



**HOMELAND TOWERS, LLC (HOMELAND)  
NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

**Application to the  
State of Connecticut Siting Council**

**For a Certificate of  
Environmental Compatibility and Public Need**

**–NEW CANAAN NW FACILITY–**

**Docket No. \_\_\_\_  
Bulk Filing**

**HOMELAND TOWERS, LLC (HOMELAND)  
9 HARMONY STREET  
DANBURY, CONNECTICUT 06810**

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)  
84 DEERFIELD LANE  
MERIDEN, CONNECTICUT 06450**

## **BULK FILING CONTENTS**

- Section 1: New Canaan 2014 Plan of Conservation
- Section 2: Zoning Regulations, Town of New Canaan, Connecticut, Effective June 17, 2007, Amended December 17, 2021
- Section 3: Zoning Map, Town of New Canaan, Connecticut, Effective August 30, 2021
- Section 4: Inland Wetlands and Watercourses Regulations, The Inland Wetlands Commission of the Town of New Canaan Connecticut, Adopted December 13, 2000, Revised through January 1, 2013
- Section 5: Technical Report
- Section 6: Wireless Market Study of the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014
- Section 7: New Canaan Cell Phone Survey Results Through October 25, 2012



# Section 1

# **NEW CANAAN**

**2014 Plan of Conservation & Development**



## **STRATEGIC ELEMENT**

**New Canaan Planning & Zoning Commission**



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## Acknowledgements

The cover photograph, taken by Peter Hanson of New Canaan, was awarded First Prize in a Photography Contest conducted during the time this Plan was being prepared.



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June 2014

To New Canaan Residents,

This document is the 2014 Plan of Conservation and Development for New Canaan. After the final public hearing on June 3, it was revised to reflect additional input and adopted by the Planning and Zoning Commission on June 24. The effective date is August 1, 2014.

Prepared over a 16-month period, the Plan reflects input from New Canaan residents and organizations and discussions among the members of the Planning and Zoning Commission about desirable future strategies for the future of our community.

This Plan of Conservation and Development (called the strategic element) has a companion part which is called the implementation element. While the strategic element identifies “big picture” strategies for the future, the implementation element identifies more specific policies and tasks intended to help implement the overall strategies.

The Planning and Zoning Commission looks forward to your continued support and input as we implement the Plan. Thank you for your interest.

Sincerely,

Laszlo Papp, Chair  
Planning and Zoning Commission

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# INTRODUCTION

# 1

## Overview

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This Plan of Conservation and Development is a strategic plan for the physical development of New Canaan. It is an advisory document which is intended to guide local actions and to provide a framework for consistent decision-making with regard to conservation and development activities over the next decade or so.

Since a Plan of Conservation and Development helps guide local actions toward outcomes considered beneficial for the community and/or desired by residents, there are few documents that have a greater potential long term influence on the physical characteristics of New Canaan.

New Canaan has a history of preparing plans for the entire community and on different topics. Each plan has strived to enhance the community and the lives of its residents. It is in that spirit that this Plan of Conservation and Development has been prepared.

*This Plan has been prepared to help guide New Canaan's future conservation and development ...*





## Advisory Documents

The Strategic Element of the Plan of Conservation and Development is an advisory document intended to guide the future physical development of New Canaan. The same holds true for the Implementation Element.

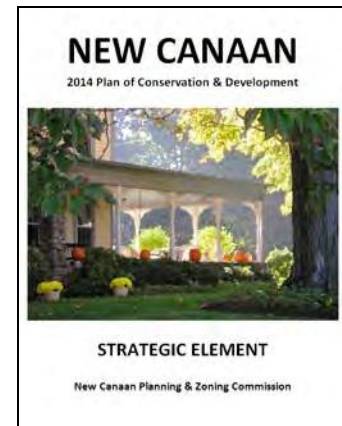
While the Implementation Element may recommend specific tasks or actions, it is also advisory. During the anticipated lifespan of this Plan, the Planning and Zoning Commission and other Town agencies may decide to implement (or not implement) specific recommendations as the needs and circumstances of the Town dictate.

## Organization Of This Plan

This Plan differs somewhat from prior plans in that it has been configured in a way which is intended to facilitate implementation. To help accomplish this, the Plan of Conservation and Development has been configured as a two-part document.

This part - the “Strategic Element” - is a statement of strategic directions considered integral to the vitality, livability, and quality of life in the community. It is “big picture” and strategic in nature so that New Canaan residents will use it to discuss and refine the major directions of the community.

It is envisioned that the Strategic Element will be occasionally reviewed to ensure that the strategic directions are appropriate for addressing the issues facing the community.



The other part –the “Implementation Element” – identifies tasks to accomplish the strategies. It identifies the task to be completed, the entity responsible for completing it, and the anticipated timeframe for completion. It is envisioned that this element will be regularly updated as tasks are completed and new tasks identified.



The Plan recommends that the Implementation Element be maintained and administered by a Plan Implementation Committee. The Committee would regularly review the Implementation Element to ensure that the work program and tasks for the coming year (and beyond) reflect fiscal and operational capabilities.

While the Strategic Element of the Plan will be updated less frequently than the Implementation Element, the Strategic Element should evolve as the needs of the community change. As new issues come to light, the community should strive to update the Strategic Element by evaluating alternative approaches and selecting the best overall strategy for New Canaan. The fact that a topic or issue is not addressed in the Strategic Element should not prevent it from being considered at some time in the future.

## Preparation Of This Plan

The process used to prepare this Plan is illustrated by the adjacent flowchart.

Since this Plan is an update of the 2003 Plan of Conservation & Development, the inventory phase included a review of the recommendations in the 2003 Plan, a discussion with the Planning and Zoning Commission, a number of interviews with local officials and other interested persons, an independent analysis of issues and trends in New Canaan and elsewhere, and a public meeting to generate input from residents. An evaluation of demographic changes and other trends was also undertaken.

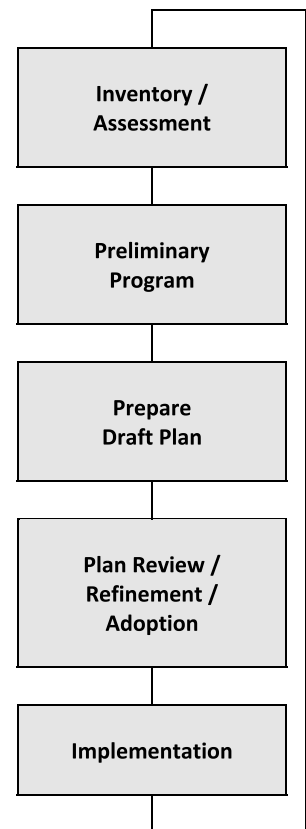
From this work, a preliminary planning program was prepared for review by the Planning and Zoning Commission. The preliminary planning program outlined possible strategies so that the Commission could provide feedback and guidance. Following some modifications to the preliminary program, a draft Plan was prepared for discussion.

The Planning and Zoning Commission reviewed the draft Plan and discussed alternative policies and desirable future outcomes. Additional input was obtained throughout the process by public meetings and community workshops that generated input and discussion.

The final phase, "Implementation", takes place after the Plan is adopted and the various recommendations are put into action and evaluated. The Planning and Zoning Commission has both the statutory responsibility to adopt the Plan and the lead role in overseeing the Plan's implementation.

However, implementation will only occur with the diligent efforts of the residents and officials of the Town of New Canaan. As a result, responsibility for implementation rests with all boards, agencies, and individuals in New Canaan.

### The Planning Process





### **Statutory Reference**

Section 8-23 of the Connecticut General Statutes requires that the Planning and Zoning Commission prepare, adopt, and amend a Plan of Conservation and Development for New Canaan.

### **Selected Other Planning Studies**

Over the years, New Canaan has completed a number of planning studies to help guide growth and change in the community:

- Long-Range Planning Committee (2012)
- Downtown Market Demand Study (2011)
- Incentive Housing Study (2011)
- Community Survey (2010)
- Senior Housing Study (2010)
- Downtown Planning Study (2006)
- Parking Study Update (2002)
- Open Space Study Group (2001)
- Traffic Study (1999)
- Long-Range Planning Task Force (1998)
- Parking Study (1997)
- Historic / Architecture Survey (1987)
- Plan of Development (1986)
- Traffic Study (1983)
- Business District Development Plan (1972)
- Traffic and Access - Central Business Area (1968)
- Plan of Development (1967)
- Business District Study (1958)
- Plan of Development (1954)

After the final public hearing on June 3, 2014, the Plan was adopted at the June 24, 2014 meeting of the Planning and Zoning Commission with an effective date of August 1, 2014.

### **EXCERPTS FROM CONNECTICUT GENERAL STATUTES SECTION 8-23 - PLAN OF CONSERVATION AND DEVELOPMENT**

#### **The Plan shall:**

- be a statement of policies, goals and standards for the physical and economic development of the municipality ..
- show the commission's recommendation for the most desirable use of land within the municipality ... and for the most desirable density of population ....
- be designed to promote with the greatest efficiency and economy the coordinated development of the municipality and the general welfare and prosperity of its people.

#### **The Plan may:**

- show the commission's recommendation for a system of principal thoroughfares, parkways, bridges, streets and other public ways; for airports, parks, playgrounds and other public grounds; for general location, relocation and improvement of public buildings; for the general location and extent of public utilities and terminals, whether publicly or privately owned for water, sewerage, light, power, transit and other purposes; and for the extent and location of public housing projects.
- include recommended programs for the implementation of the plan ...
- (include) such other recommendations ... in the plan as will ... be beneficial to the municipality.



## KEY ISSUES

# 2

### Overview

The following overall philosophy, which emerged as the foundation for the 2003 Plan of Conservation & Development, is still considered to be relevant to this Plan:

**Promote an appropriate balance of conservation and development in order to enhance community character and improve the overall quality of life.**

*"If we could first know where we are, and whither we are tending, we could then better judge what to do, and how to do it."*

*Abraham Lincoln*

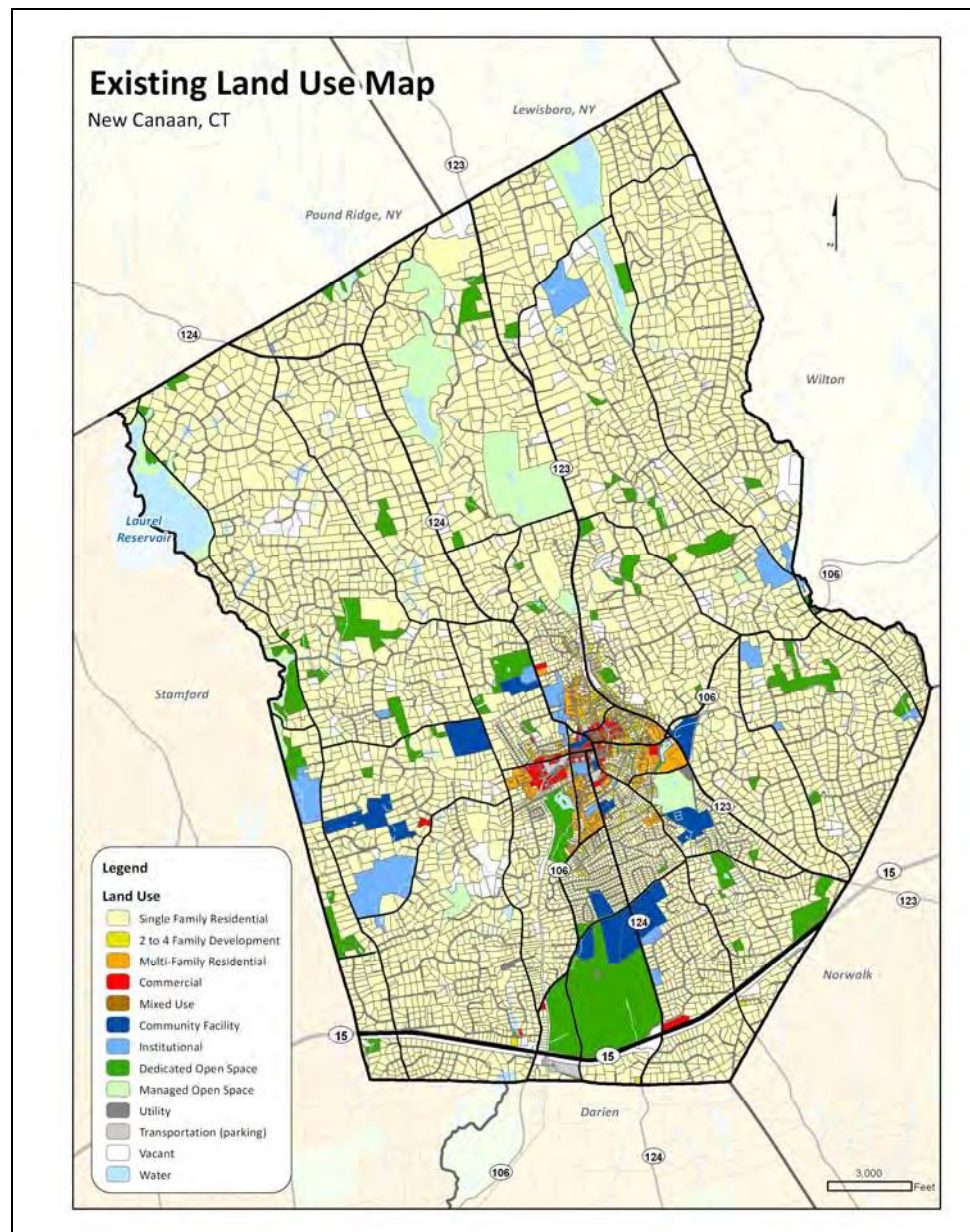


## New Canaan Is Mostly Developed ...

A land use analysis of New Canaan revealed that about 97 percent of the land in the community has been developed or committed to different land uses. Most of the land in New Canaan is used for residential homes.

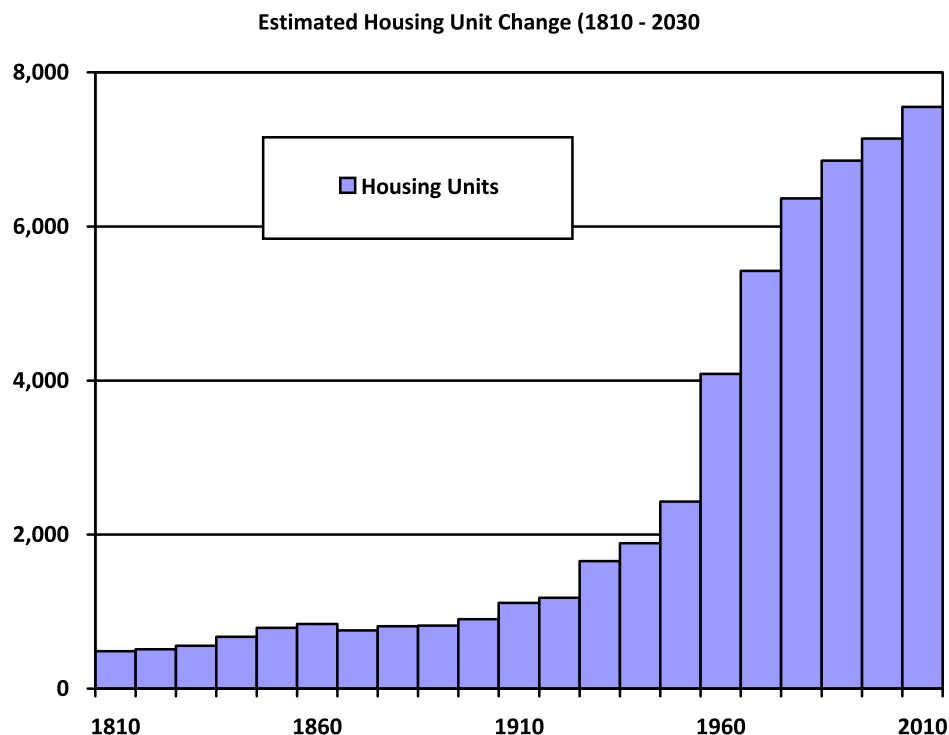
Since almost all of the land in New Canaan has been developed or committed, growth and change in the future is most likely to occur as a result of:

- changes in occupancy of existing housing units, and
- from redevelopment of existing property rather than from development of major new subdivisions or projects.



