Ensuring that the building design responds to the particular demands of a given site can reduce development costs, preserve the landscape, and respect the existing built environment. The guidelines noted below will assist in guiding initial planning and present suggestions for detailed design within public rights of way and private spaces.

<u>Design Guidelines</u>

1. Protect the natural, historic and cultural resources
2. Respect the existing patterns and features of the built environment such as street patterns and building walls
3. Preserve and enhance views and vistas
4. Deal appropriately with slopes and landforms
5. Protect mature and specimen vegetation
6. Protect and preserve stone walls
7. Provide linkages to open space and recreation
8. Offer active recreation options to promote physical exercise and 'healthy neighborhoods'
9. Respect for existing building lines along existing and proposed streets
10. Protect the historical context of the community by enhancing existing neighborhoods and creating new neighborhoods using traditional village styles
11. Utilize access management to reduce curb cuts and promote linkages between properties



During the initial planning stages, site and regional resources shall be considered. Using GIS or other digital means, the design team and town can make informed decisions that respond to a site's characteristics.

12. Provide clear and organized pedestrian connections within parking areas and the linkages to the development its serves – including integrating connections to the public right of way and other nearby properties the Commission feels is in the best interest for all nearby development.
13. Provide parking and storage for bicycles and other nonmotorized forms of transportation.
14. All proposed improvements shall consider the human scale; lighting, building facades and materials, landscaping, and hardscape shall be selected based upon its appropriateness for a pedestrian oriented environment.

2.5 Connectivity: The Community Fabric

***PURPOSE**: To integrate development into the existing fabric of the Town and reduce dependence upon the automobile by promoting connectivity with existing development patterns.*

The community fabric is the physical form of a community. This form organizes, defines, and characterizes the place. Properly designed, a fabric contributes to creating a vibrant walkable place that is integrated into the existing fabric of its surroundings.

Design Guidelines

1. Promote loop or u-roads and align intersections with existing roadway network when public safety is not compromised. When vehicular access is not feasible plan for pedestrian streets to maintain connects between neighborhoods.
2. All sidewalks shall connect to other walkways. When a walk terminates at a property line and at a point for a future walk, a paved walk surface shall be provided to the edge of an existing paved public right of way.
3. Integrate bump outs along roads to enhance pedestrian connections.
4. Integrate bike lanes into all public rights of way and corridors of travel.

2.6 *Sustainable Design Integration*

***PURPOSE**: To reduce energy consumption, create walkable communities, reduce dependence on the automobile, and conserve natural resources.*

Applicants are encouraged to employ sustainable and energy-efficient planning, design, and construction methods. Planning for solar gain; rooftop solar power; recapturing rain water; using recycled materials and locally manufactured products; utilizing indigenous materials; planting native flora for landscaping; and using energy-efficient foundation and wall insulation that meet or exceed code requirements are strongly encouraged. Various planning and design guidelines exist that can help prioritize and plan for these methods including LEED, LEED-ND, and EnergyStar. It is encouraged that these documents be consulted and, when appropriate, incorporated into the planning and design of renovations and new construction.

Design Guidelines

1. Consult various sources as noted above and determine the appropriate certifications, principals and criteria to be implemented. Attempt to incorporate as many of the concepts and principals into the development of building and site.

2.8 *Active Design*

***PURPOSE**: To promote the design of healthy buildings, streets and public spaces that facilitates physical activity during daily routines. Increased physical activity helps to combat obesity and related diseases and facilitates healthier lifestyles.*

Active design is the process of designing features within the landscape and buildings that promotes physical activities in daily lives by discouraging sedentary behavior. Obesity and related diseases have significantly increased during the past decades and corresponds to design trends that promote the use of automobiles and mechanical means to help pedestrians move through public spaces.

Design Guidelines[1]

Site Design

1. Develop and maintain mixed land use in Town neighborhoods.
2. Improve access to transit and transit facilities.
3. Improve access to plazas, parks, open spaces, and recreational facilities, and design these spaces to maximize their active use where appropriate.
4. Improve access to full-service grocery stores and fresh produce.
5. Design accessible, pedestrian-friendly streets with high connectivity, traffic calming features, landscaping, lighting, benches, and water fountains.
6. Facilitate bicycling for recreation and transportation by developing continuous bicycle networks and incorporating infrastructure like safe indoor and outdoor bicycle parking.

---

[1] *Source: Active Design Guidelines; Promoting Physical Activity and Health in Design, copyright 2010, Town of New York*

2.9 Transit Oriented Development

***PURPOSE**: To reduce the dependence on automobiles, increase access to public transportation and decrease the consumption of energy and emissions.*

Transit oriented development (TOD) helps to promote walkability and reduce dependence on the automobile. Transit oriented development shall be considered for high density developments including commercial, mixed use and residential projects. Considering the rural nature of many locations within the town of Bolton, it is recognized that TOD will likely only be accommodated along major state highways served by intermittent commuter transit services.

Design Guidelines

1. Determine the location of all transit stops near the development site. When transit stops are not present and development is along a transit route, plan for new transit stop locations.
2. Attempt to locate the site within 1/4 mile walk location or 1/2 mile biking distances to the transit stop.
3. Provide onsite bike lockers within buildings for use by residents and visitors.
4. If the development is not within 1/2 mile of a transit stop but is in close proximity of a bus route, work with the appropriate agency to incorporate a new transit stop within or nearby the development.
5. Orient building entrances, walkways and streets to minimize walking and biking distances to the transit stop.

2.10 Low Impact Development: Stormwater Management and Soil Erosion Control

***PURPOSE**: To reduce the burden on infrastructure, heat island effects, mimic natural drainage patterns, rates and quantities, promote groundwater recharge and treat stormwater prior to discharge.*

Preservation of the community's natural resources can be accomplished in part by considering site features. Without appropriate management of surface water runoff and infiltration, groundwater and surface water quality can be compromised. In addition to the local, state and federal requirements to manage stormwater, developments are required to employ the evolving techniques of low impact development (LID). These techniques reduce stormwater management area footprints, reduce overall disturbances, enhance stormwater quality and reduce quantity. The following list is a general guide of current LID techniques that shall be considered for development:

Design Guidelines

1. Site development shall conform to the current Connecticut Department of Energy and Environmental Protection Stormwater Quality Manual, Guidelines for Soil Erosion and Sediment Control and Bolton Zoning Regulations.
2. Low Impact Development techniques shall be used for stormwater management and soil and erosion control. Consult the appendices of the Low Impact Development and Stormwater General Permit Evaluation.
3. Low Impact Development and stormwater management shall be integrated into the overall site design and planned in a manner that the techniques appearance is part of the landscape and hardscape.
4. An overall stormwater management plan shall be designed by a the appropriate licensed professional as appropriate for the site and required by law.

5. It is strongly encouraged that a landscape architect collaborates in the design and selection of LID and other stormwater elements.
6. Large contiguous detention / retention areas are strongly discouraged. Storage areas shall be broken into small areas.
7. Indigenous planting shall be included within storage areas to help treat stormwater and create habitat.
8. Detention / retention areas shall not be located in locations visible from the street or public spaces.
9. When a detention / retention area must be located along a right of way, entry or other highly visible location, the design, configuration, landscaping and screening shall be carefully integrated into the overall design of the development and made to appear that the stormwater management area is integrate to the landscape.
10. Above and below grade detention areas are discouraged and should be the last resort means to treat and detain run-off if Low Impact Development methods cannot be employed or adequately address SWM of the site."

2.12 Streetscapes and Walkability

***PURPOSE**: To create streetscape that are at a scale appropriate for all communities, pedestrian oriented and accommodate multiple modes of transportation.*

Streets and public rights of way serve several purposes beyond the utilitarian use of vehicle movement. Streets and rights of way are social spaces that allow users to recreate, socialize, and travel on foot or bicycle. Streets are also the primary means of presenting a place to visitors through “gateways” that visually identify arrival at a village or community. It is essential that new roads and improvements to existing roads consider these contextual considerations. Narrowing roadway widths shall be promoted when appropriate. Pedestrian-scale features such as lighting,

Streets shall be designed to accommodate all users. Sidewalk ramps with texture, crosswalks that are well marked, and bike lanes contribute to the pedestrian environment of a residential and mixed use development.

textured crosswalks, street trees, pole-mounted banners and other site amenities and social spaces shall be incorporated.

Design Guidelines

1. Incorporate ‘complete streets’ concepts – plan for vehicle, bike, and pedestrians
2. Connect the right of way to open space via signage and linkages
3. Sidewalks shall be provided and constructed of a durable all weather material.
4. Provide crosswalks when all walks lead to a street. Walkway shall be continued on the opposite side (no dead end sidewalks shall be constructed).
5. Curbing may be provided when a closed drainage system is deemed the only appropriate means of storm water management. Curb materials shall be consistent with the nature of the development. Granite curb shall be considered in high traffic areas or developments of high density. Concrete curb may be considered in all other locations. Bituminous curbing is strongly discouraged.
6. Provide locations for snow storage.
7. Horizontal and vertical roadway alignments shall be designed to take advantage of views, preserve ridgelines, avoid rock outcroppings and flow with the natural topography of the landscape.
8. A landscape architect shall provide a streetscape planting plan that mitigates areas that have been cleared – restoring these locations to their natural state by utilizing indigenous plantings complementary to the surroundings.

2.13 Building Location and Architectural Rhythm

***PURPOSE**: To position residential units associated with the mixed use zones in a manner that contributes to creating a pedestrian scale street.*

In addition to the travel way of a street, building placement and the relationship among architectural styles can define a human scale streetscape. Buildings can be used to calm traffic by creating "street walls" on either side of the right of way. The narrower the street wall, the greater sense of enclosure and the more likely that vehicle will travel more slowly. Single-family development in existing neighborhoods must be well integrated with existing adjacent architecture.

Design Guidelines

1. New development shall stylistically be consistent with buildings in the area so long as they are in character with the overall architectural character defined in 1.6 the Town of Bolton: Historic Context.

2.14 Handicap Accessibility and Universal Design

***PURPOSE**: To create an environment in mixed use zones that provides access to public spaces, buildings and homes for individuals who have limited mobility.*

In addition to the required handicap accessible requirements mandated by state and local building codes, developments are encouraged to take into consideration how the disabled or physically challenged visit a building and circulate within it. The concept of 'visitability' promotes development - specifically housing - that accommodates the needs of everyone, even if the

Resources

Guidelines for Visitability and Universal Design:

Refer to AARP Website

dwelling unit is not specifically designed to be handicap accessible. Visitability helps to promote social interaction by allowing neighbors to be able to and comfortable visiting other neighbors. Visitability can be accomplished by incorporating simple design elements into the development.

Design Guidelines

1. Make at least one entrance handicap accessible
2. Provide one bathroom on the first floor and make it handicap accessible
3. Allow handicap accessible access between the main living areas and dining spaces
4. Make public spaces and recreation areas handicap accessible and reduce barriers throughout.
5. Landscape with the elderly and disabled in mind (i.e. accessible garden spaces, containers, etc).

2.15 Public Safety

***PURPOSE**: To protect the health safety and welfare of the community.*

All planning and design of site and buildings shall take into account the needs of public safety providers and the adopted State, building and fire codes. This consideration shall begin at the early stages of planning by incorporating the necessary public safety professionals into the planning process. This includes understanding the requirements of fire access and protection, visibility to promote a safe and secure property, and the efficient movement of vehicles and equipment throughout the property and within buildings. The appropriate means of fire protection shall also be incorporated into the design. This includes cisterns, hydrants (where public water is provided), stand pipes or other means as deemed necessary by local officials.

2.16 Mechanical Systems, Solar Panels and Satellite Dishes

***PURPOSE**: To reduce the visual clutter and unsightly views that can be created by building infrastructure units.*

Modern mechanical systems for heating, air conditioning and other services are common components of residential buildings. Generally, compressor units shall be placed in the side or rear yards of structures. Where units are highly visible, appropriate landscaping or fencing shall be used to screen the mechanical systems from public view.

Design Guidelines

1. Roof top units shall be screened with parapet or enclosed within architectural features. Whether mechanical units are located upon rooftops or ground mounted consideration shall be given as to views from adjacent properties and along public rights of way.
2. Consideration shall be given to topography and its impact on how views into the site and upon a roof influence the unit's visibility.
3. When solar panels are to be used upon a building, the orientation of buildings, how they relate to the site, and achieve proper solar orientation shall be considered to reduce the solar panel's appearance. Building mounted solar panels shall be integrated into the architectural design.
4. Ground mounted structures shall not be visible and screened with landscaping/fencing to minimize their visual impact.
5. It is recommended that satellite dishes be located in such a manner that they are not highly visible. If attached to the residence, the dish or antennae shall be located to the rear or side of the building, preferably on the side or rear slope of the roof where it is not visible from the street. If it is placed on the side of a building on a corner lot, or it is proven that the front yard is the only possible location, the dish must be screened with vegetation or other appropriate material so that it is not readily visible from the right-of-way.

Chapter 3: Development Considerations within the Route 44 and 6 Corridors

3.1 Route 44 Corridor

Bolton's Route 44 corridor traverses varied landscapes and contrasting scales of development. At the Manchester/Bolton town line, development consists of commercial 'strip' style development consisting of restaurants, services, recreation and industrial uses. Many of the uses within this area contribute positively to Bolton's economic viability while some do not represent the highest and best use of the area. In most cases, development within this location is not in character with the community and does not reflect the intent of these Design Guidelines. All renovations and/or development within this location shall take into account the criteria set forth herein. Furthermore, a future vision plan for development within this location has been created and is incorporated into these Design Guidelines. *The Bolton Architectural and Site Design Guidelines Accompaniment: Concept Plan*, on file with the Bolton Land Use office, shall be referred to as an example of future development within this area.

Plans prepared by Goderre & Associates - www.goderreassociates.com

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Chapter 4: Commercial, Mixed Use & Multi-Family Development

4.1 Site Design

4.1.1 General

PURPOSE: Each property in Bolton's commercial and mixed use areas is unique and each needs to be developed with a careful understanding of the site, while also improving the visual character, safety and function of the area.

Site development shall respect the uniqueness of each property and reinforce Bolton's historic character and sense of place. It shall create an attractive, functional and safe environment that is beneficial to business, and encourages walking and cycling to, and within, the area by providing safe, interconnected development. Site design shall also include access management to increase public safety and protects abutting residential properties through sensitive site planning, buffering, and architectural designs.

Design Guidelines

1. All plans for development/redevelopment shall be designed by appropriate licensed professionals (i.e. architects, landscape architects, civil engineers, traffic engineers) with the training to address issues of public health, safety and welfare.
2. The facades of buildings visible from a residential property shall use forms, materials, and details which are residential in nature, scale and appearance. All attempt shall be made to reduce the visibility of service areas, parking lots, outdoor storage yards and other similar features from residential properties.

3. Site plans with curb cuts onto arterial road ways shall promote efficient traffic flow and maintain a high level of safety for pedestrians and motorists.

4. Appropriate landscaping is important throughout the site. To enhance the appearance of the thoroughfare, special attention shall be give to the space between the roadway and the front of the building, this area shall be professionally landscaped with trees, flowering shrubs, fencing, stone walls and other elements. Existing healthy trees and shrubs shall be preserved or transplanted to another area on the site wherever possible.

4.1.2 Vehicular Circulation

***PURPOSE**: To create a safe, logical and efficient circulation pattern that plans for pedestrian movements and minimizes unnecessary impervious surfaces.*

All development will be characterized by safe, user-friendly and efficient traffic flow. Projects will be designed to reduce the number of curb cuts, provide for safe vehicular and pedestrian movement, encourage intra-parcel travel and minimize the number of roadway trips.

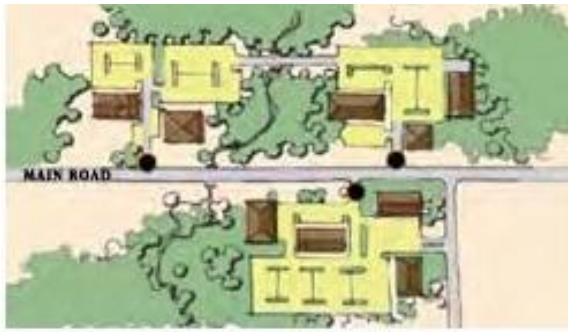
Design Guidelines

1. For multi building developments, create an easily understood, that visually links buildings and physically links walks and drives.

2. Site plans shall be designed to minimize the number of curb cuts onto town and state roads to increase vehicular and pedestrian safety.

3. Shared Access. Entrances to abutting commercial properties shall be combined whenever possible.

4. The site plan shall be designed to provide pedestrian safety by separating vehicles from pedestrian areas to the greatest extent possible.
5. Parking spaces, directional arrows, crosswalks, and other ground markings shall be delineated with pavement paint or other suitable material to ensure safe circulation.
6. The site plan will be designed to discourage speeding within the site and between abutting properties. Calming techniques that can be used include speed tables, raised crosswalks, curvilinear road alignment, on-street parking, street-side plantings, neck-downs and curbed islands.
7. Where feasible, connections between parking lots and driveways on abutting properties shall be provided. The site plan design will also anticipate possible future connections to abutting undeveloped properties. Intra-connections shall provide a safe, direct access between adjacent lots in a manner that prevents them from becoming a shortcut between roadways. Cross easements may be required to allow intra-connections.
8. Safe pedestrian and bicycle connections between abutting land uses shall be provided where possible to encourage foot and bicycle traffic and minimize vehicular traffic. The site plan design will also anticipate possible future connections to abutting undeveloped properties.
9. Drives to or from drive-thrus shall minimize conflicts with pedestrian circulation.
10. When there is a conflict with pedestrian circulation, techniques will be used to increase motorist awareness such as signage, lighting, raised crosswalks, changes in paving, or other devices. Drive-through queuing shall not be located in parking areas or other areas which would cause unsafe conditions or congestion.
11. For all driveways greater than 32ft wide, a 5 ft minimum width pedestrian island shall be installed at the crosswalk for pedestrian refuge.



The top illustration shows *a typical commercial development pattern, the black dots and wide black lines are the entry/exits from the parking* areas. *The bottom illustration* has *the* same *buildings, but through planning for* access *management and shared parking the road* is *much safer with far fewer entry points.*

12. Areas for any future or potential outdoor storage and sales areas shall be included in the initial site plan design. These areas shall be designed to complement the overall development.
13. For safe pedestrian movement within the site, service and delivery drives shall be separated from internal walkways, parking areas or pedestrian use areas by landscaped islands, grade changes or other devices.

4.1.3 On Street and Off Street Parking Areas

***PURPOSE**: To promote on street parking and create safe and attractive off street parking areas that are not dominated by large areas of pavement.*

Parking lots shall be designed to complement the building, adjacent buildings, and physical characteristics of the site and the character of the Town, and not be a dominant visual element in relation to the site and surrounding properties. The scale of the parking lot shall be reduced by minimizing the amount of paved surface and parked vehicles visible from the road.

Site plans shall be designed so the parking lots are inviting, pedestrian friendly places by careful attention to internal walkways, landscaping and lighting. Proper planning can ensure that parking lots balance the needs of both the vehicle and the pedestrian.

This parking area uses trees and planted islands to reduce the visual effect of the paved surfaces.

Design Guidelines

1. New developments are encouraged to be designed in a village style with vehicular circulation patterns that reflect streets with on street parking.

2. The majority of the parking area shall be located at the rear or sides of the commercial buildings. When it is unavoidable that parking must be adjacent to a residential zone, the lot shall be sufficiently screened with evergreen trees, earth berms, fences or shrubs. The site plan will be designed with the parking coordinated with building entrances, proper lighting and landscaping.
3. Paved surfaces of parking area shall be separated from all buildings by a minimum of an 8' wide landscaped area.
4. To reduce the visible scale of the parking lot, and to reduce the heat island affect, parking area with more than 19 spaces shall be broken up with landscaped islands and other appropriate features.
5. Landscaping shall be provided in a manner specified in the Bolton Zoning Regulations, Section 15H and 16A..
6. The lots shall be designed to facilitate safe vehicular movement throughout. Single entry parking lots are strongly discouraged, but where unavoidable, space shall be provided to safely turn a vehicle around and to avoid backing out.
7. Shared parking is strongly encouraged where appropriate, particularly where abutting land uses have differing hours of peak usage. Cross easements may be required to allow shared parking.
8. Provisions shall be made for snow storage in the design of all parking areas to avoid conflicts with landscaping, visibility, drainage or pedestrian safety. The area will be noted on the Site Plan.
9. The development of smaller commercial buildings on out-parcels within a large existing parking area is encouraged as a means to break up the scale.

Out parcels are *incorporated into the site layout to break up the scale of* a *large asphalt* area *and to utilize shared parking.*

4.1.4 Pedestrian Circulation and Spaces

***PURPOSE**: To plan with the pedestrian at the forefront of a site design and create a pleasurable and walkable experience that encourages the visitor to park once and travel by foot.*

Commercial properties shall provide attractive, safe and functional walkways to the main entrance. Entrances to buildings shall be designed to provide outdoor spaces for a variety of uses, seating/resting, displays and aesthetic enhancement, to create a pedestrian friendly environment.

This walkway is separated from the drive to the right by a wide planted area, the scale of the trees and lighting enhance the site.

Outdoor space for seating creates a pedestrian friendly atmosphere.

Design Guidelines

1. Continuous internal walkways/sidewalks shall be provided to each customer entrance.
2. Walkways shall be located where motorists can anticipate pedestrians and react accordingly.
3. Walkways shall be designed to give the pedestrian a full view of oncoming vehicles, with minimal interference from trees, shrubs and parked cars. Walkways shall avoid drive-through lanes, access and service drives and other high-traffic routes. Traffic control signs, light fixtures, trees or other potential obstacles shall be located far enough from walkways to prevent interference with pedestrian movement.
4. Walkways in parking lots shall be aligned with the main entry or focal point on the building, whenever possible, to assist in wayfinding.
5. Walkways shall be a minimum of five feet wide to allow two people to pass comfortably. Additional width may be necessary in certain areas such as those with heavy pedestrian traffic or where cars overhang the walkway.

6. Areas adjacent to walkways shall be landscaped with trees, shrubs, benches, flower beds, ground covers, or other such material.
7. Where walkways cross vehicular paths, the crosswalks shall be marked by a change in pavement material, texture, pattern or color to maximize pedestrian safety. The material selected for crosswalks shall be highly durable and low maintenance, and to allow safe bicycle movement across the surface. Raised crosswalks shall be considered at key locations as a traffic calming device and to make crosswalks more visible. Signs may be warranted as determined by the Institute for Traffic Engineers standards.
8. Sheet flow of stormwater across walkways shall be avoided. Stormwater system shall be sized to limit ponding and to provide uninterrupted use of the walkway.
9. All internal walkways shall be designed to facilitate maintenance by the property owner. The site plan shall coordinate the location of walkways with utilities, plantings, drainage and other site elements that could affect long-term maintenance.
10. Walkways shall be designed for ease of snow removal; site plans shall locate snow storage in areas that will not interfere with pedestrian movement, block visibility or cause dangerous conditions from freezing melt water.
11. In addition to the requirements of the State of Connecticut building code, internal walkways connecting all building entrances shall be located, designed and detailed in full compliance with the Americans with Disabilities Act (ADA), as revised.

4.1.5 Service and Refuse Areas

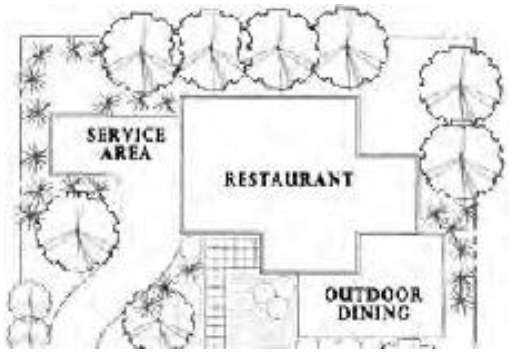
***PURPOSE**: To ensure service areas are integrated into the design of all buildings and adequately screened from view to reduce / eliminate the nuisances to nearby property*

Service areas shall be integrated into the overall site plan. The location shall address the needs of the facility while minimizing traffic or visual conflicts, noise or odors.

The service area of this chain restaurant is screened with the same material and landscaping as the building's front.