## Housing Growth Is Slowing ...

With most of the land area in New Canaan being developed or committed, the number of housing units which can be built in the community is nearing a theoretical limit based on local land use regulations, natural resource constraints, and other factors. The following chart reveals a flattening “growth curve” which typically occurs as a growth threshold is neared.



Census data reveals that housing in New Canaan (our housing “portfolio”) is focused primarily on single-family detached housing. Since this type of housing was the preferred housing choice in the 1950s and 1960s when New Canaan was growing rapidly, it is understandable that single-family housing became the predominant form of housing in the community.

### Housing Unit Data

Although exact data on the number of housing units in New Canaan in the 1800s is not available, it is possible to estimate the number of units.

Year	Housing Units
1810	485
1820	512
1830	555
1840	672
1850	789
1860	840
1870	757
1880	811
1890	819
1900	900
1910	1,112
1920	1,181
1930	1,655
1940	1,887
1950	2,427
1960	4,084
1970	5,421
1980	6,365
1990	6,856
2000	7,141
2010	7,551

1960-2010 from US Census.  
1810-1950 estimated from information on typical household sizes at that time.



## Population Data

Year	Population
1810	1,599
1820	1,689
1830	1,830
1840	2,217
1850	2,600
1860	2,771
1870	2,497
1880	2,673
1890	2,701
1900	2,968
1910	3,667
1920	3,895
1930	5,456
1940	6,221
1950	8,001
1960	13,466
1970	17,451
1980	17,931
1990	17,864
2000	19,395
2010	19,798

2020	19,300	19,660
2030	18,800	19,520

1900 – 2000 Census, Projections in italics.

Low projections by Planimetrics based on continuing the age-specific migration rates from 2000 to 2010.

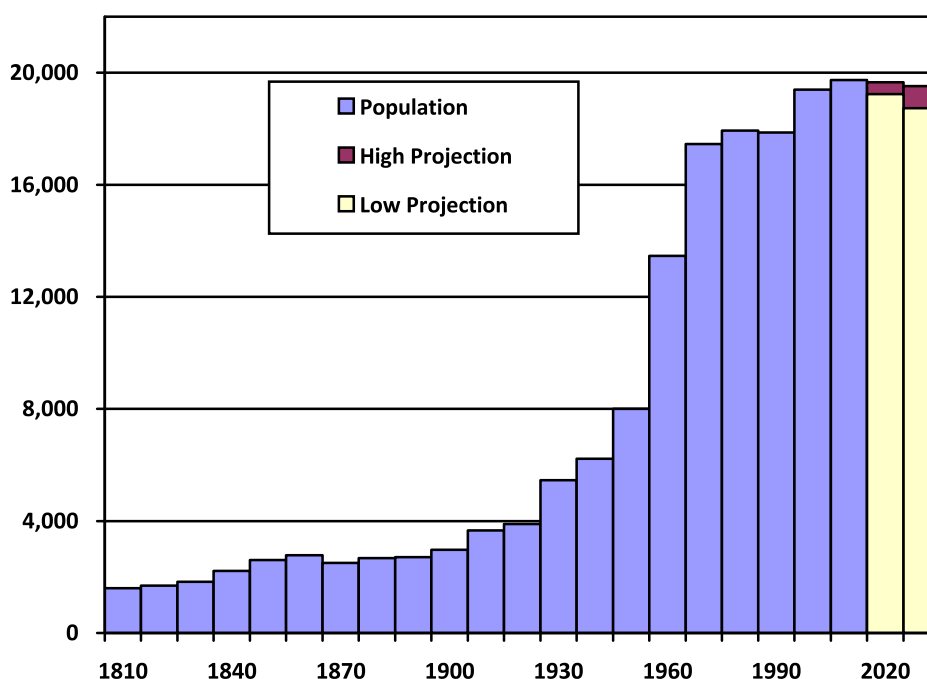
High projections from the Connecticut State Data Center.

## Population Growth Has Slowed ...

According to the U.S. Census Bureau, New Canaan had a population of 19,798 people in the year 2010. This represents an increase of 343 people (2 percent) from the 2000 Census. In comparison, the population of Connecticut grew by almost 5 percent during this same period. If recent migration patterns continue, New Canaan's population may experience a slight decrease in the future as school children graduate and some households get smaller.

It is interesting to note that New Canaan added over 400 units of housing from 2000 to 2010 but the population only grew by 343 people.

Population Change (1810 - 2030)



Sidewalk Sale Day



New Canaan Advertiser

Selectmen's Meeting



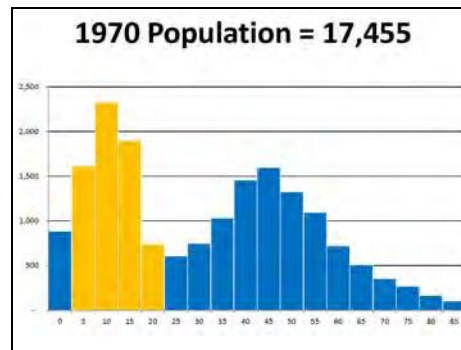
New Canaan News On-line

## Age Composition Is Changing ...

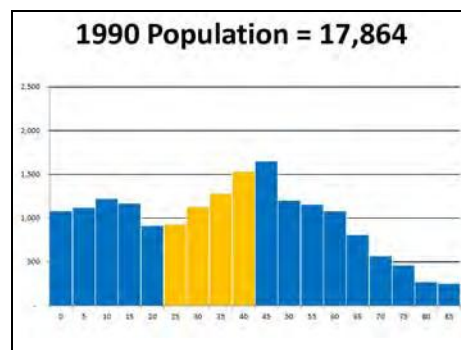
The age composition of New Canaan has been changing over time and changes are expected to continue in the future. This has the potential to influence the demand for certain services in the community and to change New Canaan's approach to issues in the community.

To help illustrate this point, the following charts illustrate the number of residents in 5-year age groups in different Census years.

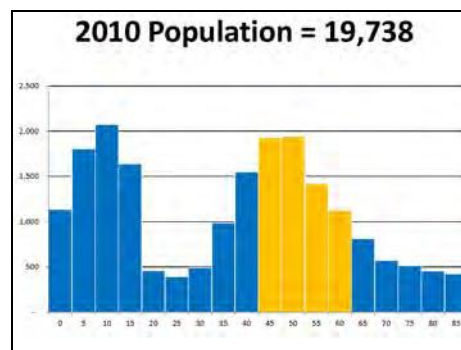
In 1970, New Canaan's age composition was dominated by younger age groups (the "baby boom"). People considered part of the "baby boom" were aged 5 to 25 in 1970.



Twenty years later, in 1990, New Canaan had many fewer children but had a number of young adults (roughly corresponding to the "baby boomers" – now aged 24 to 45).



In 2010, the number of children had increased again as a result of the "baby boomers" having had children (the "baby boom echo"). In addition, there was significant growth in the older age groups as the baby boomers aged and as people lived longer.



In the future, the age composition of New Canaan is expected to continue to be strongly influenced by longer life expectancies. Some population projections estimate that about 40% of New Canaan's population in the year 2025 could be over the age of 55 and about 20 percent could be over the age of 65.

## Population Dynamics Are Key To Our Future ...

Population change in a community occurs in two ways:

- Natural increase (births minus deaths), and
- Net migration (move-in minus move-out).

The table below reveals that New Canaan has tended to experience natural increase (more births than deaths) except for the 1970s. The number of births and deaths in a community tends to be driven by its age composition (ages for forming families, women of child-bearing age, age of person, etc.). This helps explain the large number of births in the 1960s (the “baby boom”) and the 1990s (the “baby boom echo”).

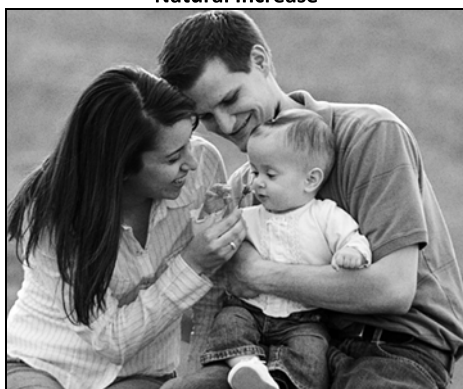
Components of Population Change (1960 to 2010)

	1960s	1970s	1980s	1990s	2000s
<b>Total Change (from US Census)</b>	<b>3,985</b>	<b>480</b>	<b>(67)</b>	<b>1,531</b>	<b>343</b>
<b>Change Due To Natural Increase (Births – Deaths)</b>	<b>670</b>	<b>(15)</b>	<b>154</b>	<b>1,247</b>	<b>850</b>
Births	1,811	1,193	1,474	2,455	1,952
Deaths	1,141	1,208	1,320	1,208	1,102
<b>Change Due To Net In-Migration (Move-In Minus Move-Out)</b>	<b>3,315</b>	<b>495</b>	<b>(221)</b>	<b>284</b>	<b>(507)</b>

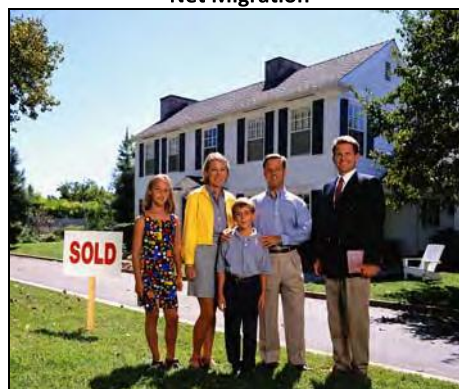
US Census, Connecticut Health Department reports

Thus, the key variable in overall population change in New Canaan appears to be net migration. In the period from 2000 to 2010, more people moved out of New Canaan than moved in. This pattern is simply a reflection of the overall age composition of the community.

Natural Increase



Net Migration



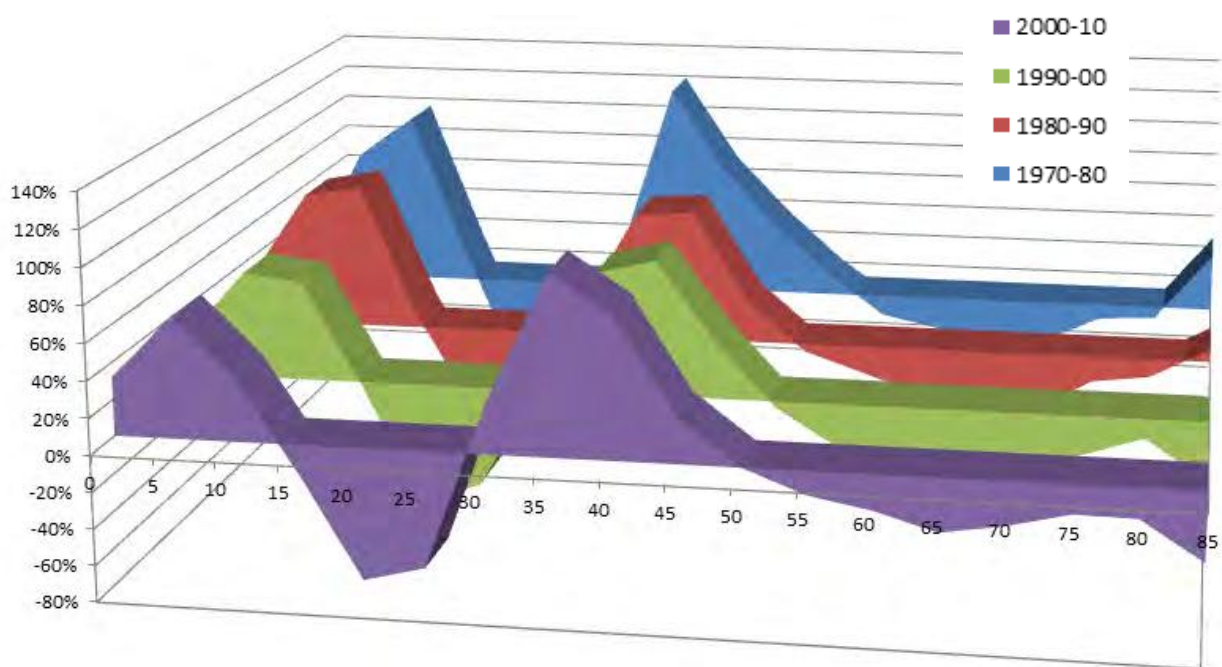
While migration can be driven by economic considerations, the pattern over the past four decades in New Canaan seems to be driven by age as well. Since 1970, New Canaan's migration patterns have been dominated by:

- Net in-migration of younger families (ages 30-55), often with school-age children (ages 0-20),
- Net out-migration of young adults (ages 20 to 30), and
- Net out-migration of older persons (ages 55+).

The fact that these trends have been consistent for forty-plus years suggests it is part of an underlying dynamic which is likely to persist.

#### Migration Rates and Patterns By Age Group (1970 to 2010)

(Percent of people in a 5-year age group compared to the number of people who were 10 years younger a decade earlier - adjusted for births and deaths in the interim)  
(i.e. – people aged 30-35 in 2010 compared to the number of people aged 20-25 in 2000)



In the next few decades, New Canaan will experience a “tug-of-war” between several trends:

- Modest net housing growth,
- The “baby boom” generation (people born between 1946 and 1964) reaching the age groups that have historically had net out-migration,
- Existing residents generally living longer and occupying housing units with only one or two people, and
- The “baby boom echo” generation (people born between about 1978 and 1996) having children themselves and reaching the age groups that have historically moved into New Canaan.



## Plan Themes

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Based on issues and strategies which arose during preparation of the Plan, the following themes were selected as a way to organize Plan recommendations:

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**PRESERVE &  
ENHANCE  
COMMUNITY  
CHARACTER**

- Protect Physical Character
  - Preserve And Enhance Open Space
  - Preserve Historic Resources
  - Promote Community Involvement
- 

**NURTURE  
DOWNTOWN**

- Maintain And Enhance The Character Of Downtown
  - Rationalize Parking
  - Guide Development And Redevelopment
  - Support Downtown
  - Address Other Downtown Issues
- 

**ENHANCE  
LIVABILITY**

- Provide Appropriate Facilities and Services
  - Protect Residential Neighborhoods
  - Provide For A Diverse Housing Portfolio
  - Enhance The Walking Environment
  - Enhance Bicycle Circulation
  - Enhance Wireless Communications
  - Enhance Energy Services
  - Support Transit
  - Address Other Livability Issues
- 

**ACHIEVE  
SUSTAINABILITY  
AND RESILIENCY**

- Maintain Environmental Health
  - Promote Sustainability
  - Promote Resiliency
  - Address Other Sustainability Issues
-

# PRESERVE & ENHANCE COMMUNITY CHARACTER

## 3

### Overview

For many years, New Canaan residents have consistently indicated that preserving and enhancing community character is important to them. In the 2010 community survey, maintaining community character was identified as one of the most important issues or challenges facing the community.