Design Guidelines

1. All facilities for service, including waste collection and storage facilities, loading and unloading areas, loading docks, storage facilities, dumpsters, recycling areas, fueling areas and vehicle service and maintenance areas shall be at the side or rear of the principal building. Locations that face public roadways or abutting residential properties shall be avoided. Overhead doors or other vehicle entrances or exits shall not be located on any facade that faces a public street or residential neighborhood.
2. Service areas shall be sized to fit the specific needs of the building's intended use. The smallest size to meet the building's future needs is encouraged.
3. Service areas shall be screened to minimize visibility from public and private streets, main entrances, abutting neighborhoods, public open spaces and walkways. Service areas shall be screened with architectural elements such as walls or fences. Screening a dumpster with a gate is discouraged; however, if required, they shall be designed to prevent sagging and for ease of use. Screening may be further enhanced with evergreen trees, shrubs and earth berms.
4. The overall material selected for screening shall complement the design of the main structure by repetition of materials, detailing, scale and color. Where chain link fencing is



The service area shown on this site plan is well integrated into the overall site plan. A fence and landscaping screen the area from abutting property, the street and entry. Service vehicles access is away from pedestrian walks.

required for safety, it shall be painted or coated in black and landscaped to screen from view.

5. Architectural screening or fencing shall be protected with granite posts or concrete filled steel bollards that will prevent damage from service vehicles.
6. Service areas shall be sited to accommodate the turning movement of service vehicles.
7. Prior to site plan submission, the applicant shall coordinate project storage / refuse requirements of the tenants and contact anticipated service companies that will be using the service areas for input into the design and siting of service areas and facilities.

For now, these evergreens screen the parking area from the neighboring property, however as they mature the loss of lower branches will reduce the effectiveness. Always design considering the species and mature habit.

4.1.6 Buffers and Screening

***PURPOSE**: To protect existing non- compatible nearby uses (i.e. residential vs. commercial) from unsightly views and noise.*

Buffers and screening shall be required between residential and commercial properties, as a visual block between public roadways and parking areas, and in certain other situations of inharmonious land uses. Plantings, earth berms, stone walls, grade changes, fences, distance and other means can be used effectively to create the necessary visual separation. Refer to Chapter 8 for all landscaping design guidelines.

Design Guidelines

1. Select species that are deer resistant.
2. A monoculture shall be avoided. Diversity in species, including interspersing deciduous trees, is encouraged.

3. The selection of the proper type of buffer shall result from a thorough analysis of site conditions, distances to property lines, intensity of the proposed use and the degree of concern expressed by the Commission and abutting landowners. The requirement of a buffer or screen shall be incorporated into the initial site plan
4. Buffers and screening shall be an integral part of the site plan and be coordinated with other elements used on the site. Stone walls, plantings, fencing, walls, earth berms, and other screening elements shall be similar in form, scale and appearance to other similar elements on the site.
5. Buffers shall be maintained in a condition that assures their continued effectiveness. Where plantings do not survive, or are no longer an effective buffer, they shall be replaced to meet the intent of the approved plan.
6. Structural elements shall be maintained in good condition and repaired / replaced if they are no longer meeting the intent of their use.

A planted earthen berm screens a parking area from residential properties.

The buildings in this large development have been sited to reinforce pedestrian spaces, effectively reducing the scale of the overall development.

4.1.7 Multi Building Developments

***PURPOSE**: To ensure a coordinated design between architectural features and the integration of building spaces, site features and pedestrian linkages.*

Developments with multiple buildings shall exhibit a high degree of coordination in master planning by incorporating pedestrian linkages between buildings, overall architectural design, and site design and site details. All components shall be designed to complement an overall plan.

Olde Mystic Village encourages pedestrian use and enjoyment through well-connected walkways and mature landscaping. By siting the buildings to reinforce pedestrian circulation pattern along with pedestrian-scale lighting the overall scale of the development has been reduced.

Design Guidelines

1. All buildings shall be oriented to create usable, safe and attractive pedestrian spaces and circulation, preserve significant site features and minimize the appearance of parking areas.
2. A limited number of buildings or other elements shall be designed as focal points. These structures shall be visually more prominent, enhanced by height, massing, distinctive architectural treatment, lighting, landscaping, or other distinguishing features.
3. The development shall include outdoor use areas such as greens, plazas and courtyards. Buildings may be oriented toward open spaces provided they have a major entrance on the outdoors space as well as secondary entrance(s) oriented to the parking area. Outdoor spaces shall be coordinated with the master plan's pedestrian circulation plan to encourage pedestrian use, with provisions for seating and outdoor activities. Outdoor spaces shall be separated from vehicular traffic with landscaping, grade changes and other site features.
4. The building and site plan shall emphasize pedestrian access.
5. The master plan shall include a master signage plan detailing how graphics will complement and unify the proposed development. See the Signage section of these Design Guidelines and Bolton's Zoning Regulations.
6. Site lighting shall be coordinated with all other elements of the site and with the Lighting section of these Design Guidelines and Bolton's Zoning Regulations.
7. All landscape elements shall be coordinated with all other elements of the site and with the Landscape section of these Design Guidelines and Bolton's Zoning Regulations. The landscape plan shall complement proposed buildings, reinforce circulation paths, help define pedestrian use area, highlight entrances, provide shade and add seasonal interest. The use of a landscape architect is highly recommended.

Similar roof pitches, building materials and awnings, help to unify this multi-building development.

This multiple building development has recreated the feel of a main street.

4.2 Architectural Design

4.2.1 General

***PURPOSE**: To ensure building architecture is planned and designed in a manner that enhances the community, is in character with the rural nature of Bolton and integrated into the design of the landscape and pedestrian spaces and circulation.*

Building design shall be influenced by traditional New England examples and shall reinforce a human scaled environment through careful consideration of architectural form, massing, detail, material and color. These design standards establish criteria, but are not intended to dictate building styles. Development shall provide for a positive experience for the motorist and the pedestrian viewing the building up close. Building design shall exhibits a thoughtful consideration of scale, form, orientation, height, setback, massing, materials and architectural features, and provide a permanent, positive addition neighborhoods and constructed of high quality, long lasting materials. Consideration shall be given to restoration and/or reuse of older buildings to maintain the character of Bolton. Replacement of historic buildings is strongly discouraged.

Design Guidelines

1. New buildings shall be designed to fit the individual characteristics of their particular site and be influenced by traditional New England village patterns while meeting the needs of the intended use and users.

These three developments, although linear in nature, use variations of facades and changes in roof fine and varying heights to add architectural interest.

2. Buildings and site elements shall be designed to human scale. The forms, massing and openings of buildings shall be proportional to the size of a human figure.

3. The design of freestanding structures (such as ATMs, garages, canopies, storage units, recycling or trash enclosures, cart corrals, and the like) shall coordinate with the primary building through the repetition of form, materials, details and color.

4.2.2 Facades

***PURPOSE**: To create a human scale, high quality architectural façade that is in harmony with adjacent development and helps create a pedestrian friendly streetscape or environment.*

All building elevations facing streets, internal drives, parking areas and surrounding neighborhoods shall be aesthetically appropriate and to human scale. Entrances shall be easy to distinguish and reinforced through site and architectural features and wherever possible, clearly visible from the street.

<u>Design Guidelines</u>

1. Main Entrance Facade. The primary and front facade shall be designed in a manner to clearly distinguish it from the other facades and to define the entry. The facade shall contain some of the following elements to add scale to the entry:
   - canopy
   - covered porch or arcade
   - gables and dormers
   - pilasters

These two buildings have clearly defined entries, windows in scale with the architecture and offsets to the facade, combined they visually break up the overall length of the buildings.

- display windows
- outdoor seating area
- recesses or projections in keeping with the scale of the building
- peaked roof
- unique architectural details in keeping with the overall building design
- other features designed to add scale and visual interest to this façade

2. All facade elements must relate to each other and the scale of the building and form a harmonious overall design. Main entrance facade shall be designed to accommodate a facade mounted sign per the Signage section of these Design Guidelines.
3. All facades facing public roads, residential neighborhoods or abutting properties shall be designed to match or complement the Main Entrance Facade. Blank facades are prohibited.
4. The maximum length of the plane of any facade is 40'; exterior walls of any building longer than 40' shall have recesses or projections at a minimum depth of 10% of the longer adjacent unbroken wall length and be proportional to the building's height and length. Projections used to break up the length of the building shall extend to the ground.
5. All exterior components, such as signs, lighting, landscaping and other elements shall be in scale with, and complementary to, the Main Entrance Facade.
6. All windows and door openings shall be in scale with the facade; windows shall be vertical in orientation. If shutters are used, they must be sized to fit the opening and used for all windows on a given wall.
7. All vents, downspouts, flashing, electrical conduits, meters, HVAC equipment, service areas, loading docks, service connections and other functional elements shall be treated as an integral part of the architecture.
8. Downspouts and vents shall be incorporated into the facade design through detailing and color

All four facades of this chain restaurant, including the back shown here, are attractive.

9. Meters, utility connections, HVAC equipment and other exterior service elements shall be contained in service closets, behind walls or located out of view from the public
10. Building elevations presented for review shall show an accurate depiction of the location and treatment of all mechanical and functional elements.
11. Any vending machines located on the exterior of the building shall be located so they are not visible from any public street or abutting property.

4.2.3 Building Materials

***PURPOSE**: To create visually attractive, high quality, long lasting buildings that contribute to enhancing and protecting property values while preserving the character of the town.*

Building materials shall be treated as a significant design element in defining the appearance of the building. The use of materials that give the appearance of New England colonial architecture, as found in Bolton, is strongly encouraged.

Although new, this building's design and choice of material reflects traditional New England architecture.

Design Guidelines

1. Traditional, high-quality building materials common to Bolton (for example, clapboards, brick and shingles) shall be used as the primary siding material. Modern materials that have the same visual characteristics are acceptable. In all cases attention must be paid to the detail at corners, trim at openings and whenever there are abutting materials. Long term maintenance requirements shall be a consideration in the selection of all building material.
2. The following materials are strongly discouraged: highly reflective metal or plastic panels / siding, brushed aluminum, bronzed glass, plain masonry block, T-111, untreated plywood, and similar materials.

3. Traditional New England colors are appropriate for all components of the building. All colors shall have low reflectivity. The use of high intensity, highly reflective, chrome, metallic or fluorescent colors or a black primary color, are prohibited. Trim color shall be a color that complements the building's primary color.
4. A limited number of material types shall be used and all shall be in keeping with the design of the building as a whole.
5. Material samples and specifications shall be submitted to the commission and town staff for review prior to site plan approval.

The roof lines of these two buildings add diversity to the building form, increase visual interest, define the entrances and reduce the scale of the building mass.

4.2.4 Roof Lines and Treatments

***PURPOSE**: To ensure roofs of all structures (i.e. awnings, canopies, buildings, out buildings, etc.) are designed in a manner that complements building facades, architectural styles and breaks down the scale of larger buildings.*

Roof lines shall be designed to provide diversity to the building facade and add visual interest. Roof lines shall reduce the mass of large buildings, emphasize entrances and provide shelter and shade for pedestrians entering / exiting buildings. While peaked roofs are encouraged, flat roofs, green roofs and roof top seating are not excluded.

Design Guidelines

1. Buildings with an 8/12 to 12/12 pitch roof are strongly encouraged. Roof lines with projections shall be designed to create strong shade/shadow patterns.

2. Flat roofs are allowed in mixed use or traditional high density settings when three or more stories are proposed. One or two story buildings shall have pitched roofs and, when

appropriate to break up the scale of a large buildings, or to complement other nearby architecture, integrate dormers and cupolas into the design.

3. Flat roofs, false mansard, A-frames and other non-traditional roof forms shall not be used as the primary roof line unless they are demonstrated to meet the intent of the Design Guidelines.
4. Visible roofing shall be composite asphalt shingles or standing-seam non-glare metal. High gloss roofing materials are not permitted. The color of the roofing material shall complement the color and texture of the building's facade. Stripes and patterns on the roof are prohibited.
5. Mechanical and other roof-mounted equipment shall be screened from public view, or grouped in a location where visibility is limited. \1\/here used, screening of the equipment shall be designed as an integral part of the architecture and complement the buildings mass and appearance.
6. Roof-Mounted Signs are prohibited.
7. Light colored roofs are encouraged to reduce the heat island effect.

These awnings coordinate with the overall design of each building's entry facade.

4.2.5 Awnings and Canopies

***PURPOSE**: To ensure the use of awnings and canopies complement the architecture of the building and does not detract from the overall appearance of the development.*

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns and visual interest. Awnings shall complement building architectural styles and be coordinated with the overall facade design elements.

Design Guidelines

1. If used, all awnings and canopies shall be an integral part of the design and located directly over doors or windows.
2. Awnings and canopies color and style shall complement the facade of the building.
3. Any graphics on awnings or canopies shall be considered signage, and must meet the sign requirements of these Design Guidelines and Bolton's Zoning Regulations. Backlighting is prohibited.

The repetition of architectural and landscape details help to integrate these additions with an historic building.

4.2.6 Renovations, Alterations and Additions

***PURPOSE**: To ensure building improvements (replacement of windows, doors and additions) are done in a manner that complements the existing building style and facade.*

All renovations and additions to existing structures shall use the opportunity to add visual interest to the overall building and to enhance the original structure.

Design Guidelines

1. Where the existing building currently meets the design guidelines, proposed renovations must be designed to complement the existing building.
2. Where the existing building does not meet design standards; the applicant is strongly encouraged to upgrade the building. Plans submitted for approval must show the proposed improvements along with the existing building.

3. Where the existing building meets the design standards, additions or renovations shall complement or match the materials, form color and detailing of the original structure. Where the original building does not meet these Design Guidelines, the owner shall demonstrate how the materials used in the renovation will complement the existing structure and bring it more into compliance with these Design Guidelines.

4. Distinctive architectural features or examples of skilled craftsmanship demonstrated in the original structure shall be retained in the renovations.

4.2.7 Franchise Architecture

***PURPOSE**: To allow for recognizable patterns of franchise branding only within the context of Bolton's community character and these Design Guidelines.*

National franchises are a welcome and generally permitted uses in Bolton; however, the design of their buildings must reflect an awareness of historic New England architectural traditions in their form, detailing and material. Architecture and site design shall follow all guidelines noted this document as well as those that follow below.

These buildings are examples of architectural styles that are not desirable.

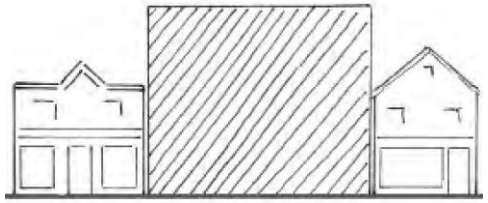
Design Guidelines

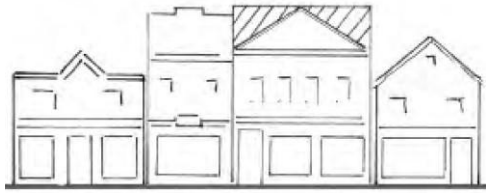
1. Architectural forms derived from a style outside of historic New England are strongly discouraged. Historic New England regional prototypes from national franchises are permitted provided they meet these Design Guidelines. Buildings that are stylized to the point of being a form of advertisement are prohibited.

2. All site features and accessory structures must coordinate with the building and meet these Design Guidelines.

4.2.8 Large Scale Buildings

***PURPOSE**: To create buildings and developments that are in scale with the rural nature of Bolton by breaking down the mass of buildings into small, easily recognized units.*





Buildings shall be designed according to these design guidelines and be consistent with the scale and form found in Bolton.

Design Guidelines

1. Each exterior customer entrance shall meet the design standards set out in Architecture-Facade Design: Main Entrance Facade of these Design Guidelines.

2. The ground floor facade at each customer entrance shall have display windows adjacent to the entrance in a size complementary to the facade.

3. Large scale buildings shall enhance the pedestrian environment by providing some of the following:

- patio/seating area
- pedestrian area with benches
- outdoor play area
- water fountain
- clock tower or other focal point(s)
- other focal feature or amenities that enhance the pedestrian experience

4. Such features will be constructed of materials of the same quality as the building and will be consistent with the overall site plan.

4.2.9 Service and Gas Stations, Convenience Stores, Car Washes and Drive-Thrus

***PURPOSE**: To maintain pedestrian scale design patterns for vehicular oriented establishments.*

All development of these vehicular focused buildings shall be designed with facade and roof line elements that reduce their scale and add architectural interest.

<u>Design Guidelines</u>

1. The Bolton Zoning Regulations do not allow drive-thrus for restaurants.
2. The Bolton Zoning Regulations state that one-lane drive-thrus are allowed for banks and pharmacies.
3. To reduce the impact of the vehicular focus, the building structure shall be sited to face the street; all pump islands and canopies shall be located in the rear.
4. All four sides of the building's architecture shall meet these design guidelines; the fa9ade facing the street shall have windows or other fenestration.
5. Service and Gas Station canopies shall be visually compatible with the main structure through consistency in roof pitch, architectural detailing, materials and color. Pitched roofs and fascia trim are preferred for canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited. Any graphics on canopies shall be consider signage, and must meet the signage standards of these Design Guidelines and Bolton's Zoning Regulations.

These gas station canopies are designed to be visually integrated with the design of the building's roof line.

The below is not.

6. Openings for car washes or service bays must be integrated with the design of the building and sited so they are not directly visible from a public roadway or adjacent residential area.
7. The drive-through shall be visually subordinate to the design of the main building.
8. Windows and canopy shall be compatible with the design of the building; canopy roof line shall be compatible with the building roof line in pitch, fascia trim, material and other architectural detailing. Drive-throughs shall be located at the side or rear of the building and avoid facing any street or residential area.

These drive-thrus are located away from the front of the buildings to avoid pedestrian/vehicular conflicts; each canopy is incorporated into the overall design of the building with repeating roof lines, forms and materials.

5.1 Site Design

5.1.1 Driveways, Alleys, & Parking

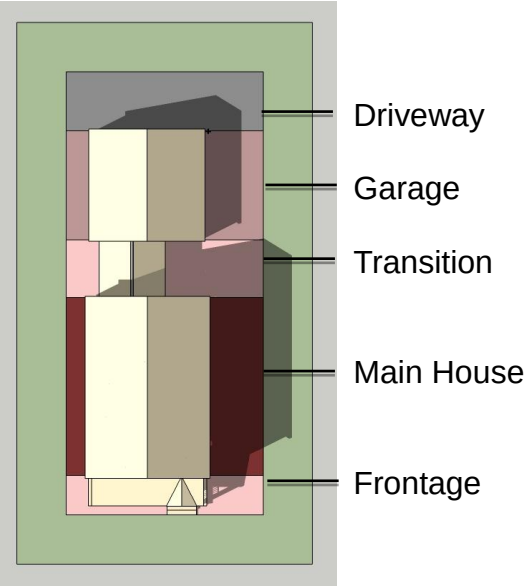
***PURPOSE**: To reduce or eliminate curb cuts, provide for a more pedestrian friendly environment and increase public safety.*

The location of drives, parking for residences and visitors, and garage locations shall be integrated into the overall design and not dismissed as mere utilitarian amenities. Driveways often interrupt streetscapes and the circulation of pedestrians and vehicles, which in turn leads to conflicts and creates safety issues. When not properly located and integrated within the architectural style of the main structure, garages can overwhelm a site or a building's façade. All three must be carefully integrated during the initial design phases and throughout the development process.

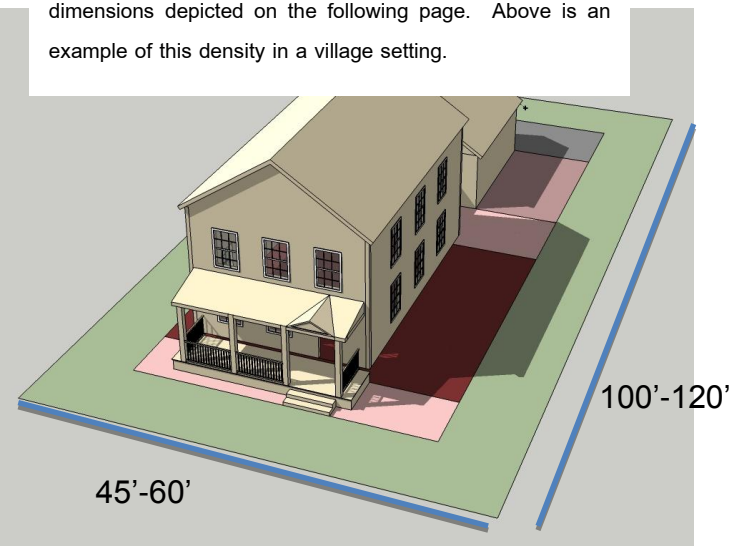
Design Guidelines

1. Driveways and Alleys. When possible, alleys shall be utilized to access rear loaded garages. Alleys and rear loaded garages eliminate or reduce the need for driveway curb cuts. They provide a 'hidden' service area for residences while providing private access to each unit's garage. When alleys are utilized, it is recommended that each unit have frontage on a street. The street will create the public space and offer a location for visitors to park and enter through the front door.
2. When alleys are not utilized, shared driveways between two or more units are encouraged. This will reduce the number of curb cuts along the streetscape and maximize locations for on street parking while reducing vehicular/pedestrian conflict points.

3. The number and location of parking spaces shall conform with the Town's zoning requirements. To meet these requirements, parking shall be integrated into the overall site



Single Family homes at the density of 6 units per acre can be easily accommodated using the below model and dimensions depicted on the following page. Above is an example of this density in a village setting.



design and complement building form and location. When parking requirements are met through the use of traditional, structured parking areas the Commercial Design Guidelines shall be referenced. For single-family and townhome development, on-street parking for visitors is encouraged, on roads other than thoroughfares and arterial roads. Resident parking is recommended to occur within garages or driveways. Multifamily developments shall provide for designated visitor parking. The signed visitor parking shall be part of the required parking calculation and shall be provided in a quantity that is appropriate for the development and at a location that is within close proximity to the main entrance of the building.

5.1.2 Location of Garages & Accessory Structures

***PURPOSE**: To position garages in a manner that reduces their visibility from the street and emphasizes the architecture of the principal structure.*

As previously mentioned, rear loaded garages with alleys access are strongly encouraged. When rear loaded garages cannot be accommodated, the second choice is side loaded garages with shared driveways. If neither of these options is possible, front loaded garages can be used. If front loaded garages are employed, every effort shall be made to locate the garage as far as possible to the rear of the principal structure. Front loaded garages that extend beyond the primary structure's building line are strongly discouraged.

Accessory structures, including sheds, barns, or other buildings, shall be designed in the same architectural typology or complementary style. In most cases, the accessary structure shall be located to the rear or side of the principal building. The location shall complement the principal building line and arranged in a manner that creates an organized arrangement.

Design Guidelines

1. An exterior wall of the accessary structure is aligned with a wall of the principal structure.
2. The building walls of the accessory structure shall be parallel to the principal structure
3. No accessary structure shall be larger or higher than the principal structure unless located at such a distance the commission determines the accessary structure will not negatively impact the visual characteristics of the principal structure
4. The location of the accessory structure shall not substantially impede the views of nearby landowners.

The figure to the left depicts a density of 6 units per acre. An alley is used to access rear facing garages eliminating excess curb cuts. The corner lot and adjacent home share a common driveway with a garage that is side entry. This configuration also reduces curb cuts and eliminates garages that face the street.

5.1.3 Corner Lots

***PURPOSE**: To ensure the facades of all residential structures that face a street have consistent high quality design elements.*

Homes on corner lots need special consideration. Not only does their front façade face a street and contribute to the human scale, a second or third facade defines additional streetscapes. Equal, high quality design elements consistent with the principal structures style shall be employed.

Design Guidelines

1. All building facades with street frontage shall be treated with the same quality of materials and similar architectural detailing as the front, and shall be visually appealing.
2. Ways to create appealing side facades include adding a feature that makes an architectural statement, such as bay windows, an area of decorative brick, or wrap around porches.
3. It is unacceptable for a corner home to use materials appropriate for less visible sides or for the rear, which do not match the front.

5.1.4 Providing and Delineating Private Spaces

***PURPOSE**: To ensure that each residential structure / unit has an outdoor private space to allow the residents an opportunity to enjoy the outdoors.*

Lot design and building configuration shall be designed in a manner that offers private spaces for the residences. This can be accomplished with side yard courtyards, balconies, and front porches with landscaped areas.

Design Guidelines

1. When side yard courtyards are provided, all efforts shall be made to ensure that the windows of adjacent residences are not located in direct view of the private space to ensure privacy.
2. Screening or buffers that incorporate fencing and landscaping shall be incorporated into the design.
3. Private front yards shall be delineated by a continual row of street tree plantings and any combination of hedges and low fencing.
4. When fencing is used, the architectural character of the color, form, and material shall complement the architectural style of the residence it relates to.
5. The minimum for private spaces is 20' x 20'.

Fences walls and landscaping can create private spaces for residential structures, delineate property lines and reinforce the streetscape.