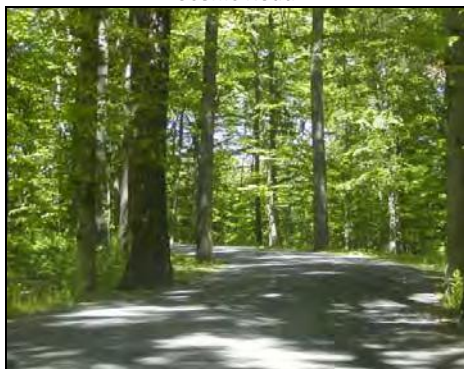
As a result, this Plan specifically identifies preserving and enhancing community character as a priority issue for consideration and action. The intent of this Plan is not to change the character of New Canaan but to preserve it. Residents clearly want to preserve what they love and cherish about New Canaan.

Residents are aware that growth and change affect all communities. New Canaan is not looking for growth for the sake of growth. Rather, New Canaan seeks to guide growth and change in ways that accommodate community needs and ways that maintain and enhance character.

It is important to note that this interest in preserving and enhancing community character has economic implications in addition to emotional implications. The overall perception of community character and quality of life in New Canaan helps support property values as well. For this reason, the overall concept of community character can be extended to the educational system, town services, the overall appearance and function of the downtown, and the relationships between different land uses.

*Preserving and enhancing community character is important to New Canaan residents ...*

Scenic Road

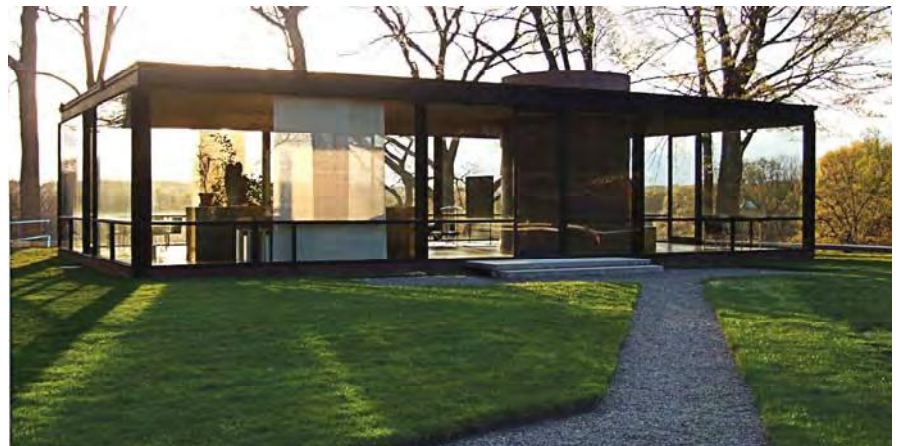


Town Center

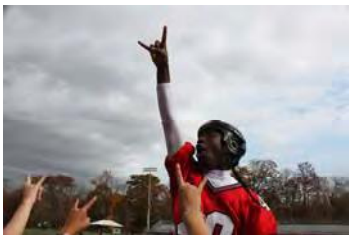


As this Plan was being prepared, the Town of New Canaan ran a photo contest. Potential entrants were asked to submit images that celebrate life in New Canaan and things that make our community special. Images could show anything from natural beauty, history, landscapes, wildlife, events, celebrations, facilities, businesses, architecture or people living, working, shopping or playing in Town.

Some of the images submitted are presented on these pages in order to help illustrate the types of things people feel contribute to the overall character of New Canaan.







## **“Openness”**

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The influence of “openness” on the overall character of the community has been recognized for some time.

Examples of things which contribute to the overall feeling of “openness” include:

- Large lot zoning in outlying areas of the community,
- Preserved open spaces and parks
- Other low intensity uses
- Scenic views
- Mature trees

## **Large Lot Zoning**

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Large lot zoning in outlying areas of New Canaan contributes significantly to the overall character of the community.

# **Protect Physical Character**

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## **A. Preserve and Enhance Physical Character**

The physical character and appearance of New Canaan has been a significant factor in attracting people to New Canaan over the years. There are many things which contribute to the overall perception of New Canaan’s character, including the following:

- An overall sense of “openness” which results from large lot zoning, mature trees and attractive landscaping
- Attractive homes and neighborhoods
- A village center which is vibrant, attractive, compact, and walkable
- Historic buildings
- Architectural diversity
- Community facilities
- Convenient rail service
- Scenic views and scenic features
- Lack of light pollution
- Lack of noise pollution

The Town should continue to:

- recognize the importance of community character to residents and visitors,
- identify resources which contribute to community character, and
- identify tools to protect character resources.





# Scenic Resources Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Stamford

Norwalk

Darien

## Legend



Scenic Vistas



Scenic Viewpoints



Open Space

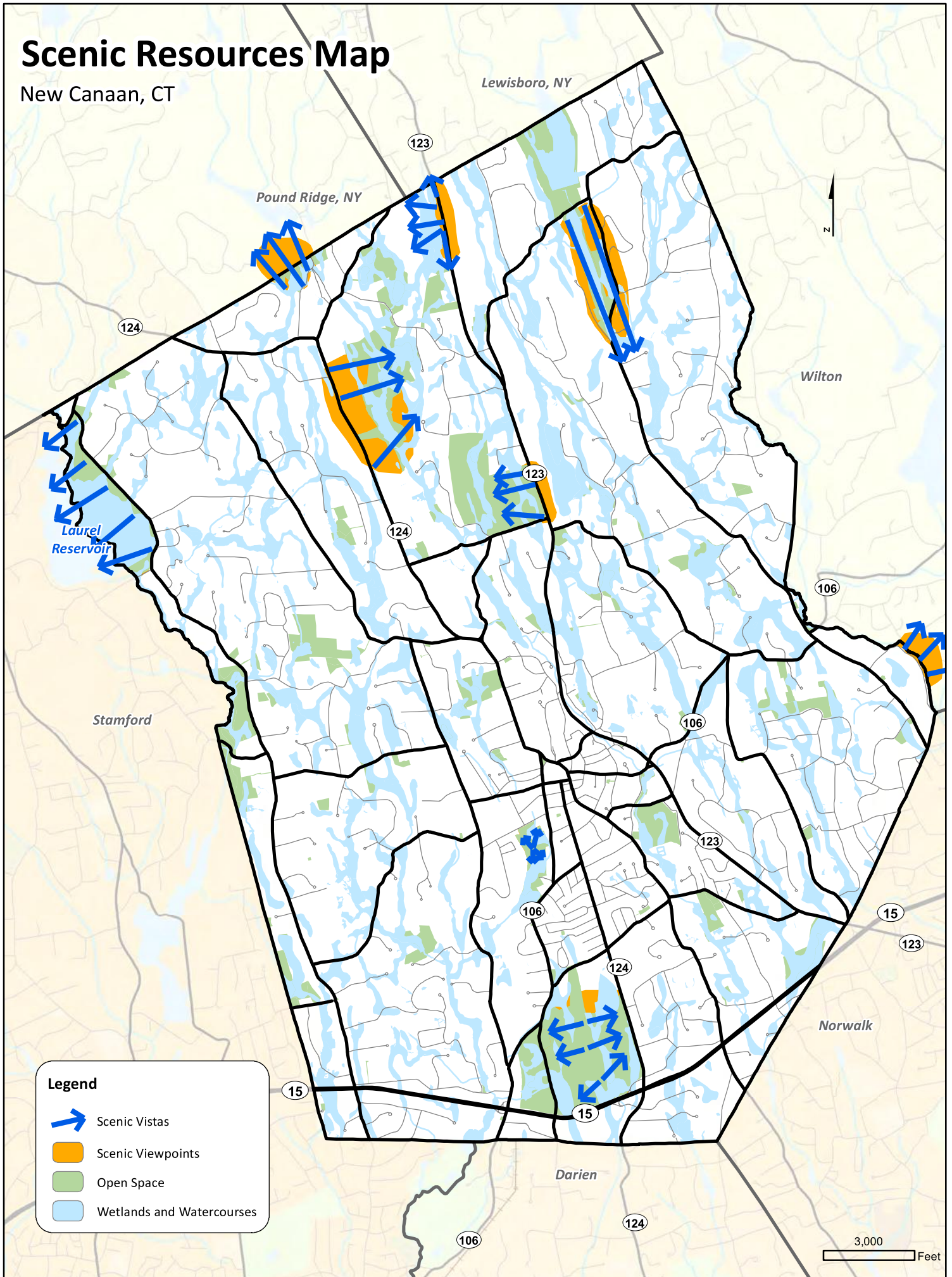


Wetlands and Watercourses



3,000

Feet



## Open Space Definitions

This Plan recognizes there are different types of open space.

Type	Description
<b>Dedicated Open Space</b>	Land preserved in perpetuity as open space, mostly with public access.
<b>Managed Open Space</b>	Land set aside for some other purpose (such as watershed protection) but that provides some open space value. Public use may not be allowed.
<b>Perceived Open Space</b>	Land which contributes to the overall sense of openness in New Canaan because it is undeveloped or part of a large property

These categories were outlined in the 2003 Plan of Conservation and Development and have since been used in the 2004 Town-Wide Open Space Study and subsequent open space mapping undertaken by the Conservation Commission.

## Preserve And Enhance Open Space

Open space, especially when it is accessible to and usable to people, contributes to community character and the overall quality of life of residents. Open space preservation and enhancement has long been an important issue for New Canaan residents (for example, see the 2003 Plan of Conservation and Development).

### A. Continue To Preserve Open Space

New Canaan should continue to preserve open space when opportunities present themselves, especially when adjacent to existing open space lands. To help support open space preservation, New Canaan should consider pursuing open space grants (such as from the State of Connecticut) and partnering with other organizations (such as The Nature Conservancy).

Open space preservation should also occur during the subdivision process, either in terms of dedication of land or through acceptance of a “fee-in-lieu-of-open space” payment (as per Section 3.04 of the Subdivision Regulations). In the case of accepting a fee payment, the funds collected through this program can be used to obtain meaningful open space elsewhere in the community.

In addition, New Canaan should continue to celebrate and encourage the spirit of philanthropy which has helped promote open space preservation in New Canaan over the years.

### B. Increase Public Access To Open Space

In addition to adding to the open space inventory, New Canaan should maintain and improve, as appropriate, the open spaces it already has and seek to provide more opportunities for public access and connectivity.

The New Canaan Land Trust has been working to expand and maintain trails on its land holdings and these efforts should be supported. Comparable efforts on Town-owned land should be undertaken. Efforts should also be devoted to increasing public access on other properties such as lands owned by:

- First Norwalk Taxing District (watershed lands)
- Second Norwalk Taxing District (watershed lands)
- Aquarion (watershed lands)
- State of Connecticut

Over the long term, having some sort of greenway/ trail network in as many areas of New Canaan as possible will enhance the open spaces that have been preserved and enhance the overall character and quality of life in the community. Making residents aware of the open space opportunities that do exist is an important part of this overall strategy.



# Open Space Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel Reservoir

Stamford

Norwalk

Darien

## Legend

-  New Canaan / Stamford Greenway
-  Dedicated Open Space
-  Dedicated Open Space (Town Parks and Muni. Prop.)
-  Protected Open Space
-  Managed Open Space
-  Perceived Open Space
-  Private Education (Developed)
-  Public Education (Developed)

The New Canaan Land Trust has conservation easements which are not shown on this map.

3,000

Feet



## CASE STUDY

# Land Trust & Trails

In the last few years, the New Canaan Land Trust has become more active in terms of improving the visibility of, and accessibility to, the open spaces which currently exist in the community.

This provides a number of community benefits in terms of community character and quality of life. It also increases the awareness of the Land Trust and their accomplishments.

One project involves establishing and maintaining trails on property located on Valley Road. This land is adjacent to a reservoir of the Norwalk First Taxing District and the trails connect to pathways in the area. A small pull-off area provides parking for just a few cars.

Programs such as this enhance the open spaces in the community, provide walking opportunities for recreation or passive enjoyment, and enhance the overall ambience of New Canaan.

**New Canaan Land Trust (Valley Road at Benedict Hill Road and Colonial Road)**

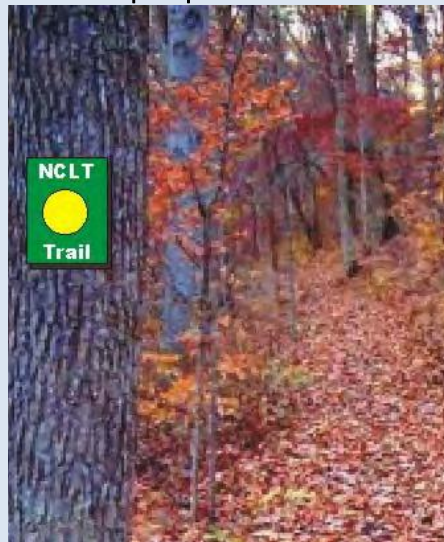


When parcels of open space are interconnected into a cohesive overall system, a system of “greenbelts”, the value of the open space to residents and the impact on community character grows exponentially.

As part of improving the overall open space and trail system in New Canaan, efforts could be devoted to:

- Establishing an open space “marker” of some sort to identify open spaces and trails which are open for public use, and
- Establishing an on-line trail guide to inform residents of where trails and open spaces are located in the community.

**Open Space “Marker”**



**Walking Trail**



**Sample Trail Guidebook**



## Historic District

The local historic district in New Canaan was the third local historic district established in Connecticut.

The Historic District Commission oversees activities proposed within the District in order to “ensure that architectural changes are made with respect and consideration for the historic character of the property and the community as a whole.”

## Preserve Historic Resources

### A. Encourage Preservation Of Historic Resources

Historic buildings and sites contribute to the overall sense of character in New Canaan and the preservation of these resources will be encouraged. Due to significant work that has been done over the years by the New Canaan Historical Society and the New Canaan Preservation Alliance, good information is available about the historic resources in the community.

The Planning and Zoning Commission has adopted regulations to support the preservation of historic resources in town (see Case Study below). This regulation and other local efforts have helped protect and preserve the commonly visualized resources such as historic homes and buildings – and it has also helped protect “modern houses” and the barns still standing which remind us of our agricultural heritage.

The most effective means of preserving historic resources is ownership by people or organizations that are sensitive to the historic significance of the resource and are financially and emotionally committed to maintaining that resource. Sensitive ownership is encouraged and supported.

Residence



“Modern House”



Downtown Buildings



### CASE STUDY

## Preservation Of Historic Structures

To encourage the preservation of structures contributing to community character, the Planning and Zoning Commission adopted Section 7.7 of the Zoning Regulations.

This Section of the Regulations allows the Commission, by Special Permit, to modify a dimensional standard if so doing would help preserve the structure. This might include allowing greater lot coverage (to allow new home construction, perhaps) if the historic home or barn is preserved. The standards for eligible properties and the limitations are specified in this section of the regulations.



# Historic Resources Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel Reservoir

Stamford

Norwalk

Darien

## Historic Resources

-  Local Historic District
-  National Historic Landmark
-  National Register of Historic Places
-  State Register of Historic Places
-  Property "Plaques" by NCHS
-  Architectural Modern House

2,900 Feet

## CASE STUDY

# Barns

The character of New Canaan has been formed in great part by its agricultural and colonial history. The many beautiful barns that still remain, which were essential to the early families who settled here, are an important contributor to the overall character of the community.