5.1.7 Providing Public Spaces and Recreation

***PURPOSE**: To provide opportunities for physical exercise and promote social interaction among residents and the community.*

Public spaces shall be provided to promote social interaction, relaxation, and recreation. In addition to private outdoor spaces, public spaces contribute to the health and well-being of a community. Coupled with active design principles, incorporating outdoor recreation can help to promote physical exercise while combatting common health problems which are becoming prominent in today's society.

Design Guidelines

1. Spaces shall be a combination of hardscape and landscape.
2. There shall be site lighting for safety; and benches, shade trees, and focal points to attract the pedestrian.

3. The space shall be visible to the public right of way to promote security and reduce vandalism.
4. Recreational opportunities shall be provided in addition to passive spaces. This can be accomplished by provided walking paths, tennis or basketball courts, or unstructured, flat and open lawn spaces that are conducive to active sports.
5. The quantity and size of the spaces shall be planned in consideration of the density of the proposed development to ensure that adequate opportunity is provided for the residents and potential users.
6. The National Parks and Recreation Association shall also be consulted for guidance for such open spaces.

5.2 Architecture

***PURPOSE**: To ensure residential development, especially those within higher density developments, are planned and designed in a manner that is consistent with traditional styles and their associated architectural features.*

5.2.1 Common Residential Architectural Styles

Residential development is encouraged to complement the historical architecture of Bolton. These dominant styles in Town include Federal, Greek revival, Queen Anne Victorian, and colonial/farmhouse. Ranch and contemporary styles are also present. Residential development is encouraged to follow the principals of these styles in order to ensure compatibility with existing neighborhoods. The criteria of the three styles are provided below for guidance to ensure that the significant characteristics of each style are met. They shall be applied in conjunction with the guidelines discussed throughout this document. In case a style is proposed and not listed within

this document, it is recommended that an applicant provide to the commission a description of the proposed style in a similar format.

With today's construction, it has become common practice to implement only one or two of the common characteristics of a style. Therefore, careful consideration shall be taken when selecting the materials, details, form, and colors. Each shall resemble the characteristics of the style and avoid the appearance of a hybrid mix of details from separate styles, or low quality materials. In addition, sufficient details shall be applied so that the final structure does not appear to be an imitation.

The following descriptions are brief overviews of the details of each architectural style. If a contemporary style building is proposed or a style is not listed below, the applicant shall provide guidelines that define the overall style and demonstrate how they are achieved within the design. The commission may request for all styles additional information from the applicant to support the proposed design's relevance to the individual style. For development within the Village the Federal, Greek revival and Queen Anne style discussed below shall be employed. Ranch and contemporary styles are not recommended.

It is encouraged that the styles be carefully considered. This is of high importance when development is executed in higher-density configurations (i.e., in lots smaller than 1/2 acre). When homes are placed closely together and styles are not correctly interpreted, the historic nature of a traditional village or neighborhood setting can be greatly diminished.

Building Facades

Windows and Doors

5.2.3 Greek Revival

The style is an adaptation of the classic Greek temple front employing details of Doric, Ionic, or Corinthian order. Greek revival structures are generally white and most have porches supported by prominent square or rounded columns in the aforementioned orders. Gables are commonly along the front and rear facades of the residence, but in this style, roofs are sometimes hipped. Both roof types are of low pitch. Other common features the Greek revival style include:

Two samples of Greek Revial styles with varying levels of details.

Design Guidelines

1. Strong cornice line of main roof and porch roofs emphasized with wide band of trim
2. The entablature is made of 3 elements: cornice, frieze and architrave
3. The cornice shall project a dimension equal to its height
4. The frieze is located under the cornice
5. The architrave is located under the frieze
6. The face of the frieze and the architrave shall align
7. The face of the supporting column shall always align with the frieze (not the column cap)
8. Pedimented gable
9. Front door surrounded by narrow sidelights and a rectangular line of transom lights above with pilaster
10. Vertically proportioned windows and doors
11. Window sashes most commonly with six-over six glazing. Proportions of the glazing panels are vertical, not horizontal
12. Small frieze-band windows, set into the wide trim beneath the cornice (attic), are frequent.
13. Symmetrical shape
14. Bold, simple moldings
15. Entry porch with columns, Columns are generally larger and square or round

5.2.4 Victorian

Victorian architecture is a term used to characterize a style that is composed of several styles. They range from Italianate to Gothic, from Shingle to Queen Anne to name a few. It is of historical noteworthiness that the Victorian styles were forged by the advances in manufacturing during the industrial age. Queen Anne architecture has the following common characteristics:

Two representative samples of Victorian styles with varying roof lines and detailing.

Design Guidelines

1. Steep roof - 12:12 minimum
2. Complicated, asymmetrical shape
3. Vertically proportioned windows and doors
4. Front-facing gable with an ornamented surface
5. One-story porch that extends across one or two sides of the house
6. Round, square or octagonal towers
7. Wall surfaces textured with decorative shingles, patterned masonry, or half-timbering
8. Ornamental spindles and brackets at the porch
9. Bay windows
10. Chimneys with ornamental caps

5.2.5 Colonial and Farmhouse

The Colonial and Farmhouse styles is a term used to describe buildings constructed late in the 1800's thru today. However, Colonial is often used as a general term to express such styles as Adam and Federal and that draw inspiration from the historic styles of the late 1700's and early 1800's. The homes are generally 2 – 2 ½ stories, and symmetrical in design, Roofs are generally gable, hip or gambrel style. A single dormer centered along the front façade may be present as a focal point. Two or three small gables arranged in line with the windows below are also common. Farmhouses are typically arranged in the front-of-house, back-of-house, and barn configuration. This means a principal building containing the main living quarters. The 'back-of-house is proportionally smaller than the front-of-house with roof configurations that complement the main structure. This will generally lead to the 'barn' which in modern terms serves as the garage. Additional characteristics of both styles include:

<u>Design Guideline</u>

1. Vertically proportioned windows (avoid windows that are nearly square). Height shall be at minimum 1 2/3 the width of the window (i.e. 3' wide x 5' tall).
2. Windows and doors are arranged symmetrically and in line with one another to divide the front façade in 1/4s. This is generally accomplished by 2 rows of 3 and up to 2 rows of 5.
3. Main entry is centered along the front façade and doors are typically 6 panel.
4. Windows can be 1 over 1, 2 over 2, 6 over 6 or 12 over 12.
5. The overall structure has straight forward massing – generally rectangular.
6. Front porches or stoops are sometimes present. Farmhomes generally have full wrap around porches.
7. Clapboard and brick are common exterior materials
8. Roofs have a pitch of 6:12 or steeper
9. Shutters are optional features

Two representative samples of farmhouse and colonial styles. The top farmhouse is fashioned with an modern greek revival influence. The bottom image is in the federal style.

5.2.6 Cape Cod

The Cape Cod style home was commonly constructed until the mid 1800's and then found resurgence in the mid 1900's. Traditionally, Cape Cod styles were of simple massing, are 1 ½ stories and consist of a front door centered along a symmetrical front façade. Chimneys were located in the center of the home. Shed roofs faced the front façade and incorporated dormers arrange along the same symmetrical pattern as the windows and door. Side wing additions are common for additional living space or garage. Full dormers become a modern feature and are along the rear façade to maintain the traditional front. Other traditional features of this style include:

<u>Design Guideline</u>

1. The front façade divided into four equal sections by the arrangement of the windows and door
2. Windows are 1 over 1, 2 over 2, or 6 over 6. 6 over 1 is less common
3. Doors are six panel
4. Side lights at the front door was common
5. Doors were framed with 4 ½" trim along the side and 6 ½" trim at the top. Pilasters and pediments were also incorporated into the door detail
6. Dormer roofs are 12" run and 10" rise
7. Stoops consisting of 2 – 3 steps or covered porches slightly wider than the door are common.
8. Shutters are optional
9. Siding was traditionally 3" clapboard

5.2.7 Additional Architectural Styles

Ranch and contemporary styles are used to describe a type of housing that is relatively new. Their styles continue to evolve and often take upon elements of various styles or progressive design form, material and color. For instance, ranch styles have evolved from the tradition low, one story home constructed in the 1950, to become home to empty nesters and seniors. The architectural features employed in this develops are often reminiscent of Cape Cod, colonial or Victorian styles and can be designed and constructed in a manner compatible with a communities identity. When an other style of housing is proposed and is not discussed above, the applicant shall submit to the commission a description and proposed guidelines that explains at minimum the proposed styles intent, historical references, common elements that unify a building(s), compatibility with nearby properties and other elements deemed necessary by the commission.

5.2.8 Additions and Adaptive Reuse

PURPOSE*: To ensure the style and design features (i.e. rhythm, color and texture) of the principal structure is incorporated into the design of additions and ensure the reuse of structures remains in harmony with the neighborhood.*

In planning a building addition, it is important to pay careful attention to the architectural style of the existing residence. In many cases, additions can dramatically change the appearance of the residence and, therefore, the character of the entire neighborhood. Additions, patterns, and site design shall take into consideration the character of the nearby properties by respecting such elements as building lines, views, buffer, and streetscapes.

<u>Design Guidelines</u>

1. Ensure that the scale and mass of the addition is in keeping with the original structure, and when completed, ensure that the redeveloped residence does not visually overwhelm neighboring structures.
2. Construct additions to conform to established front build to line. In particular, the construction of garages shall not project beyond the front building line.
3. Ensure that the addition's roof matches or complements the design of the original structure.
4. Architectural elements such as windows shall respect the prevailing geometry and proportion of the original structure. For instance, windows with a vertical orientation can be incompatible with those of a horizontal orientation.
5. Ensure the materials used for the addition are compatible with those of the original structure.

5.2.9 Building Mass and Scale

***PURPOSE**: To ensure the scale of a building is compatible with the surroundings and is designed at the human scale through appropriately breaking down the visual appearance of its scale.*

New residential developments often exhibit less size and style diversity than their historic predecessors. This can be most apparent in the case of larger homes or structures with long facades that face the road. Generally, single-family or duplex homes with gable ends facing a road are of lesser concern since the longer façade faces the sides of the lot. However on corner lots *all* facades facing the ROW shall be considered.

To break up a long building façade it may be necessary to use architectural techniques that help create the illusion of a smaller structure.

Changing colors, patterns, roof pitches and building mass adds diversity to larger residential structures such as town home developments.

Design Guidelines

1. Utilize reveals, setbacks, porches or stoops to break down the visual scale
2. Articulate the roof such that rooflines step down to respect those of surrounding structures
3. Use color changes to emphasize focal points, (or individual townhome units)

5.2.10 Roof Lines and Treatments

***PURPOSE**: To create a unified structure through consistent roof styles and pitches while emphasizing unique features of the building façade.*

A roof line can contribute to the overall scale of a building. In the case of a multi - building development, roofs become dominant features and can help unify all buildings. Consideration shall be given to color, texture, and architectural styles.

Design Guidelines

1. Roof pitches shall complement the building style of the principal structure.
2. In the case of infill development, roofs shall have design and scale that are complementary to the surrounding structures.
3. Roofs shall have a pitch that is consistent with and supportive of the intended architectural style and may have dormer, gables, or similar variations in roof planes to break up the roof mass. Individual roofs may employ compatible colors and materials including tile, compositional, shake, metal, and shingle.
4. Roof top mechanical, solar and other infrastructure systems shall be considered in the design of the roof and screened as further discussed in *2.16 Mechanical Systems, Solar Panels and Satellite Dishes*.

5.2.11 Garages and Garage Doors

***PURPOSE**: To protect the integrity of the streetscape by integrating the design and location of the garage in a manner that ensures the principal structure is the dominant feature and the garage is ancillary to it.*

All effort shall be made to place garages to the rear of the house with garage doors facing to the side or rear of the lot. Shared driveways and alleys shall be utilized as discussed above in *2.4 Master Planning and Site Design*.

When garages face the street, their facade, doors, and roof line shall be compatible with the architectural style of the home. Garage doors may resemble carriage doors by utilizing strap hinges and handle. If windows are incorporated into the garage door, they shall closely match the spacing and proportions of the main structure's windows. No more than two garage doors shall be placed in a row. In case more than two garage doors are required, the facade shall be articulated to break up the mass. The three common garage configurations and recommended architectural treatments for each are as follows:

If a garage is to be located such that the doors face the street, the garage shall be deemphasized by placing it behind the front building line and using more traditional style carriage doors that add detail, as depicted in the top picture.

<u>Design Guidelines</u>

REAR LOADED GARAGES

1. Garages located behind the principal structure but accessible from the street shall be considered accessory structures and shall be consistent with the architecture and design of the principal structure. Consistency of design includes use of the same or compatible siding, roofing, trim, and colors.

SIDE LOADED GARAGES

1. Shared driveways may be permitted when two lots with parking located on the side are adjacent to one another.
2. Windows, doors, and roof treatments of the garage facing the street shall incorporate architectural detail expressive of a residence.
3. The garage shall never be the dominant architectural feature of a side façade.

FRONT LOADED GARAGES

1. Upper-level dormers are encouraged to de-emphasize the garage.
2. Porches or facades of the main house shall protrude at least five feet in front of garage doors.
3. Garage openings, trims, and color shall de-emphasize the visual impact of the garage in relation to the building as a whole.
4. Garages shall never be the dominant architectural feature of a front facade.

Side driveways that serve garages or carriage houses positioned to the rear or back of the home are desirable.

5.3 Transitional Zones: Indoors to Outdoors

***PURPOSE**: To link indoor spaces with the outdoors by ensuring architectural features are located in a manner that does not detract from entries or views into/out of the building and ensure windows and projections are designed in a manner compatible with the principal structures style.*

Transitional zones are locations that allow people and natural light and air to enter residential structures. Windows and doors, porches, stoops and other covered entries create a transition between indoors and out. Careful consideration shall be given to the scale and style of these elements as they relate to the principal structure.

5.3.1 Colors, Materials and Details

The choice and mix of colors and materials on the facades of structures is an important way to provide an attractive living environment. Materials shall be consistently applied and shall be chosen to work harmoniously with adjacent materials.

Design Guidelines

1. Architectural details such as brackets, cornices, moldings, window and door surrounds, gable details, signs, and columns and porch posts are essential to the historic precedent of individual buildings and a village setting.
2. Colors, details, and materials shall be selected based upon the architectural style of the proposed structure. For example, Victorian brackets shall not be used on the Greek revival style.

5.3.2 Balconies and Decks

Balconies and decks shall not be incorporated in the front facade of a building unless they are consistent with the architectural typology precedent. The addition of decks and balconies on the rear and unobtrusive side facades is desirable and must comply with other local ordinances and codes. They shall be compatible with the building's size, scale, materials, and design.

5.3.3 Entryways and Porches

Entrances and porches are often the focal point of residential buildings, particularly on the primary facades. Together with their functional and decorative features, entrances and porches can be extremely important in defining a building's overall architectural style and can help provide interest along a streetscape of more compact developments.

Design Guidelines

1. Columns and detailing shall follow the architectural style being used.
2. Columns shall relate to fenestrations, not blocking the view of a front door, window, or other significant architectural detail.
3. Column and railing details shall follow the architectural style of the structure. For example, decorative scroll work and rails would not be appropriate for a Greek revival or federal style home.

Porches, stoops, entry way details and windows jointly create a pleasing building façade. Attention to details that are consistent with the style of the home creates a meaningful streetscape and cohesive residential development

5.3.4 Windows and Doors

Windows and doors are important character-defining features. They establish the overall rhythm on a residential structure and help to define scale.

Design Guidelines

1. Windows shall be placed in a position and at the proportion that is consistent with the architectural style: this includes window panes, muntins, and trim.
2. Transom windows are dominant focal points. Their scale and detailing shall be carefully considered to ensure that they are in proportion to the overall house, windows and doors. Shutters shall be used only if appropriate for the style.
3. Doors shall be placed in the location compatible with the rhythm of windows and architectural style.
4. Placement of the door shall take into consideration the visitor and shall complement site circulation.
5. The style and color shall also complement the architectural style.
6. Appropriate moldings and trim shall be utilized as decorative features to frame the primary entry door and create a focal point for the home.
7. Window screens, storm windows, and storm doors have become common and shall be utilized to assist with energy efficiency. These items shall have minimal impact on the historic context of the building.
8. Dividers for storm windows shall always match the meeting rails of the window sash. Unpainted aluminum storm windows are strongly discouraged.

Chapter 6: Lighting

6.1 General

***PURPOSE**: To provide for a safe and secure environment for pedestrians and vehicles, protect adjacent properties and reduce skyglow and design for a harmonious human scale environment.*

Lighting for commercial properties shall be designed to provide the minimum level of illumination necessary for security, safety and visual appeal for both pedestrians and motorists. Functional, aesthetic and safety goals shall be met with fixtures that are designed as integral site elements.

Design Guidelines

1. Provide lighting that offers safety to all users of the site.
2. Unify the environment with the selection of attractive, appropriately scaled fixtures.
3. Minimize distractions or hazards to motorists and pedestrians and skyglow.
4. Respects abutting property owners, especially residential uses, by avoiding off-site spillover or glare.
5. A narrative shall accompany the lighting plan, defining the hierarchy of site lighting and how lighting will be used to provide safety and security and aesthetic effects.
6. The location and design of the lighting system shall complement adjacent buildings, pedestrian amenities and site elements. Poles and fixtures shall be proportionate to the buildings and spaces.
7. Location of all fixtures shall be coordinated with the proposed landscaping plan and mature canopy size to reduce the plant material's obstruction of illumination.
8. Dark spots shall be eliminated by the coordination of the lighting and site elements.

9. Unique building or landscape features may be highlighted if the lighting does not create glare or distractions.
10. Lighting shall not cause spillover onto neighboring residential properties or glare to drivers on adjacent roadways. Bare bulbs are prohibited.
11. Any modifications, expansions or replacements to the light systems shall be consistent with the approved site plan and to these Design Guidelines.
12. Wherever practicable, lighting devises shall include timers, photo sensors, and other energy saving devices. LED fixtures are encouraged to increase power efficiency.

These well placed lamps light both the drive and walkway

6.2 Layout and Fixture Selection

Lighting shall be designed to provide the minimum lighting necessary for traffic and pedestrian safety. Lighting shall not cause glare or avoidable spillover onto adjacent property or an increase in skyglow.

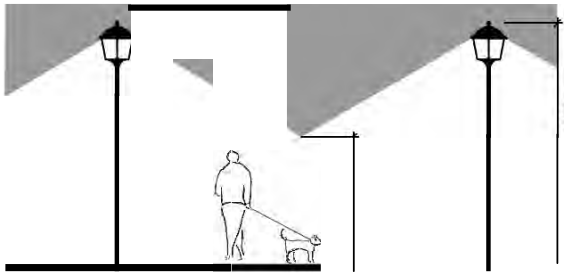
Design Guidelines:

1. Driveway lighting shall illuminate the roadway, with a concentration on intersecting drives or access ways. Parking lot lighting shall provide the minimum necessary for visibility, comfort and safety. All light fixtures shall be selected and aimed to prevent glare, spillover onto adjacent properties and increased skyglow. Light pole fixture styles and height in driveways and parking areas, while recognized to meet different technical criteria than predominantly pedestrian spaces, shall complement the form and design as pedestrian and facade mounted lighting. Their height shall not be excessive to make them a dominant vertical element, overpowering architecture and vegetation.

These pedestrian scale lamps are in proportion to the scale of the building and parking lot.

2. All illumination shall meet within 5% levels defined by Illuminating Engineers Society of North America (IESNA) recommendations for road/driveways and parking lots and be in compliance with Bolton's Zoning Regulations.
3. LED fixtures are encouraged. In most instances, lamps shall be housed in a luminaire that is classified by IESNA as full cut-off. Decorative fixtures may be used provided they meet the cutoff criteria.
4. All fixtures shall complement the architecture, landscaping and other elements of the site in terms of form, color and style.
5. The alignment and spacing of fixtures shall follow a regular pattern that is coordinated with the layout of the buildings, landscaping and other site elements. Hierarchy of fixtures shall be used to define major and minor roadways. Light poles shall be located within raised planting areas wherever possible to avoid damage from vehicles and plows; elevated bases are strongly discouraged.
6. The layout of fixtures shall complement the spacing and rhythm of plantings, especially large shade trees. To avoid future dark areas and deep shadows, the lighting plan shall consider the growth pattern of trees and shrubs.
7. Light fixtures in driveways and parking lots shall be in scale with adjacent buildings and the human scale.
8. Full cut off fixtures shall be used to limit spillover and in compliance with Bolton's Zoning Regulations.
9. Light fixtures for pedestrian spaces shall be appropriate for the project and the setting and relate to the human scale. Bollard fixtures and ornamental light poles up to 12' in height, are encouraged as pedestrian area lighting. Decorative and special lighting shall also relate to the human scale.

The heights of these fixtures are in proportion to the scale of the buildings, well-placed throughout the parking lot and located within planting beds to minimize damage.

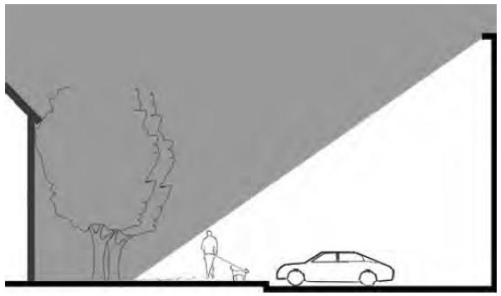


6.4 Building Facades and Other Features

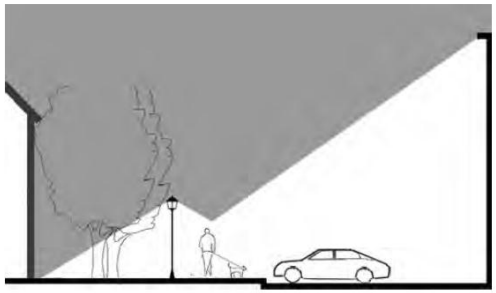
Facade lighting is a way of highlighting special architectural features and attractively landscaped areas.

Design Standards

1. Maximum level of illumination on any vertical surface shall not exceed 5.0 footcandles and be in compliance with Bolton's Zoning Regulations.
2. Lighting of the building facade and other elements shall be part of an overall lighting plan to enhance certain key architectural elements or areas with attractive landscaping.
3. All fixtures shall be properly sited, aimed, and shielded so that illumination is directed only onto the feature. Lighting fixtures shall not be directed toward adjacent streets, sidewalks or properties. The lighting plan shall demonstrate that the installation will not generate excessive light levels, cause glare, or cause skyglow.
4. Fixtures that are mounted on the facade and designed to wash the face with even light in a downward direction are preferred. Lighting shall avoid spillover onto adjacent areas.
5. Lighting shall be shielded to direct only onto a selected tree or shrub. Indirect landscape lighting fixtures, uplights and washes, are preferred.
6. Neon tubes as lighting fixtures are prohibited on building exteriors. The use of internally illuminated bands of color and/or light is prohibited.
7. Pathways and entries shall be appropriately lighted to ensure safety and direct pedestrians.
8. Utilize solar technology to reduce energy consumption and utility costs.



Lighting for pedestrian spaces and walkways needs to provide sufficient illumination for safety. Fixture location is established by the overlapping pool of illumination based on fixture height, style and lamp wattage.



In some situations, parking lot lights may be sufficient to illuminate a walkway, the illustration at the top shows insufficient lighting. To light the area behind the trees, lower mounting height is needed.

6.5 Gas Stations, Convenience Stores and Drive-Thrus

All lighting for this type of development shall provide for user safety without creating glare onto adjacent properties or roadways.

Design Standards

1. The lighting around gasoline pumps shall provide a higher level of light for the safe and effective use of pumps. All illumination shall meet, but not exceed, levels defined by IESNA recommendations for gas pump areas and be in compliance with Bolton's Zoning Regulations.

2. Recessed luminaires with flat or regressed lenses shall be used in canopies. The cut off angle shall not exceed 85 degrees *above* the vertical to make the light source invisible to passing motorists.

3. Areas beyond 20' from canopies or gas pumps shall follow the lighting design standards for parking lots

4. Light shall not be mounted on the fascia (sides) or top of the canopy; sides and tops of canopy shall not be illuminated.

Chapter 7: Signage

7.1 General – All Signage

***PURPOSE**: To ensure high quality, easy to read and harmonious signage is integrated into the development and while not detracting from the streetscape.*

Signage shall be an integral part of the overall plan, shall be attractive and legible to serve the needs of the business and complement the site and the architecture. All new and replacement signs shall be designed to meet these standards. Signage shall provide basic, clear information about uses and businesses with visually respectful, highly legible signage. It shall demonstrate forethought in the design, size, placement, and graphic format of all signage, and is compatible and complementary with the architecture, site design and Bolton's character.