New Canaan should continue to try and preserve barns since:

- They contribute to the character of New Canaan.
- They help highlight our history and help give younger generations a sense of our past.
- They remind us of how their ancestors lived and thrived without the modern conveniences so many take for granted.

Efforts to protect barns should continue.

New Canaan Barn



New Canaan Barn



## B. Support Historic Preservation Efforts

New Canaan is also prepared to support historic preservation efforts by others.

New Canaan adopted a demolition delay ordinance which requires a waiting period before an identified historic structure can be demolished. While it does not prevent demolition, it does allow for discussion of ways to preserve the structure or document its historic significance. This ordinance and the procedures should be reviewed to ensure the desired outcomes are being achieved.

Over the years, the Historical Society has been quite active in identifying historic properties. The New Canaan Preservation Alliance has more recently joined in these efforts. Efforts which help increase the visibility of historic resources also help encourage their preservation. These efforts should be continued.

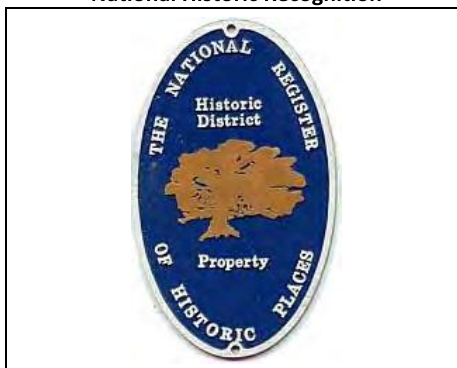
While listing on the National Register of Historic Places (NRHP) is largely ceremonial, it does increase the recognition of an area's historic relevance and encourages preservation. For income producing properties, it also allows for tax credits for renovations undertaken in accordance with federal guidelines. These efforts should also be supported.

Where endorsed by the property owners affected, New Canaan established a "local historic district" to help protect historic resources. This approach requires a "certificate of appropriateness" from a local Historic District Commission for many exterior modifications to a building or other structure.

Local Historic Recognition



National Historic Recognition



## CASE STUDY

# “Modern Houses”

New Canaan contains a significant concentration of “modern houses” – acclaimed and award-winning houses built between 1947 and 1968 – designed by a group of famous architects.

These houses were built in New Canaan because:

- of New Canaan’s proximity to New York City (where many of the architects worked),
- the availability of modestly-priced land (often with dramatic topographic or other features), and
- the interest of these architects in living near each other and exploring architectural innovations.

According to knowledgeable sources, New Canaan has arguably one of the most important concentrations of Modern Movement residential architecture in the country. It is interesting that, on a national (and international) scale, attention is paid to architectural gems such as Frank Lloyd Wright’s “Fallingwater” as an outstanding example of dramatic design and architectural innovation, while the significant concentration of “Modern” houses in New Canaan goes relatively unnoticed.

An inventory by the New Canaan Historical Society found that almost 100 “Modern” houses had been built in New Canaan but that only about 85 remain. People come to New Canaan to see the “Modern” houses and reflect on their role in architecture and design.

**Philip Johnson’s Glass House**



**Lee / Mori / Kuma House**





Philip Johnson's "Glass House" (perhaps the best known of the "moderns") was named a National Historic Landmark in 1997. The property is owned and managed by the National Trust For Historic Preservation and they offer tours to the general public on a reservation basis (<http://philipjohnsonglasshouse.org/>).

Six other modern houses appear on the State Register of Historic Places. Of them, two were designed by Philip Johnson; one each by Marcel Breuer, Eliot Noyes, Frank Lloyd Wright, and Landis Gores.

### **Threat And Solution**

Around the turn of the century, the "modern houses" in New Canaan were threatened. A very hot real estate market created a situation where people wanted to purchase the modern houses in order to raze the structure and build a new house. At the same time, restrictive zoning rules on allowable coverage created a situation where the "modern houses" were penalized.

Recognizing this, the Zoning Regulations were modified to provide a special permitting process which provided regulatory benefits if the "modern house" was preserved. It is believed that this regulatory approach has helped preserve some of these unique structures.

**Landis Gores Pavilion**



**Modern House**





## Promote Community Involvement

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### A. Promote Community Events

While there are few things that a municipality can do to affect the quality of life of each individual resident, a municipality can promote and sponsor activities that enhance the overall sense of community spirit and pride:

- Unique events (parades, fairs, and concerts)
- Volunteer organizations
- Philanthropic efforts undertaken by residents
- Establishing and attaining shared visions and goals
- Discussion of community issues and priorities
- Positive recognition of local activities and events

New Canaan is fortunate to have a strong sense of community pride and community spirit. Local organizations should continue to encourage activities that contribute to community spirit and pride since these activities will contribute to the overall quality of life of New Canaan residents.

### B. Promote Community Philanthropy

It is important to recognize that New Canaan residents have demonstrated a strong sense of philanthropy over the years and these efforts have resulted in a number of community amenities and assets.

The New Canaan Community Foundation (NCCF) is a case in point. Established in 1977, the NCCF is devoted to promoting community philanthropy and improving the quality of life for area residents. Since its founding, the organization has made over \$8 million in grants for many non-profit organizations in New Canaan and scholarships for students. The organization is funded by charitable donations from generous residents.

Some of the Amenities Funded Through NCCF and Local Philanthropy



# NURTURE DOWNTOWN

# 4

## Overview

New Canaan's downtown is a special place. New Canaan residents and visitors recognize the strong "sense of place" which exists in the downtown and which is unique. Residents want to preserve and enhance the overall image and character of the downtown and ensure it remains the "heart and soul" of New Canaan.

The Plan specifically calls for improved maintenance and enhancement of the Town Center in New Canaan because of the important role that it plays in community character and community spirit.

Still, there are improvements and enhancements which can and should be made to improve downtown.

*New Canaan's downtown is recognized as one of the most attractive places in the region ...*

Forest Street



South Avenue



## Character Elements

A number of studies over the years have identified the following elements as contributing to (or detracting from) the overall character of downtown:

- Buildings
- Signage
- Sidewalks
- Lighting
- Parking
- Street furniture
- Plantings
- Pedestrian linkages
- Crosswalks
- Pavement
- Curbs
- Traffic circulation
- Utilities
- Garbage / Litter
- Weeds
- Litter
- Vacant buildings

Over the years, New Canaan residents have indicated that they wanted more of the following types of things in the downtown:

- More streets like Elm Street
- Attractive streetlights
- People living in the downtown
- Mixed use buildings
- Medical space / office
- Cleaning of common areas / trash pickup
- Control of delivery vehicles
- Pocket parks and green spaces

## Maintain And Enhance The Character Of Downtown

Maintaining and enhancing the unique quality and character of downtown is an important element of this Plan. New Canaan is widely recognized as having an attractive and charming downtown area. This overall impression needs to be maintained and enhanced for the downtown to be as successful as it can be.

New Canaan designated its downtown zoning districts as “village districts” in 2005 and this designation helps give the Planning and Zoning Commission the tools to maintain and enhance the character and appearance of the downtown area. The village district designations should be continued.

Elm Street



Elm Street



Main Street



Sidewalk Sale



New Canaan News Online



## CASE STUDY

# Downtown Strategic Plan

Due to funding constraints, the 2003 Plan of Conservation and Development did not contain an evaluation of downtown issues. Instead, that Plan acknowledged recommendations from the 1984 Downtown Study and recommended that a more detailed study be undertaken.

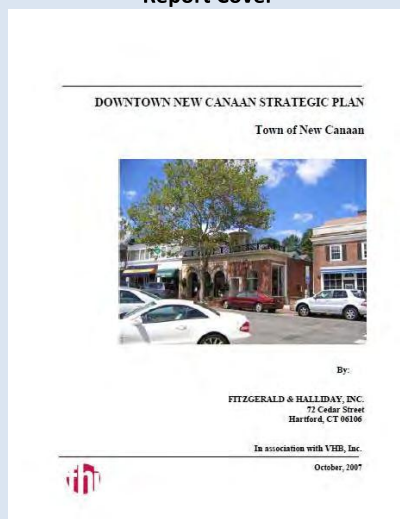
In 2007, a Downtown Planning Study was prepared for the Town by Fitzgerald and Halliday. The key issues to be evaluated included the overall development potential in the downtown, the estimated parking surplus or deficit, and the relevance of the zoning regulations for the downtown area. The final report is available on the Town website.

The study estimated there was about 900,000 square feet of floor area in the downtown and that the zoning regulations at that time might allow for construction of an additional 160,000 square feet. Overall, a parking deficit was found both in the downtown and at the train station.

Key strategies from the plan included:

- Sustain and enhance downtown character/aesthetics
- Maximize efficient use of existing parking supply and expand the parking supply to meet long-term demand
- Improve vehicle loading options
- Improve pedestrian access and amenities
- Enhance traffic operations

### Report Cover



### Recommended Immediate Action Items

#### Immediate Action Plan

This listing includes those high priority activities that can be initiated in the coming year and which have low capital investment costs.

Action Item	Primary Responsibility	Notes
Strengthen Village District Design Criteria	P&Z Commission	Zoning amendment
All Building New Limits to Zoning	P&Z Commission	Zoning amendment
Conduct Market Demand Study	Town of New Canaan	Start process by developing and RFP and setting aside funds in upcoming budget year
Add Parking Aesthetics to Zoning	P&Z Commission	Zoning amendment
Relocate Municipal Employee Parking	Town of New Canaan	These actions can be implemented in phases and should be accompanied by incentives
Relocate Retail/Commercial Employee Parking	Chamber of Commerce	Current ongoing program
Review Parking Fee Structure	Parking Bureau	Current ongoing program
Relocate Joint Asset Structure	Parking Bureau	Zoning amendment
Adopt Fee-on-Loss of Parking-Zoning	P&Z Commission	
Create Additional Loading Zones	Parking Bureau	Initiate consensus building process to identify locations
Adopt Loading Time Restrictions	Parking Bureau	Will require signage
Enhance Wayfinding	Town of New Canaan	
Eliminate Some Parking at Intersections	Town of New Canaan	Involves restriping roadway and signage

Downtown New Canaan Strategic Plan  
October 25, 2007

page 49

## Need For A Parking Review

New Canaan has studied parking many times over the years and a common thought is that *another* parking study is not needed.

However, past parking studies have generally looked simply at the supply and utilization of parking spaces (the number of spaces available and occupied). This is not what the POCD recommends.

The POCD recommends that New Canaan look at the *dynamics* of parking in the downtown:

- In order to provide for a more efficient parking system
- The opportunity to provide more parking to better support existing businesses and/or support additional development in the future,
- Support pedestrian activity
- The ability to capture commuter parking revenue from residents of nearby communities

Of course, the following realities are understood:

- Most people in New Canaan do not seem to be in favor of paid parking on Main or Elm,
- Meters (used in the past) and machines (used at present) may not be appropriate for Main or Elm, and
- New technologies may not yet be at a stage for implementation and acceptance by the public.

## Rationalize Parking

### A. Undertake A Comprehensive Parking Review

The most desired and attractive spaces in the downtown are available for free (and end up being used by employees and long term parkers) while the spaces which may be less desired (due to location, appearance, or other factors) involve monthly permits or user charges (daily or hourly). People who want to make a purchase at a local shop or who want to complete a quick errand end up circling the block or parking further away because parking is not available.

Quite a bit of research has gone into parking dynamics in recent years (*"The High Cost Of Free Parking"* by Donald Shoup is a good example) and it would make sense for New Canaan to investigate its approach to parking to ensure it is satisfying local needs. New Canaan should undertake a parking review for the downtown area.

The goals of such a review might be to:

- Use the spaces we have most efficiently
- Provide convenient parking for customers of downtown businesses
- Provide cost-efficient spaces for downtown workers
- Provide parking for special events
- Support the downtown
- Provide parking for commuters

The review should evaluate how parking is provided and priced and how this might be improved. Studies in other areas have shown that pricing parking to result in a five percent vacancy rate maximizes revenue while ensuring that users will be confident they can find parking when they want it. While metering on Elm Street might be one approach, there are a number of technologies available to address parking issues and New Canaan should be at the forefront of how to use these strategies to make downtown successful.

Funds from the parking system (or any net increase in parking revenue) could be used to help support streetscape improvements and other programs which would support the downtown area and businesses.

The review can also look at how to provide "way-finding" to parking areas so that visitors to New Canaan will be able to easily find parking areas which are conveniently located relative to their destination.

The review can also look at ways to incentivize employee parking at the Locust Street lot and the School Street lot in order to free up parking in other areas.

## B. Expand Parking

New Canaan should seek opportunities to expand parking in the downtown area. An adequate supply of parking will be an important asset in terms of supporting the uses we already have in the downtown area, the demand for parking by shoppers, workers and commuters, and the type of downtown we want to have in the future.

### Locust Avenue

The need for more parking has already been recognized. With the renovation of Town Hall, a number of parking spaces are going to be lost at that site. The Town decided to add a parking deck at the Locust Avenue parking lot to expand the number of spaces, which primarily serves downtown workers, by about 100 spaces. Since some spaces are available for hourly users and since all spaces are available for no charge on weekends and evenings, this project will help support a number of activities in the eastern part of downtown (shops, restaurants, Town Hall, downtown workers, downtown residents, special events, etc.).

Locust Avenue Parking Structure



Long Range Planning Committee Report / BFI Planning

### Observation

*People complain about [parking], but nobody does anything about it ...*

Paraphrase of  
Charles Dudley Warner

### Parking Tidbits

In the 2011-12 fiscal year, over \$1.1 million was deposited in the Town's "General Fund" (the main account the Town uses to fund local services) as a result of parking revenues.

An additional \$157,000 was deposited into the Town's "Railroad Fund". This reflects revenue raised from the meters at the State-owned parking lots adjacent to the train station. If revenue collected exceeds maintenance expenses, half of the net income is sent to the State of Connecticut.

Over the years, the Town has also collected about \$450,000 from a "fee-in-lieu-of-parking" regulation which is intended to help fund the construction of additional public parking facilities in and near the downtown area. Approximately \$200,000 of this was appropriated for improvements to the Locust Street lot.



## Approach

Due to high utilization of the parking areas near the train station, care and sensitivity should be taken to ensure that existing commuters will be accommodated as best as possible during any parking expansion.

While parking expansion may result in short-term difficulties for some people, the fact that parking spaces will be available at the train stations for more New Canaan commuters will be a major enhancement. This will further acknowledge that New Canaan is a commuter-friendly town and recognize the crucial role that such commuters play in the local economy.

In addition, such parking could support additional development that could benefit all New Canaan residents and businesses.

## Train Station

Expanding parking at the train station could also help New Canaan accomplish other objectives. More spaces at the station would make more spaces available for New Canaan residents (who might no longer need to park at Talmadge Hill or Richmond Hill or elsewhere). The construction of a parking structure of some type would allow parking to be sheltered from the weather. Overnight parking might be permissible. Such a project would help support activities in the western part of downtown.

Providing spaces in a garage at the train station might present an opportunity to incorporate parking currently provided in the State of Connecticut lots (on Elm Street and Pine Street) and allow these properties to become available for new buildings and uses in the downtown area. The consolidation of parking in the most convenient location (the former lumberyard location immediately adjacent to the tracks and the station) might allow other lots to be used for other local objectives.

The additional parking can help support downtown residential uses. The additional parking could also help support an active streetscape by allowing some sites to be devoted to buildings with the parking off-site.

Parking at the Locust Avenue lot and at the Train Station lot should meet community needs for the foreseeable future. Should additional parking supply be desirable in the future, studies could be undertaken of the feasibility of a parking facility at other sites.