<u>Design Guidelines</u>

1. Reduce visual clutter.
2. A signage plan shall be developed by design professionals experienced in commercial signage or environmental graphics. The signage plan shall be submitted with the site plan for approval; signs for future tenants shall be submitted to town staff for approval.
3. Each sign shall be designed and located with the intended viewer in mind.
4. Signs shall be designed to achieve a high level of visual compatibility with the building(s) and its surroundings through the use of similar detailing, form, color, font, lighting and material.

The multi-tenant sign on the right contains more information than a passing motorist could read; the multiple colors and fonts increase the visual clutter. The left sign accomplishes many of the same intensions but is legible.

5. The shape of the sign shall complement the architectural features on the building. Simple geometric shapes are preferred for all signage. Signs shall be trimmed and detailed to complement the building.

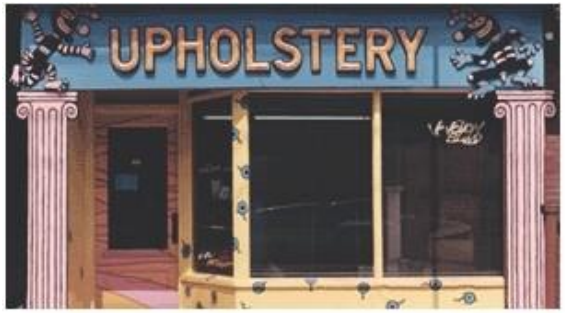
6. Facade mounted signs shall be placed to complement the building's architecture, free standing signs shall not block motorists' line of sight or create a hazard for pedestrians or bicycles.

7. The street address shall be incorporated into the primary sign to aid wayfinding and 911 emergency response,

8. Signs indicating the entry, exit or wayfinding within a site shall complement the overall site design and be in an appropriate location and of the minimum size needed to provide direction.

9. Signs used to identify a business shall be kept simple and direct in message and content. They shall convey only the most essential information about the business. Motorists shall not be distracted by signs containing excessive information.

10. All signs shall be in compliance with Bolton's Zoning Regulations.



These facade mounted signs clearly display the name of the business at a glance.

7.2 Facade Mounted Signs

***PURPOSE**: To integrate the design of facade mounted signs into the architecture of the principal structure.*

Facade mounted signs shall identify the business in a clear and direct manner.

Design Guidelines

1. Facade mounted signs shall be designed as an integral element of the architecture. The shape and materials of the sign shall complement the architectural features on the building
2. Signs shall be located to enhance the architectural details on the building and shall not obscure any trim or other details. Signs shall be incorporated into the main entrance facade.
3. Signage shall be mounted with concealed hardware. the hardware shall be stainless steel or galvanized to prevent rust and corrosion that could stain or discolor the building

7.3 Multi-Tenant Properties

***PURPOSE**: To reduce visual clutter of multiple signs and contribute to the creation of a harmonious and unified development.*

Multi-tenant properties shall provide legible, attractive signs that help people identify the property without contributing to the visual clutter. Signage shall stress the identity of the place (i.e. Bolton Crossings) and de-emphasize individual tenants.

<u>Design Guidelines</u>

1. A hierarchy of signage shall be established to facilitate wayfinding and minimize visual clutter.
2. One identifying sign in highly visible locations near the main driveway entrance shall be used to convey an overall identity for the property.
3. If individual tenants are also listed, the identification sign shall have a clear hierarchy in the display of information. Only the name of the individual tenants shall be displayed, in significantly smaller lettering. Other information such as phone numbers, hours of operation, and slogans are prohibited on the identification sign.
4. The main identification sign for multi-tenant property shall incorporate the street address into the sign to facilitate wayfinding and 911 emergency responses.
5. The design of multi-tenant signs shall be coordinated with the design of the principle building(s) in terms of color, materials, detailing, and style.

This development has a carefully integrated signage plan and a clear hierarchy of information: an identification sign is located at the site entry, signs at each building list the tenants, and each tenant has a sign at their door.

These signs stress the identity of the place and de-emphasize individual tenants. The design of each sign is compatible with the building design as well.

6. **Color Consistency.** Multi-tenant signs shall conform to a simple color and graphic palette in order to minimize the confusion and clutter of the sign. In general, multi-tenant signs, colors including the individual tenant signage shall have no more than 3 colors.
7. **Landscaping.** Landscaping surrounding the identification signs shall be consistent with the site landscaping and be incorporated within the landscaping plan.

7.4 Signage Lighting

***PURPOSE**: To ensure lighting is integrated into the overall design of the sign and to meet the general requirements and objectives of the design guidelines of Chapter 6. Lighting.*

Signage lighting shall be designed as an integral part of the sign design. Lighting shall not create glare that would distract motorists or pedestrians, nor shall the degree of illumination disturb any residential property or contribute to light pollution. Signs with external illumination are preferred.

These down lights complement the color and design of the architecture and are located, aimed and shielded to effectively light the sign.

Design Guidelines

1. The illumination level on the vertical surface of externally-lit signs shall be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing unnecessary glare or reflection.
2. The light fixtures of externally-lit signs shall be carefully located, aimed and shielded so that light is directed only onto the face of the sign. Ground-mounted fixtures shall be screened or partially buried to minimize the view of the light source.

3. Top-mounted lighting fixtures shall be used if they are directed downward in a manner that hides the light source. Uplighting may be used if the fixture can be aimed to prevent spillage beyond the sign.
4. Light fixtures for externally-lit signs shall be selected to complement the color and design of the sign and the architecture. Concealed light sources are strongly encouraged.
5. All lighting fixtures shall be selected for ease of maintenance.
6. Limitations on internally lit signs are listed in the Zoning Regulations. Where permitted, signs shall consist of light lettering and/or symbols set against a dark background to minimize the amount of light emanating from the sign. Internally-lit letters and symbols are preferred over whole panels that are internally-lit. Letters and symbols on panels, combined, shall constitute no more than 40% of the sign's surface area. Internally-lit signs shall not act as light fixtures or cause glare on nearby pathways or roadways. Lighting levels shall comply with the requirements of Section 3A.20 of the Bolton Zoning Regulations, Appendices A & B.
7. All signs shall be in compliance with Bolton's Zoning Regulations

This up light fixture is carefully located and aimed to illuminate the sign without spilling beyond.

Internally lit signs are discouraged; if proposed, the field area of the sign must be dark with a minimum of light lettering or symbols.

7.5 Temporary Signs

Temporary signs are used to convey specific information, alert the public to special events or announce a new business. The design and placement of temporary signs shall be closely related to existing sign systems, landscape improvements, and the building design to avoid visual clutter.

Design Guidelines

1. The same standards established for the content and design of permanent signs shall be applied to temporary signage.
2. Temporary signs shall be installed in locations that do not create a hazard for pedestrians or vehicles.

8.1 General

***PURPOSE**: To ensure plant material is properly selected for its intended use, located to ensure public safety is not compromised, appropriate for level of intended maintenance, and strengthens and reinforces the landscape and architecture without detracting from the overall design.*

Plant material shall be an integral component of all site plan developments. The applicant shall carefully evaluate the physical characteristics of each site matching it to the appropriate plant material to ensure that all plants will survive in that location. Planting design shall enhance and complement all development through the use of properly selected and placed landscaping. It shall reinforce wayfinding by emphasizing entrances and circulation patterns, accentuate buildings, create a sense of identity and provide a human scale. It shall soften the appearance of parking lots by visually reducing their scale, providing shade and adding seasonal interest and textural variety and provide screening for less attractive parts of a site and from residential properties. Color, texture, scale and rhythm can be used to add interest to the overall environment.

<u>Design Guidelines</u>

1. All developments shall have a landscape plan as part of the site plan prepared by a licensed landscape architect.
2. All plant material shall be hardy for the most current North American Plant Hardiness Zone map. The microclimate, prevailing winds and soil conditions shall be taken into consideration.

3. Indigenous plant material is strongly encouraged.
4. Invasive plant material is prohibited.
5. Nonnative plant material is allowed only if it complements the indigenous environment, is hardy for the zone, and is not invasive.
6. The use of plant materials and landscape elements that require a low degree of maintenance is strongly encouraged. All plantings shall be resistant to insect infestations, drought, disease, roadside salt, urban conditions, and auto emissions and be suitable for Bolton's climate.
7. Plant material shall be selected with consideration to public health, safety and cleanliness. Plants to be avoided include those with excessive, messy fruits, poisonous fruits, large thorns, or invasive growth patterns, or trees and shrubs that could provide hiding places along walkways or block the view of moving vehicles.
8. Selection shall include consideration for multi seasonal interest, wildlife value, native origination and deer resistance.
9. The landscape plan shall illustrate how planting shall be coordinated with the location of underground and above ground utilities and light fixtures. The plan shall include screening for transformers, propane tanks and similar mechanical elements.
10. Landscape design shall stress simplicity in form. Shrubs, perennials, annuals, ornamental grasses, etc. used along roadways or to define an edge shall be planted in masses or 'drifts' that emphasize colors and textures. Plantings shall be massed to soften edges, corners and pavement areas and to integrate the building into the landscape. Plantings shall not be a monoculture. Variety will encourage diverse plant communities.

Trees in a linear pattern clearly define this drive as an important entry.

By selecting landscape materials that are attractive in winter these entry drives have year-round visual interest.

11. Large spreading deciduous trees shall be planted in appropriate locations along town/ state roads to define the edge of the travelway, lessen the visual impact of the development, clean the air and add scale to the corridor.

12. Wherever practical, existing or unique or other significant plantings shall be preserved. The landscape plan shall illustrate which vegetation will be preserved and what protection measures will be taken during construction.

13. There shall be no ground disturbance within the drip edge. Transplanting and reusing trees and other plantings in strongly encouraged.

14. Any stone walls existing on the site shall be either incorporated into the site plan, or rebuilt and enhanced as part of the landscape plan.

15. Large rocks can be used as landscape elements as accents in mass plantings; where used they shall be buried for at least half their depth and incorporated into the overall design theme.

16. Turf grass is strongly discouraged because of its high maintenance, water, and chemical / fertilizer requirements. Alternative plant material shall be utilized.

17. Live ground cover and plantings are encouraged for large areas. Extensive use of bark mulch as substitute for live ground cover is prohibited. Where mulch is used, it shall consist of dark, decomposed shredded bark, with pieces less than 1' in any one dimension. Base soil should be left at the base of the plant to avoid trunk suffocation. Impermeable weed barriers are prohibited.

18. Stone mulch is strongly discouraged.

19. Plant materials and other landscape elements shall be used to create suitable buffers between residential and commercial properties. The design of buffers shall consider the

appearance from both commercial and residential viewpoints. Evergreen planting that are deer resistant are particularly effective for year-round buffering.

20. Trees and other plant material will be provided a sufficient area for root growth.

Guarantee Period. All lawns and plant materials shall be guaranteed for a period of not less than 2 years.

21. The developer shall submit a copy of a guarantee and a contract with the landscape contractor indicating the terms of the guarantee period, or a letter of credit or performance bond.

22. Unless otherwise required by site conditions, plant material shall meet the following minimum sizes at the time of installation.

Flowering Trees	2 – 2 ½" caliper (Balled and Burlaped)
Deciduous Trees	3-3 ½" caliper (Balled and Burlaped)
Evergreen Trees	5-7' height (Balled and Burlaped)
Deciduous Shrubs	24" height
Evergreen Shrubs	18" height
Perennials	1 gallon containers
Ground Covers	3" container

8.2 Parking Lots and Drives

Landscaping is necessary in parking lots and drives to improve the visual appearance, reduce the visual scale of parking areas, define edges, provide shade, add seasonal interest and textural variety.

Design Guidelines

Both large and small parking lots can be greatly enhanced with a coordinated landscaping plan that includes shade trees.

1. At minimum, landscaping within parking areas shall meet the Bolton Zoning Regulations Section 15H.
2. Landscape islands shall be provided in accordance with Section 15H and 16A of the Bolton Zoning Regulations.
3. Landscape Islands shall be a minimum of 9 feet wide.
4. For every four rows of parking, a five foot island shall be used to break up the total pavement area and one deciduous canopy tree provided for every fifty (50) feet of row length.
5. Landscape islands should be coordinated in the overall layout of the parking area. Islands at the end of each parking row are strongly encouraged.
6. Islands can also be used as a vegetative swale for stormwater.
7. Parking areas are strongly encouraged to be located behind buildings and not visible from the street.
8. Avoid plant material that can damage vehicles or shallow rooted and breaking up pavement.
9. When parking is located in the front yard it shall be separated from the street by plantings, earth berms, walls and/or other landscape elements to minimize the view of vehicles from streets, roads and drives, while still allowing the public to see the building.
10. Landscape material surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during winter months. The landscape plan shall integrate with the site plan that indicates the area for snow storage.
11. The branching habit of trees shall be considered in selecting plant material near pedestrian or vehicular areas; all branches below 7' shall be pruned at the time of installation.