**Train Station And Parking Areas**



Possible Train Station Parking Structure



Long Range Planning Committee Report / BFJ Planning

#### Observation

*Parking is a key issue for downtown merchants and businesses. We should not be afraid to look at the overall parking situation and learn from the experience of others ...*

Comment from a  
Public Meeting

## **Train Station “Gateway”**

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A “gateway” is a recognizable location where a person would become aware that they had entered a different place. The concept of a “gateway” is very important in community design and “place-making”.

The area around the train station is an example of a gateway for people arriving by train.

At the present time, this area may not be presenting the best image of New Canaan. For example, the sidewalks on Park Street should be all brick, the service alleys (and garbage bins) should be shielded, and planting should be added to enhance the area and mask the retaining wall.

Through efforts such as these the concept of “place” and “character” will be positively impacted in New Canaan’s downtown.

## **Guide Development And Redevelopment**

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### **A. Orient Development Activities Towards Pedestrians**

New Canaan has an attractive and inviting pedestrian environment in the Retail A and Retail B zones and in most others areas of the downtown as well.

Maintaining and enhancing the pedestrian-friendly nature in all areas of the downtown is a key strategy of the Plan. There are two key ways that this can happen:

- Providing for a convenient, attractive, and safe network of sidewalks, crosswalks, and other pedestrian connections, and
- Maintaining inviting and interesting uses of buildings adjacent to the street.

As discussed in a number of reports and studies, there are some missing mid-block links in the sidewalk system and some opportunities to strengthen pedestrian connections to and from parking areas which should be implemented (such as acquiring easements for these pedestrian connections) as opportunities present themselves:

- Sidewalk along the Town Hall driveway to Main Street
- Connection from Park Street lot to Elm Street (two locations)
- Mid-block connection from Main Street to Forest Street
- Mid-block connection from Elm Street towards Cherry Street

Sidewalks within the downtown should be wide and be constructed of high quality materials. Brick is recommended (and could be required) in the key areas. Widening sidewalks and extending the brick sidewalks is encouraged.

Enhancing the pedestrian environment through the use of attractive lighting (both building lighting and sidewalk fixtures), street trees, benches, and other amenities is strongly encouraged.

In terms of the uses of buildings abutting sidewalks, New Canaan has regulations which encourage active uses (or prohibit uses which do not promote window shopping or pedestrian interest) at the street level. These regulations should be maintained and strengthened, as appropriate.

Since it can be a challenge to maintain the right balance between the amount of parking (to meet demand) and the location of parking (for convenience) while maintaining a pedestrian-friendly streetscape, New Canaan may wish to consider some sort of transit service if it will help maintain an appropriate balance.



## B. Extend and Enhance The Pedestrian-Friendliness

Within the downtown, the areas which are the most pedestrian-friendly are:

- Elm Street between Main Street and Park Street
- Main Street between Locust Avenue and Morse Court
- Forest Street between East Avenue and Locust Avenue

The elements of these areas which support their pedestrian-friendly nature include:

- Brick sidewalks
- On-street parking (since it provides a sense of convenience to visitors and protection from traffic)
- Active and inviting uses adjacent to the sidewalk
- Appropriately scaled buildings adjacent to the sidewalk
- Attractive and inviting lighting
- Pedestrian amenities (benches, etc.)
- Street trees and other landscaping
- Parking areas which are visually shielded or buffered
- Minimal interruptions to the pedestrian experience

Over time, New Canaan should investigate extending these pedestrian-friendly characteristics to other streets including, but not necessarily limited to:

- Elm Street west of Park Street
- Pine Street west of Park Street
- Park Street between Elm Street and Pine Street

**Street Segment Which Is  
More Pedestrian-Friendly**



**Street Segment Which Is  
Less Pedestrian-Friendly**



### An Active Street-Front

While most of the streets in downtown New Canaan are amazingly attractive and inviting and pedestrian-friendly, some streets are not.

Part of the reason for this is the location of surface parking lots or buildings set back from the street and the sidewalk. It is surprising to realize that some of the most visible, attractive, and valuable real estate in all of New Canaan is devoted to parking.

New Canaan should look at the redevelopment of some areas in order to promote an active street-front and shield parking areas.

### **Pedestrian Through-Cuts**

Mid-block pedestrian connections are an important part of a pedestrian-friendly area and an active pedestrian system. Without such connections, the walking distances around blocks can discourage walking.

New Canaan should encourage (or require) mid-block connections where they may be necessary or desirable. Some communities have a requirement that there be a pedestrian connection every 250 feet.



## Design Contests

New Canaan should regularly explore alternative ideas for keeping downtown an attractive and engaging place.

One approach might be to request submissions of ideas for downtown (or sponsor a design contest) where ideas might be proposed.

While the community would be under no obligation to implement any of the ideas proposed, such an exercise would open people's eyes to new potentials and it might even result in some ideas strongly supported by residents.

Such an undertaking could be directed towards everyone or targeted to invite submissions from different groups:

- Local students
- Architecture schools
- Design professionals
- New Canaan residents

## C. Promote Appropriate Development

There is interest in additional development in and near the downtown area for a number of different purposes:

- Housing, particularly for “empty nesters” and senior citizens,
- Entertainment and cultural facilities,
- Municipal facilities and community amenities,
- Retail and restaurant space, and
- Office space, including medical offices.

Provided this development occurs in ways that enhance the downtown, it will continue the evolutionary process that has made the downtown an important part of the fabric of the community for hundreds of years.

The most appropriate types of development for the downtown area will be appropriately scaled and designed to fit into the existing fabric of the downtown area. Building design and scale is especially important. A strong relationship to the street and pedestrian traffic in terms of uses and activities will be key.

Multi-story, moderate density, mixed-use development (generally with residential and/or office uses on upper floors combined with retail shops or other active uses at street level) would reflect the pattern of much of the existing development in the downtown. The fact that the downtown is within an easy walk of the train station allows it to easily support this pattern of development (even with reduced amounts of parking).

Various studies have found that this type of development can have a number of community benefits as well:

- It can help support changing lifestyles of a number of population segments (including younger people, older people, people who prefer not to drive, and those who don't own cars) who wish to live in a mixed use environment where a number of services and activities are available within walking distance.
- It helps strengthen downtowns since more people living in and near the area helps to support the businesses and other activities (restaurants, food-related stores, markets, boutiques, theaters, etc.) through the day and evening and it also has a secondary benefit in that these uses and activities are also available to other residents of the community and the region.
- It can help address the desire to diversify our housing portfolio in a way that extends and expands the kind of development we already have and appreciate.
- It can help support economic development (and the overall tax base) since the existence of a variety of uses near the train station can increase the desirability of the entire area

## D. Continue To Review Zoning Regulations For Downtown

To help ensure that the appropriate guidance and direction is given to development in the downtown, the Commission should continue to regularly review the regulations for the downtown area.

This should include a review of the uses and dimensional requirements in each of the districts to ensure they are meeting community needs and expectations. It might also include an evaluation of “form-based codes” and other tools or techniques to help ensure the appropriate future development of the downtown area.

It could also include a review of the zoning district boundaries.

### Regulation Revisions

Over the past decade or so, the Planning and Zoning Commission has regularly reviewed and, as appropriate, amended the Zoning Regulations to help guide development and redevelopment in the downtown area.

For example, in 2005, the Commission designated the downtown zones as “village districts” which allow the Commission to have greater review and approval authority over aesthetic issues and building design in the downtown area. In 2008, the Commission evaluated whether banks were appropriate uses in some business areas in terms of promoting an active streetscape. In 2011, the Commission adopted some changes for the Retail B zone to provide flexibility for redevelopment for mixed use properties.

**Darien Buildings**



**Wilton Building**



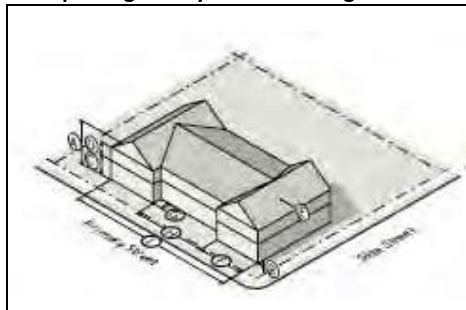
**Greenwich Buildings**



**Litchfield Buildings**

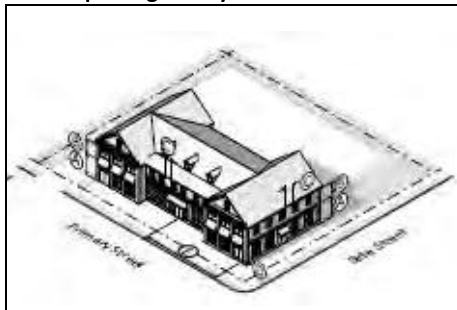


**Sample Regulatory Metrics – Height & Mass**



*Malta, NY Form-Based Code*

**Sample Regulatory Metrics - Activation**



*Malta, NY Form-Based Code*

## Overall Purposes

Overall, the POCD recognizes the following purposes and intents:

1. Encourage a mix of moderate density development in and near the downtown area.
2. Emphasize mixed use, pedestrian oriented development.
3. Create a pedestrian-friendly environment to encourage walking, bicycling and transit use.
4. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability.
5. Encourage building reuse and infill to create appropriate densities.
6. Provide a range of housing options for people of different income levels and at different stages of life.
7. Take advantage of the fact that most areas are within easy walking distance of the train station.

## Possible Strategies And Options For Downtown

### Mixed Uses / Density

1. Consider encouraging or requiring mixed uses (residential and business in the same building) in appropriate areas.
2. Consider allowing or requiring increased density to promote desired development patterns (mixed use buildings, housing, etc.) and help support New Canaan's downtown:
  - Consider a minimum floor-area-ratio (FAR) requirement.
  - Consider a minimum building height standard.
  - Consider increasing the FAR limitation by Special Permit.
  - Consider increasing the building height limitation by Special Permit (i.e. - allow building heights above 30 feet and/or 2.5 stories in certain zones).
3. Consider implementing a cap on the floor area of stores in other zones in the downtown core (in addition to the RA zone) to support small-scale businesses (or regulate by Special Permit or other approach).
4. Consider creating a new zoning district on the west side of the business district to effectively guide the development and redevelopment of this area (mixed use, walkability, streetscape, etc.) since several properties are among the largest within the business district.
5. Evaluate the appropriate zoning for the Cross Street / Vitti Street area.

Forest Street



Main Street





### Streetscape

6. Review permitted uses (including those permitted by Site Plan Approval and/or Special Permit) and development patterns to ensure that a pedestrian orientation is maintained.
7. Consider requiring active ground floor uses in more areas.
8. Consider modifying setback standards (build-to-line, etc.) to allow buildings to be located closer to the street and/or sidewalk and promote an attractive and pedestrian-friendly streetscape.
9. Prohibit or discourage parking in front of buildings (i.e. – between the building and the sidewalk) in order to maintain an active streetscape.

### Housing

10. Provide for additional housing opportunities in and near the downtown area including:
  - Multi-family housing.
  - Multi-family senior-friendly housing.
  - Mixed use rental housing for younger persons and families.
11. For residential units in some zones, consider allowing modification of the following by Special Permit:
  - The limitation on floor area.
  - The limitation on number of bedrooms.

### Parking

12. Consider allowing decked or tiered parking structures in several zones by Special Permit to minimize land area utilized for surface parking.
13. Consider modifying parking standards:
  - For office uses within walking distance of the train station.
  - For mixed use buildings when the peak parking demands of the uses do not coincide.
  - For multi-family uses within walking distance of the train station.

Much of what New Canaan already has and seeks to enhance is often referred to in other areas as “transit oriented development.”

Our vision is not specifically for development that supports transit or is oriented towards transit.

Rather, our vision is for development that meets the needs of our community. The fact that it is, and will be, supported by transit is an added bonus.

### Cross & Vitti Streets

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Following the recommendation of the POCD, suggesting a zoning review, the Commission authorized a study of the business zones of the Cross and Vitti Streets area. After a series of Commission meetings and public hearings, a conceptual Master Plan (the Plan) of that area was completed in December of 2015. Over time, the Commission will consider changes to the zoning regulations in order to potentially implement certain recommendations of the Plan. The Commission reserves the right to accept, reject, or alter any of the recommendations. In addition, the Commission may consider incorporation of the design recommendations of the Plan into the Village District Design Guidelines. With the incorporation of this amendment into the POCD, the Commission will refer to the Plan in its evaluation of applications in the Cross and Vitti Streets area. Further, the Commission will ask applicants to consider the elements of the Plan when submitting applications. (Added 4/1/16)



## E. Supplement Village District Review

New Canaan adopted "*Village District Design Guidelines*" in 2010 to help guide activities in the downtown area. These guidelines should be reviewed and supplemented over time to ensure that the level and quality of design and construction in the downtown area is exceptional.

In accordance with the requirements of Section 8-2j of the Connecticut General Statutes, the Commission should consider retaining a "village district consultant" to supplement the design review work currently being undertaken.

### Design Guidelines



#### Town of New Canaan Village District Design Guidelines



**EFFECTIVE JUNE 30<sup>TH</sup> 2010**

Design Guidelines – Town of New Canaan  
C:\Users\deluc\Desktop\New Canaan Design Guidelines Effective 6\_30\_10.doc

## CASE STUDY

# Commercial Market Study

In 2012, BFJ Planning prepared a “Commercial Market Study” for New Canaan to evaluate the overall composition of the uses in the downtown area, the issues affecting downtown today and in the future, and how to strengthen the downtown. The final report is available on the Town website.

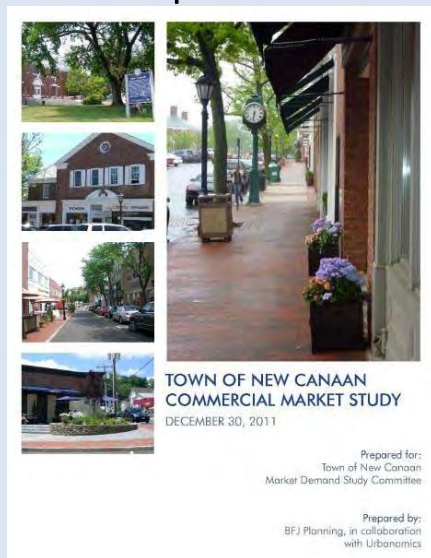
Overall, the study found the following:

- While there were some specific uses that could be attracted to downtown, there was a fairly good balance between real estate supply and demand
- The character of downtown is an attraction and should be maintained
- New Canaan could do more to market its unique brand of small-town New England charm

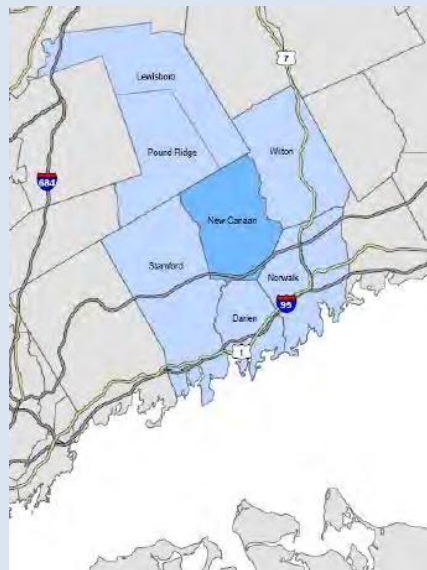
Major recommendations included the following:

- Seek to attract identified “opportunity uses”
- Increase parking capacity and improve parking management
- Promote downtown through technology and special events
- Capitalize on marketing opportunities with other local venues
- Make streetscape and quality of life improvements
- Create a Downtown Improvement Council or similar entity

**Report Cover**



**Identified Market Area**



# Possible Concepts For Downtown (West)

Consider rezoning the Park Street lot to Business A

Consider providing opportunities for mixed-use development near the train station

Consider converting the State parking lot to development sites

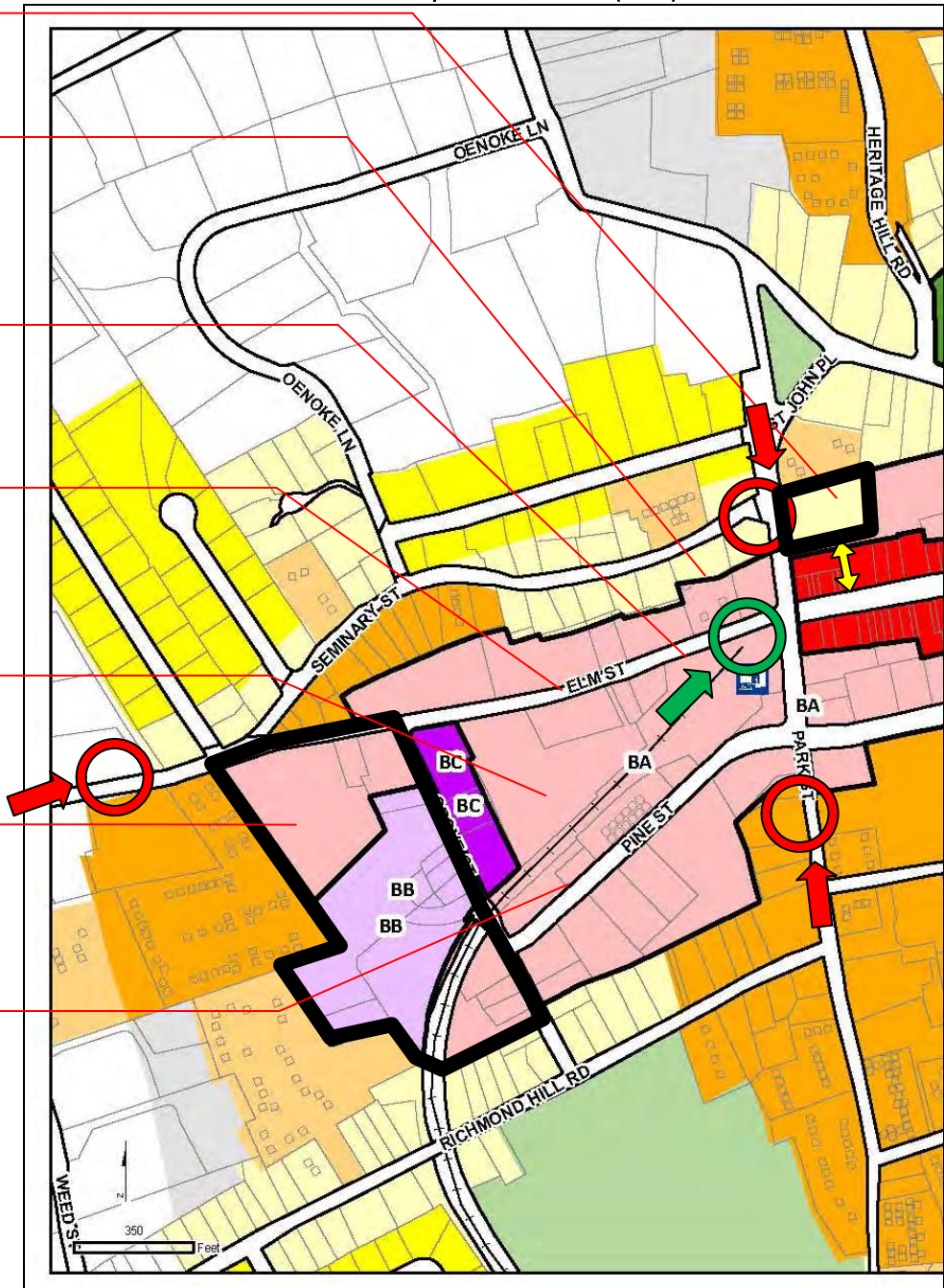
Investigate the potential to extend the pedestrian-friendly environment westward along Elm Street

Consider building a parking structure at the train station

Consider establishing appropriate zoning in this area to guide any future development which may occur

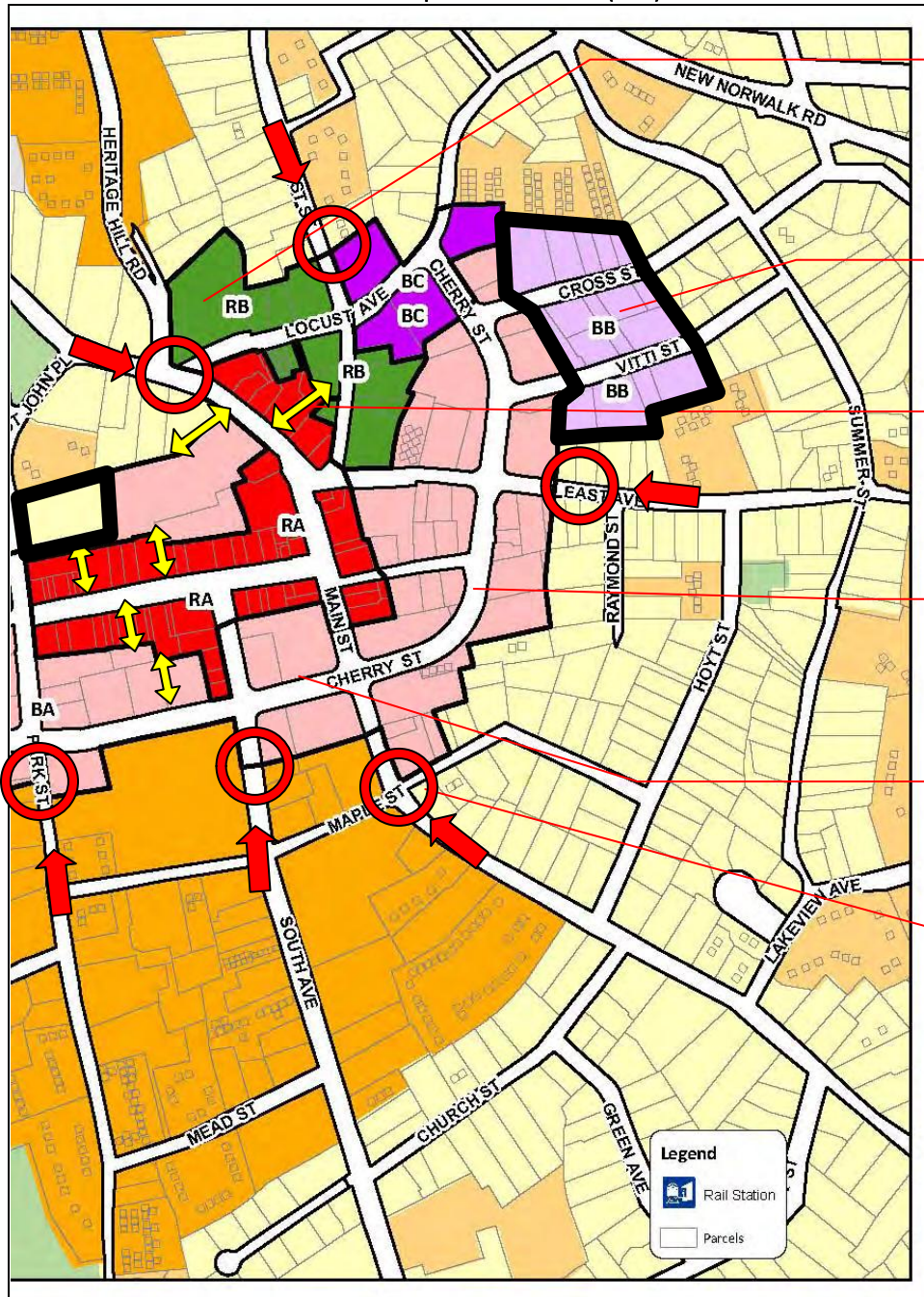
Strive to create a more pedestrian-friendly experience on Pine Street

Preserve a post office presence in the downtown





# Possible Concepts For Downtown (East)



Build the parking structure at the Locust Avenue lot

Evaluate the most appropriate zoning for the Cross / Vitti Street area

Enhance pedestrian connections from parking lots to shopping areas (typical)

Investigate designating Cherry Street between Main Street and East Avenue as CT Route 106

Investigate opportunities to enhance the pedestrian-friendliness of Cherry Street

Enhance gateways to the downtown (typical):

- Improvements
- Signage
- Maintenance



## Support Downtown

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### A. Designate A Coordinating Organization

The downtown is so important in New Canaan that it needs to have an organization with the tools and resources to support it and produce positive results.

In recent years, the New Canaan Chamber of Commerce has been a very effective organization for helping local businesses and promoting downtown. The Chamber has done some extremely creative programs and events to help support downtown, their members and the community:

- The “iBlast” program (I buy local and shop in town) as a way to reward loyal shoppers
- The “pop-up park” established downtown on summer weekends with outside entertainment and activities and a removable fountain

These efforts should be encouraged to continue. Town Staff do not have the time or experience to advocate effectively for downtown merchants and businesses and the Chamber can do this.

Alternatively, a Downtown Improvement Committee or other organization could be established, even as a public/private partnership, to ensure that downtown continues to get the attention it needs.

Whichever approach is implemented, the designated organization should be encouraged to participate in the Connecticut Main Street Center and similar programs where technical assistance is available to support local efforts.

Chamber Of Commerce



Pop-Up Park



## **B. Consider Appointing A Downtown “Captain”**

Maintenance of the downtown area is a key element in its overall attractiveness. At the present time, the overall responsibility for maintaining downtown areas is somewhat diffuse. New Canaan would benefit from a more direct responsibility / accountability approach.

New Canaan should consider appointing a person or organization as the “Downtown Captain” responsible for coordinating overall maintenance of the downtown area and responding to issues that may arise. Having a specific person identified with downtown maintenance will elevate the overall importance of this function and help businesses and property owners and others coordinate efforts.

This person would be responsible for scheduling maintenance activities (trash barrel pickup, sidewalk cleaning, street sweeping, litter pickup, weeding, etc.) and coordinating public and private efforts to address these issues. It would not necessarily be this person’s responsibility to do the work, but it would be this person’s responsibility to see that the work is done. People will know who the “Downtown Captain” is and this will help ensure that downtown gets the attention it deserves.

## **C. Consider Establishing A Business Improvement District**

Downtown needs to have tools to implement strategies which will benefit the downtown area. This can include outside maintenance and other strategies.

One tool available to do this is a “business improvement district” (known in Connecticut as a “special services district”). A business improvement district (BID) is a private organization which provides services to improve the area for everyone. BID programs are often oriented towards common marketing efforts, supporting special events which benefit all businesses, and making outdoor public spaces as clean, safe, and as attractive as possible to residents and visitors.

Such organizations, which are made up of local businesses and property owners, can decide to establish a mechanism to generate revenue to support the downtown area. If the businesses and property owners resolve to do this as provided in Section 7-339m of the Connecticut General Statutes, the Town can establish a procedure to collect this revenue on behalf of the BID and place the funds in a special fund for the benefit of the district.

If the property owners were to participate in this way (or even if they do not), it might make sense for the Town to match the funds raised by dedicating some of the parking revenue to downtown activities.

## **Downtown Needs**

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During the process of preparing this Plan, a number of people commented that the Town does not do a good job maintaining the public parts of the downtown.

In fact, some local businesses and property owners have “stepped up” because the Town has not always been reliable in meeting all of its responsibilities.

## **Downtown Maintenance**

Maintenance of the downtown area is critical to its overall appearance and attractiveness. However, sometimes things fall through the cracks because there is not a person or organization responsible for the issue.

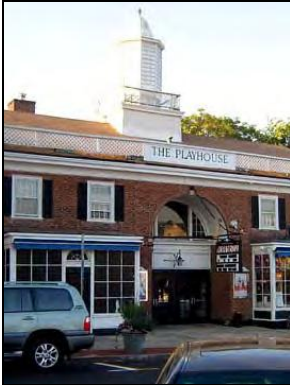
Some of the maintenance topics which have been identified as issues in the past include:

- Litter
- Weeds
- Gum on sidewalks
- Overflowing public garbage bins
- Private garbage bags and containers placed in plain view (including on the sidewalk itself)

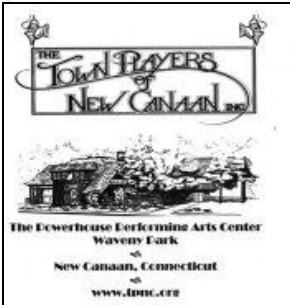
## Entertainment

While more entertainment options will enhance the downtown and the community, New Canaan has several entertainment activities at the present time:

Playhouse (movie theater)



Town Players (a theater group for 67 years)



## D. Consider Establishing An Entertainment Venue

New Canaan should investigate and pursue ways to expand the entertainment focus and opportunities in the downtown area. Some communities have found that live performance venues can add an additional attraction to the downtown area. The Ridgefield Playhouse is an example of a performance venue that attracts people for live performances. Since New Canaan is on a rail line connecting to Stamford and New York City, it could attract people from a wide area to New Canaan for shopping, dining, and a live performance.

Such a goal might be accomplished by renovating the Playhouse or by establishing a new entertainment facility.

The Playhouse on Elm Street dates to 1923. It was privately operated for many years as a one-screen movie theater and was later adapted into a two-screen movie theater. The Playhouse was purchased by the Town in 2007. The theaters now are operated by Bow Tie Cinemas. A movie theater is a great "anchor" for the downtown area and it helps to attract people in the evenings and on weekends. This use should be maintained since it helps support the vibrancy and vitality of the downtown. However, it might be possible (and desirable) for the Town to consider additional options in the future. The theater could show films most evenings of the month but there might be one or two nights per month (or more) where live performances could be scheduled. Since the renovation of the facility into a live performance space may be expensive, it would make sense to study the feasibility of this adaptation and possible ways to fund it (donations, fund-raising, naming rights, etc.).

Alternatively, it may make sense for New Canaan to support or coordinate the establishment of a dedicated entertainment venue at another site in the downtown area.

Ridgefield Playhouse  
Ridgefield, CT



Infinity Hall  
Norfolk, CT



## E. Maintain “Anchor” Uses In The Downtown

Some of the uses in the downtown area are so important at attracting traffic to the downtown that we need to be sure we do everything we can to maintain their presence there:

- Town Hall
- Post Office
- Theater
- Food Stores
- Library

**Town Hall**



**Post Office**



## F. Continue Special Events In The Downtown

The Chamber of Commerce does a good job scheduling special events in the downtown area (see sidebar). The “pop-up park” created by the Chamber is an exceptional event that has proven very popular.

These activities are important to attracting residents and visitors and should be continued. In addition, opportunities to expand the number of events or extend their time period, especially for the “pop-up park”, should be pursued (more hours, more days, more weeks, etc.).

As indicated in the Commercial Market Study, opportunities to integrate special events in the downtown with other activities in New Canaan (such as those held by the Nature Center, the “Glass House”, and other organizations) should also be pursued.