12. Trees that may damage automobiles (dripping sap, messy fruit, or hard seeds such as acorns) are discouraged in or around parking lots.
13. The landscaping shall integrate with the overall design of the site. Generally trees and other plantings in a linear pattern enhance a drive and reinforce the grid inherent in a parking lot.

8.3 Coordination with Architecture and Circulation

Landscaping can be used to enhance features of the building and direct a visitor's eye to the entry.

Design Guidelines

1. Landscaping shall be carefully selected and located to complement the building elevations without blocking entryways, signs or lighting.
2. Trees shall be predominately large shade trees and planted a minimum of 5' from the road right-of-way. Trees and other landscaping planted at intersections and driveway entries shall preserve an adequate sight triangle as determined by a traffic engineer.
3. Trees whose future branching may interfere with pedestrian movement shall be avoided. Trees selected for areas with outdoor seating shall avoid messy fruit or excessive leaf litter.
4. Prune dead or dying branches at installation.
5. Branching of shade trees shall be trimmed at time of planting and maintained to a minimum of 7 feet clear for safe pedestrian circulation.
6. Planted beds are recommended along building edges, foundations and uninterrupted walls. Plantings shall provide either a formal pattern or a naturalistic blend of heights,

colors and textures. Plants shall be generally planted in large masses or 'drifts' rather than individual specimens, to provide a pleasing effect for both the motorist and pedestrian.

8.4 Landscape Maintenance

Landscaping plans shall anticipate a 3-8 year growing cycle to achieve maturity for shrubs, and a 15-20 year growing period for trees to achieve maturity. Proper maintenance shall be assured so the site continues to improve as the landscaping achieves maturity.

Design Guidelines

1. A written maintenance plan shall be provided for all landscape elements. The maintenance plan shall include details on initial installation, guarantee period, replacement policy, periodic and seasonal maintenance, special considerations, use of pesticides and fertilizers, irrigation and seasonal displays.
2. All plant material shall be allowed to achieve their natural forms without excessive pruning.
3. Shaping evergreen shrubs into tight geometrical forms are strongly discouraged.
4. The use of plant material and landscape elements that require a low degree of maintenance is strongly encouraged.
5. Planting characteristics to be considered include: draught resistance, salt tolerance, tolerant of urban conditions, and disease and insect resistant
6. Where plant materials specified on the planting plan do not survive or are damaged, they shall be replaced.

Town of Bolton

Route 44
Incentive Housing Zone Study

BOLTON ARCHITECTURAL AND SITE DESIGN GUIDELINES: CONCEPT PLAN ACCOMPANIMENT

May 15, 2012

goderre & associates

landscape architects
urban designers
planners

p: 860.468.4355
www.goderreassociates.com

with:
Branse, Willis and Knapp, LLC

Town of Bolton

Route 44 Incentive Housing Zone Study

Revisions

No.	Date	Notes

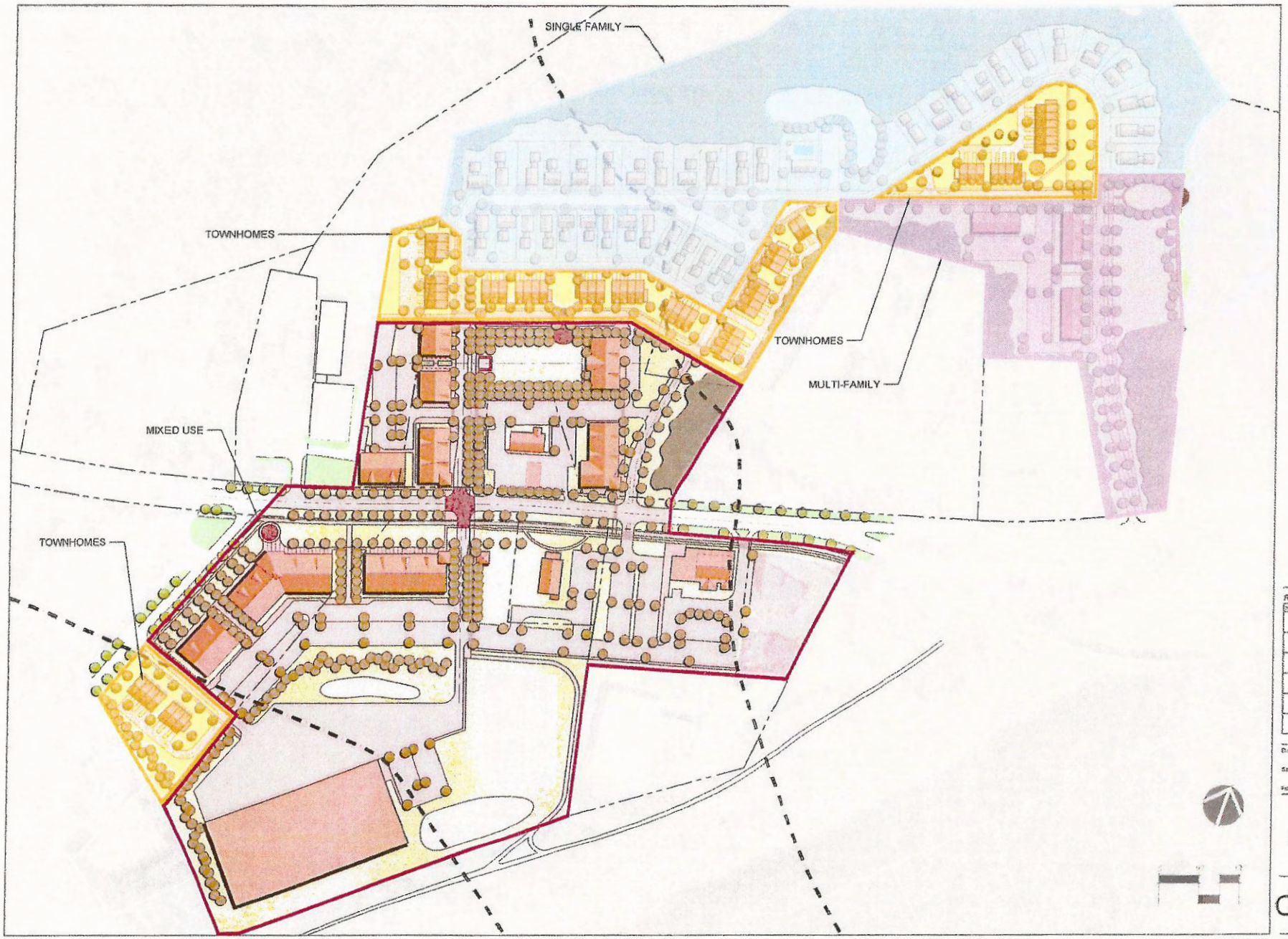
Date: 5/15/12 Drawn By: DSG

Scale: 1"=100' Proj. No.:

Filename:

Concept Plan

CP-1.1A



Town of Bolton

Route 44 Incentive Housing Zone Study

Revisions

No.	Date	Within

Date: 8/13/12 Drawn By: DGS

Scale: 1"=100' Proj. No.:

Signature:

Land Uses

CP-1.1B

Town of Bolton

Route 44 Incentive Housing Zone Study

Revisions

No.	Date	Notes

Date: 5/15/12 Drawn By: DGG

Scale: 1"=50' Proj. No.:

Filename:

Concept Plan South

CP-1.2

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Route 44 Incentive Housing Zone Study

Revisions

No.	Date	Notes

Date: 5/15/12 Drawn By: DGG

Scale: 1"=50' Proj. No.:

Filename:

Concept Plan Central

CP - 1.3

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Route 44 Incentive Housing Zone Study

Revisions

No.	Date	Notes

Date: 5/15/12 Drawn By: DGG

Scale: 1"=50' Proj. No.:

Filename:

Concept Plan
North

CP-1.4

Town of Bolton

222 Bolton Center Road • Bolton, CT 06043

Board of Selectmen
(203) 649-8066

May 18, 1995

Heidi Luck, Chairwomen
Zoning Commission
344 West Street
Bolton, CT 06043

Dear Heidi:

Be advised that at their May 15, 1995 meeting the Board of Selectmen adopted the following resolution:

"Pursuant to Section 8-2(a) of the Connecticut General Statutes, which may be amended from time to time, the Town of Bolton's municipal properties are exempt from the Bolton Zoning Regulations prescribed by the Bolton Zoning Commission."

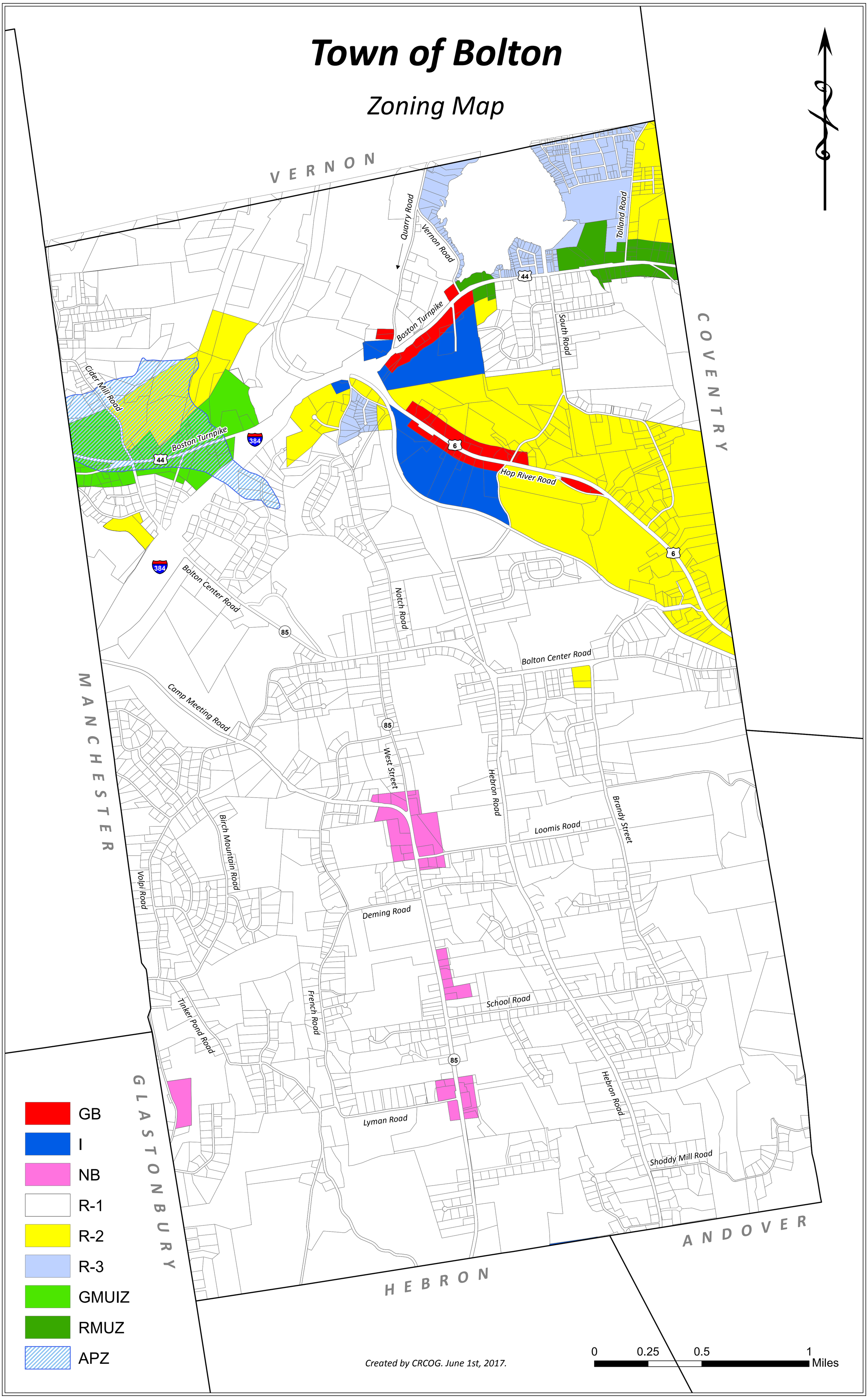
Respectfully,

John C. Guinan
Administrative Officer

cc: Bobb Grillo, Land Use Manager

Town of Bolton

Zoning Map



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