**Pop-Up Park**



New Canaan News Online

**Pop-Up Park**



New Canaan Chamber of Commerce

## Special Events

Some of the events which have been scheduled for the downtown area include:

- The “pop-up park” on weekends during the summer months
- The Village Fair / Sidewalk Sale
- The Restaurant Week / Taste of the Town
- The Halloween Parade
- The Holiday Stroll



## Address Other Downtown Issues

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There are a number of other issues which have been identified in prior studies and should be addressed in the downtown area:

1. **Garbage / Litter** – Management of garbage has been identified as one of the things that most affects people’s perception of downtown. New Canaan should identify a solution to this situation since litter and overflowing garbage bins detract from the downtown as much as businesses placing their garbage on the curb for pickup at the end of their business day –at the same time as people are arriving for dinner.
2. **Loading Zones** – There are issues with trucks making deliveries on downtown streets where the trucks simply block the travel lanes and/or parking spaces. New Canaan should work with delivery companies and businesses to establish specific loading zones (and defined hours, if necessary) for delivery trucks and enforce them.
3. **Bicycle Provisions** – New Canaan should consider how to make provisions for bicycles in the downtown area. This can include bicycle lockers at the train station and providing places to lock bicycles elsewhere in the downtown.
4. **Car Sharing Program** – New Canaan may wish to consider how to make special provision in the downtown for car sharing operations (such as Zipcar) to help support residents and visitors.
5. **Car Charging Station** – Over time, New Canaan may wish to consider how to make more provision in the downtown for charging stations for electric cars to help support residents and visitors (to supplement the station currently available in the Morse Court parking lot).
6. **Screening of Service Areas** - New Canaan may wish to consider how to best screen areas used for utility equipment, garbage dumpsters, propane tanks, deliveries, and similar purposes.
7. **Traffic Circulation** - Traffic circulation in the downtown area has always been of keen interest to New Canaan residents. At one time, a recommendation was made to consider instituting a clockwise traffic flow pattern on Cherry, Pine, and Elm Streets in order to minimize conflicting turning movements and make traffic operations more efficient. A recommendation was also made to renumber Cherry Street between Main Street and East Avenue as Route 106 to make it easier for trucks and other traffic. These ideas may have some merit and New Canaan should continue to study traffic circulation patterns in the downtown area to promote the best overall downtown experience.

# ENHANCE LIVABILITY

# 5

## Overview

Livability of a community is the result of the factors that add up to its quality of life—including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreation possibilities.

New Canaan has many of these factors and future efforts will be devoted to sustaining and enhancing them. While 93 percent of respondents to the 2010 community survey indicated they were either satisfied or very satisfied with living in New Canaan, we cannot take this for granted and must continue efforts to enhance livability of our community.

*The livability of a community is the result of the factors that add up its quality of life ...*

Excellent Facilities



Housing Options



Mobility / Accessibility



Desired Services



## Provide Appropriate Facilities and Services

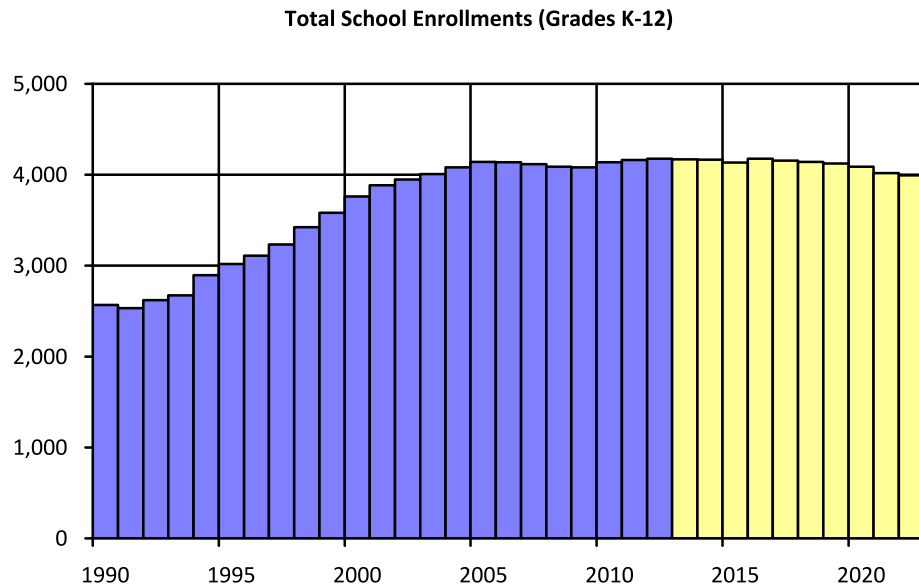
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### A. Maintain Excellence In Education Programs And Facilities

New Canaan is widely recognized for the excellence of its school system. Since the school system is important to the quality of life of residents and the underlying residential real estate market, this excellence should be maintained.

While demographic trends have resulted in decreasing enrollments in many communities in recent years (economic conditions, fewer families of child-bearing age, etc.), New Canaan's enrollments have held steady and even grown especially in the elementary grades. Managing this enrollment has been a focus for the school system given the capacity constraints at the existing facilities and projections which had led to expectations of an enrollment decrease.

While recent projections show an enrollment decline through to 2022, it is anticipated that demographic trends (economic growth, births to "baby boom echo" parents, etc.) could result in enrollment increases in New Canaan after that time which may challenge the capacity of the existing facilities. How this will play out in New Canaan (if older residents choose to remain in their current homes, etc.) will determine whether or when additional school capacity will be needed.



## CASE STUDY

# School Excellence

In a recent independent study of the nation's school districts, New Canaan ranked:

- No. 1 in Connecticut,
- No. 2 in the nation among communities with an average home price of \$800,000 or more,

New Canaan was also recognized for characteristics that contribute to the academic environment, including that over half the population has at least a college degree.

"Best Cities to Live and Learn,"  
GreatSchools.org in conjunction  
with Forbes magazine

**New Canaan High School**



**Saxe Middle School**



**South Elementary School**



**West Elementary School**





## **B. Maintain Excellence In Community Facilities And Services**

Community facilities include governmental and other buildings (such as the Library) which provide services and functions to all residents. Such services contribute significantly to community character and quality of life.

New Canaan recently had a Long Range Planning Task Force evaluate municipal facilities in order to prioritize community needs. The recommendations from that report included renovation of Town Hall, expansion of parking at the Locust Street lot, and other recommendations. New Canaan has used similar approaches in the past in order to evaluate and prioritize facility needs. The Plan of Conservation & Development supports this type of overall planning process which evaluates and prioritizes facility needs.

New Canaan enjoys excellent public safety services (police, fire, emergency response) and the quality of these services should be maintained.

Since local parks and recreation facilities are an important part of the overall character and quality of life in New Canaan, these facilities should continue to be maintained to a high standard. In addition, a master “parks plan” should be undertaken during the planning period in order to provide a clearer definition of use areas (active, passive, natural, etc.). The wonderful parks and recreation areas in New Canaan provide opportunities for active and passive recreation and contribute to the overall quality of life in the community.

While the library is not a Town-owned facility, it also contributes to the overall quality of life in the community. In addition to its traditional role, the New Canaan library also hosts many other activities that contribute to lifelong learning, cultural enrichment, and information exchange. The expansion of the building and/or parking areas is being considered and should be supported.

Since there are a number of organizations presently involved in maintenance of Town facilities (sometimes with overlapping jurisdictions), it may make sense to investigate ways to consolidate maintenance of municipal facilities (including education facilities) in order to achieve the best results in the most cost effective way.

**Town Hall**



**Fire Department**



# Community Facilities Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

106

Laurel Reservoir

## General

- 1 Town Hall
- 1a Town Hall Annex
- 1b Temporary Town Hall (police station)

## Education

- 2 New Canaan High School
- 3 Saxe Middle School
- 4 West Elementary School
- 5 South Elementary School
- 6 East Elementary School

## Recreation and Parks

- 7 Nature Center
- 8 Irwin Park
- 9 Mead Park
- 10 Waveny Park
- 11 Kiwanis Park
- 12 Ed Dixon Memorial Park
- 13 Mill Pond Park

## Public Safety

- 14 Police / Ambulance
- 15 Fire Station

## Other

- 16 Library
- 17 Public Works Facility / WPCF
- 18 Housing Authority
- 19 Youth Center
- 20 BOE Offices (leased)

## Legend

- Town Facility
- Other Town Owned Land

3,000

Feet



## Protect Residential Neighborhoods

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### A. Monitor Residential Regulations

Within the past decade, New Canaan adopted a number of changes to the zoning regulations to address housing teardowns and new construction which had become “out-of-scale” with the neighborhoods in which they were located. At the present time, it appears that housing built under the new rules is more in character and scale with the neighborhoods and that no additional changes are warranted at this time. Should this change, the Planning and Zoning Commission should revisit this issue.

### B. Ensure Institutional Uses Are Appropriately Scaled

On the other hand, some changes may be warranted to the regulations to ensure that some of the institutional and other uses currently allowed in residential zones (such as those identified in Section 3.2.C of the Zoning Regulations) have an appropriate scale and intensity for their location.

There is no doubt that institutional and other uses currently allowed in residential zones are community assets and they help enhance the overall quality of life. The challenge is to find an appropriate balance so that such uses fit into the community and the neighborhood.

At the present time, institutional and other uses currently allowed in residential zones are allowed in residential districts by granting of a Special Permit by the Commission. Since there are no additional standards or provisions related to most of these uses, they are subject to the same dimensional standards as have been established for residential uses within the zoning district.

**New Canaan Country School**



**New Canaan YMCA**



# Residential Densities Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel  
Reservoir

Stamford

Norwalk

Darien

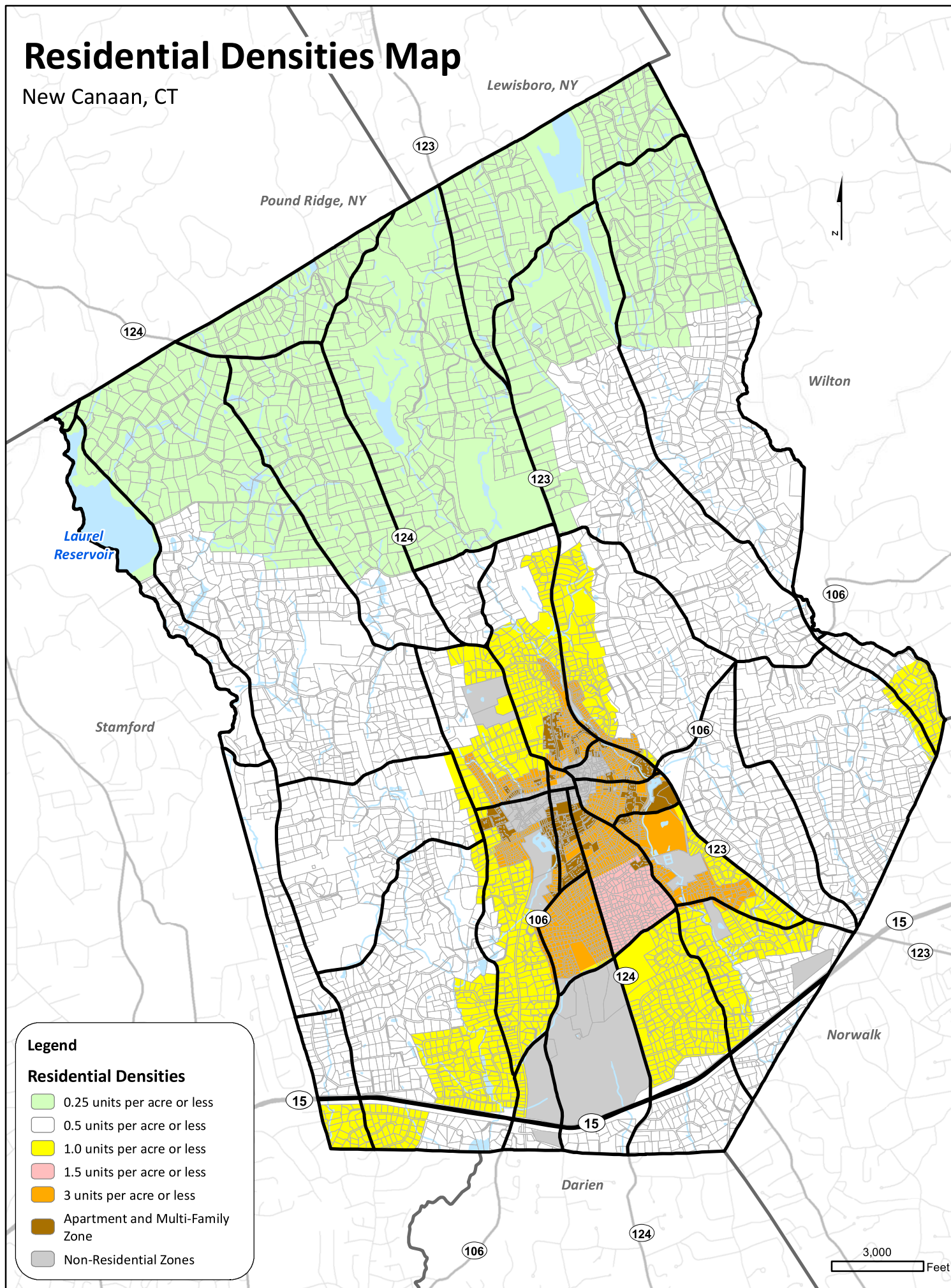
## Legend

### Residential Densities

- 0.25 units per acre or less
- 0.5 units per acre or less
- 1.0 units per acre or less
- 1.5 units per acre or less
- 3 units per acre or less
- Apartment and Multi-Family Zone
- Non-Residential Zones

3,000

Feet





The Special Permit criteria in the Zoning Regulations (Section 8.2.B.4) do cover some key areas for the Commission to consider in terms of ensuring compatibility with the proposed activity in the proposed location:

- Suitable location for use
- Appropriate improvements
- Suitable transportation conditions
- Adequate public utilities and services
- Environmental protection and conservation
- Long term viability
- Plan of Conservation and Development

However, the Special Permit criteria do not contain any specific standards. Overall then, the regulations allow a variety of uses to be proposed but place the Commission (and the neighborhood) in a reactive role.

As part of any application for establishment of such uses (or expansion of existing uses), the Planning and Zoning Commission should seek to minimize and/or manage the encroachment or impact of institutional and other uses currently allowed in residential zones on neighboring residential properties (noise, lighting, traffic, drainage, etc.).

The Commission (and the neighborhoods) might benefit from a different approach where there are better tools in the regulatory toolbox.

### **Enhanced Special Permit Criteria**

In this approach, the existing Special Permit criteria (Section 8.2.B.4 in the Zoning Regulations) would be enhanced with more criteria and/or more specific criteria to be considered.

While this does not solve the issue of a well-funded applicant populating the public record with complementary reports, it would give the Commission more information to consider as part of the application. However, it might be more expensive for applicants to prepare information to address these considerations and more expensive for abutters to respond appropriately. The Commission would essentially remain in a reactive role and review the information submitted to it.

The Commission could hire experts to provide testimony on an application (at the applicant's expense) in circumstances where it feels it is warranted.

While this approach may be better than what the Commission currently has, it does not seem to go far enough to address the main issues the Commission and the neighborhoods are facing.

## More Rigorous Standards For Special Permit Uses

In this approach, the provisions in Section 3.2.C of the Zoning Regulations would be amended to add specific standards and thresholds for particular uses. For example:

- Institutional and other uses currently allowed in residential zones might be required to be located on collector or arterial roadways.
- A larger minimum lot area might be required (to ensure that adequate area was available for buffering, etc.).
- A lower building coverage limitation might be established (to ensure that the size of buildings and facilities, often much bigger than residential homes, would be manageable in a residential neighborhood).
- Larger setbacks for buildings, parking lots, and recreational facilities might be required (to ensure that larger buildings or facilities are well separated from adjacent residential uses).
- A lower maximum height limit or a floor area ratio limit (to ensure that overall building bulk is not out of character with the setting).
- Greater landscape buffer requirements, such as 50 -100 feet around the perimeter of the property.
- Limitations on lighting or noise and/or hours of operation.

These standards might vary depending on the use. For example, the setback for a lower impact use might be less than those for a higher impact use.

The Commission could consider inserting the phrase “unless modified by the Commission ...” to these standards so that flexibility could be available, if appropriate, or in certain specified situations while establishing an expectation of the appropriate standard in most situations.

This approach would seem to put the Commission in a more proactive role where it establishes minimum expectations for an application but retains the flexibility to modify that expectation based on unique circumstances. Of course, any such modification would occur as part of the application process where the neighborhood could comment on whether they felt an exception was appropriate.

In this approach, institutional and other uses currently allowed in residential zones would then have to look at potential property acquisitions and building expansions in terms of the new standards and how to make their overall facility more conforming over time. At the same time, it would seem to swing the “balance of power” back towards the Commission and the neighborhood.

### **Establish An Institutional Zone**

In this approach, the Commission would establish an “Institutional” zone where institutional and other uses currently allowed in residential zones (or uses above a certain size) would be permitted by Special Permit. This new zoning district would have standards similar to the previous discussion. The Commission could retain some flexibility to modify the standards, if appropriate.

As a corollary to this approach, the institutional and other uses currently allowed in residential zones (or uses above a certain size) would no longer be permitted in the residential districts. Existing uses or uses above the size threshold would become non-conforming. If these uses wanted to expand or wanted to become conforming, they could apply for a rezoning to the new “Institutional” zone.

This approach also seems to put the Commission in a more proactive role and established standards for institutional and other uses currently allowed in residential zones (or uses above a certain size) to comply with. In this approach, institutional and other uses currently allowed in residential zones expanding their boundaries would have to apply for a zone change for the new property before it could be added into their campus.

**St. Marks Episcopal Church**





## Planned Development District

Another approach might be what is known as a “planned development district”. In this approach, a new zoning district would be created, known as a “PDD” where the requirements for the zone would be the actual site plan being reviewed by the Commission. Since the Commission has considerable discretion when it acts in a legislative capacity (such as for zone changes and regulation changes), reviewing and approving the actual site plan is much more definitive than reviewing words or numbers.

Again, a corollary to this approach would be that institutional and other uses currently allowed in residential zones (or such uses above a certain size) would no longer be permitted in the residential districts. Existing uses or uses above the size threshold would become non-conforming. If these uses wanted to expand or wanted to become conforming, they could apply for a rezoning to the new “PDD” zone. If institutional or other uses currently allowed in residential zones want to expand in the future, they will need to come back to the Commission with a request to modify the PDD zone as applied to their property. Essentially, this is a new zone change request.

This approach gives the Commission the maximum amount of discretion in reviewing such uses. The Plan only recommends consideration of the Planned Development District approach for managing institutional and other uses currently allowed in residential zones.

## Development Districts

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A number of communities around Connecticut have reported they have adopted “planned development districts” (sometimes called “special development districts” or by other names):

- West Hartford
- Stonington
- Mansfield
- Southbury
- Windsor
- Branford
- Ridgefield
- Simsbury
- New Haven
- Stamford

St. Lukes School



## CASE STUDY

# Planned Development District

PDD regulations for New Canaan *might* be configured as follows:

### Planned Development District.

#### 1. Purposes.

This section of the Regulations is intended to:

- enable the development of specific areas in accordance with an overall master plan for such area;
- encourage a mixture of compatible uses and structures to create a sustainable and attractive environment;
- be flexible in order to allow for innovative design techniques, accommodate unique uses and encourage creative approaches to development issues; and/or
- result in a development that demonstrates a high regard for design and that is compatible with the historic, cultural and geographic qualities of New Canaan.

#### 2. Basic Parameters

- a. Persons submitting an application to establish a Planned Development District hereunder are strongly encouraged to arrange for preliminary meetings with the Planning and Zoning Commission prior to submitting an application for a Planned Development District.
- b. Prior to submitting a formal application to the Planning and Zoning Commission, persons preparing an application to establish a Planned Development District hereunder are strongly encouraged to arrange for preliminary meetings with the neighborhood.
- c. A Planned Development District may only be established by approval of:
  1. A master plan in accordance with Section 3 following,
  2. A Text Amendment application, processed in accordance with Section xxx, codifying the approved master plan as part of this Section of the Regulations, and
  3. A Zone Change application, processed in accordance with Section xxxx, locating the approved master plan on the official Zoning Map.
- d. The location and general objectives of the Planned Development District shall be in general accordance with the Plan of Conservation and Development.
- e. The Commission may require the applicant to pay the cost of reasonable consulting fees for peer review of the technical aspects of the application.
- f. The Commission may refer an application to other agencies, boards or commissions of the municipality for comment.

## CASE STUDY (continued)

### 3. Master Plan Requirements

A master plan of the proposed development shall be submitted to the Commission for approval and such master plan shall include the following:

- a. **Name of Planned Development District** – A name identifying the proposed Planned Development District.
- b. **Purpose Statement** – A general statement regarding the intent of the proposed Planned Development District.
- c. **Proposed Uses** – A statement identifying the specific uses proposed within the Planned Development District and whether such uses will be subsequently permitted by:
  1. Zoning Permit approval,
  2. Site Plan approval, or
  3. Special Permit approval.
- d. **General Development Plans** – One or more sheets depicting the proposed schematic design of the site including:
  1. The identification and general location of proposed uses;
  2. Existing and proposed building footprints;
  3. Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
  4. A landscaping plan, including the location of proposed buffers;
  5. Information regarding the provision of water, sewer, drainage, and other utilities; and
  6. The location of public and/or private open space or conservation areas.
- e. **Schematic Architectural Drawings** – One or more sheets illustrating the schematic design of the proposed buildings and structures, which may include:
  1. Schematic floor plans;
  2. Architectural elevations of all buildings, and/or
  3. Photographs of buildings similar to the proposed buildings.
- f. **Data Table** – Information regarding the proposed development including:
  1. Lot area and lot frontage;
  2. Building setbacks, yards, and/or building separations;
  3. Building coverage;
  4. Impervious coverage;
  5. Proposed floor area by proposed use;
  6. Parking spaces.
- g. **Additional Documentation** – Depending on the nature and/or intensity of the proposed Planned Development District, the following documentation may also be required by the Commission:
  1. A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the district to accommodate the projected traffic;
  2. A report regarding the adequacy of proposed utility services;
  3. A statement on how the proposed development complies with the Plan of Conservation and Development; and
  4. Any additional information as may be required by Section xxxx of these Regulations.



## CASE STUDY (continued)

### 4. Decision Process

- a. While the establishment of a Planned Development District is a legislative decision rather than a Special Permit, the Commission may use the criteria in Section xxxx of these Regulations when reviewing an application to establish a Planned Development District.
- b. Following the close of the public hearing(s), the Commission shall first approve, modify and approve, or deny the master plan.
- c. If the Commission denies the master plan, they shall also deny the Text Amendment application and the Zone Change application.
- d. If the Commission approves or modifies and approves the master plan, the Commission may approve the Text Amendment application and the effect of such approval of the Text Amendment application shall be to include the following in Section xxxx of these Regulations provided that the approved master plan has been signed by the Chair of the Commission and filed on the New Canaan land records:

#### # Name of Planned Development District.

- a. Purpose of Planned Development District.
- b. Permitted uses - as approved by the Commission and shown on the approved master plan filed on the New Canaan land records on *(insert date here)*.
- c. Development layout and design - as shown on general development plans titled *(insert name here which must include the name of the design district)* as revised through *(insert date here)* and filed on the New Canaan land records on *(insert date here)*.
- d. Architectural design - as shown on schematic architectural plans titled *(insert name here which must include the name of the design district)* as revised through *(insert date here)* and filed on the New Canaan land records on *(insert date here)*.
- e. Other provisions or limitations – *(if any, such as the affordability plan)* as revised through *(insert date here)* and filed on the New Canaan land records on *(insert date here)*.
- f. Effective date - *(insert date here – the date filed on the New Canaan land records)*.

## CASE STUDY (continued)

- e. If the Commission approves the Text Amendment application, the approved master plan and accompanying material shall, within xxxxxxx (xxxx) days of the Commission's action unless some other period of time is authorized, be submitted to the Commission for signature by the Chair.
  - f. Once signed by the Chair of the Commission, the approved master plan shall be filed on the New Canaan land records within xxxxxxx (xxxx) days of the Chairman's signature and the Text Amendment and the Zone Change shall not be effective until such filing on the land records.
  - g. If the Commission approves or modifies and approves the master plan, the Commission may approve the Zone Change application and the effect of approval of the Zone Change application shall be to rezone the property to the name of the Planned Development District provided the approved master plan and accompanying material shall have been signed by the Chair of the Commission and filed on the land records:
5. Following Approval
- a. Development within a Planned Development District shall only be as authorized by the approved master plan.
  - b. Development within a Planned Development District shall conform to the approved master plan.
  - c. Any modification of an approved master plan that, in the opinion of the Commission, does not substantially alter the character of the approved master plan may be approved by Site Plan approval in accordance with Section xxxx of these Regulations.
  - d. Any modification of an approved master plan which substantially alters the character of the approved master plan shall be processed as a Text Amendment application, processed in accordance with Section xxxx, codifying the revised master plan as part of this Section of the Regulations.
6. Approved Planned Development Districts
- (to be added at a later date)

## Housing Market Changes

Due to the growing number of older households and the changing housing choices of young and old alike, there is greater interest in smaller housing units, more densely located, in and near town centers for both convenience and affordability.

If New Canaan can find ways to respond to this market trend, it will be able to diversify its housing stock to meet the needs of its residents and expand its tax base.

There can be little doubt that the net out-migration seen in certain age groups in New Canaan (see page 11) is a reflection of insufficient housing accommodations for young professionals and an aging population.

## Provide For A Diverse Housing Portfolio

### A. Increase Housing In And Near Downtown

As the age composition of New Canaan has changed, interest has been expressed in providing additional housing choices in and near downtown. This is a reflection of the growing realization that housing in such a location will meet the needs of a number of households, help support the downtown, and provide a number of other community benefits.

Higher density, multi-family development is already permitted in and near the downtown in the Apartment district, the B Residence district, and the Business zones (Business A, B, and C). Two-family development is permitted in the B Residence district.

Areas such as these (near downtown and serviced by public water and public sewer) are the best sites for higher density development since it will help to promote development of a vibrant downtown with a variety of land uses and help meet local housing needs. Residential uses in mixed-use buildings in the Town Center area also contribute to the overall ambience and character of the Town Center area and should continue to be allowed.

Multi-family (and/or higher density) developments should be discouraged in other areas unless there is some significant community benefit that will result.

Multi-Family On Heritage Hill Road



Multi-Family On South Avenue



## **B. Provide Housing Choices For An Older Population**

New Canaan should seek ways to provide an array of housing types to accommodate the changing age composition within the community.

Within society as a whole, more and more people are expected to live longer and, as people age, their housing needs or desires may change. For example, an elderly couple may prefer to move from a larger home on a good-sized lot to a smaller home or a condominium within walking distance of downtown. Alternatively, a New Canaan family may wish to provide an independent living unit (sometimes referred to as an “accessory apartment”) on their property for their parents. Or, an elderly homeowner may wish to create an accessory apartment for themselves or for a caretaker.

New Canaan’s Commission on Health and Human Services has undertaken a number of innovative programs related to addressing the needs of older residents and these efforts should continue to be encouraged and supported.

In terms of the housing needs and desires of an aging population, New Canaan should:

- Continue to provide or facilitate assistance (dial-a-ride, meals-on-wheels, senior activities, and home health services)
- Continue to provide property tax relief for elderly residents.
- Continue to allow accessory units in some or all zones.
- Continue to allow multi-family developments in and near the downtown.
- Allow congregate, assisted living, or life-care facilities as a Special Permit use.
- Consider providing or allowing development of subsidized elderly housing units.

### **CASE STUDY**

## **“Senior Friendly” Housing**

Significant interest has been expressed in finding ways to provide for “senior-friendly” housing in and near the downtown. The Plan supports this concept.

Such housing could offer one-floor units in a multi-story building served by an elevator or some other configuration. Units might be modest in size, limited to no more than 2 bedrooms, and offer universal accessibility for long-term comfort and convenience. The overall goal is to promote a variety of housing types, styles, and prices to meet a variety of present and future housing needs.



### **C. Provide For Workforce Housing**

Housing in New Canaan is highly desirable and expensive and, as a result, is not affordable to some of the people that work in the community (teachers, police, fire, etc.) or experience unplanned life changes (illness, divorce, job loss, retirement, etc.). Often, the children of New Canaan residents cannot afford to live independently in the community.

New Canaan should seek to provide for a diversity of housing types, opportunities, choice, and costs consistent with community conditions and constraints. Opportunities to encourage the development of less expensive housing should be explored.

New Canaan has been working on this for some time and has made considerable progress in some areas.

#### **Income Restricted Housing**

The New Canaan Housing Authority manages 56 units of income-restricted housing on Millport Avenue and has been working to renovate and expand the number of units at this location. In the last decade, several older buildings were removed and replaced with newer and more efficient buildings containing more housing units. In addition, two adjacent properties were recently purchased in order to support construction of additional units. These efforts should be continued.

There are also 60 units of income-restricted housing at “Canaan Parish” located on Lakeview Avenue. Opportunities to renovate and expand the number of units at this development should be explored.

**Millport Housing**



**Canaan Parish**



## **Housing Trust Fund**

At the time this Plan was being prepared, New Canaan was believed to be the only community in Connecticut to have taken advantage of Section 8-2i of the Connecticut General Statutes and established a fee collected from any new building construction or renovation in any zone in order to support a housing trust fund. This provision is codified in section 7.6 of the New Canaan Zoning Regulation.

Since being established, the housing trust fund has collected over \$2,500,000 and distributed over \$900,000. The moneys in the housing trust fund are available to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.

## **Incentive Housing Overlay Zone**

One of the recommendations from the Incentive Housing Overlay Zone study undertaken in 2011 was to consider adopting a new zoning regulation (a housing overlay zone) which could allow higher densities on sites in exchange for affordable housing units as part of any development (or redevelopment) on that site. This type of approach could be considered as a tool to help create mixed income housing and units which are affordable to persons and families of modest means.

## **Other Approaches**

New Canaan should also consider other approaches to providing housing opportunities to people earning modest incomes. Since unrestricted housing will always be priced above what people earning modest incomes can afford, some sort of “price-limited” housing units could be required as part of market rate housing developments and such developments could be given a density bonus for providing affordable units. The affordable units could be priced at levels making them reasonably priced to people earning some percentage of the area median income.

In addition, housing opportunities that can be provided with the assistance of non-profit agencies or state and federal grants or subsidies should also be explored.

## **D. Seek Solutions Which Do Not Invoke CGS 8-30g**

Section 8-30g of the Connecticut General Statutes provides a process whereby certain housing developments can be proposed without regard to local zoning rules. New Canaan would prefer to address housing needs in ways compatible with the community. New Canaan is almost eligible for an exemption from CGS 8-30g (see sidebar) and should seek to accomplish and maintain this status.

## **CGS 8-30g Moratorium**

---

Section 8-30g of the Connecticut General Statutes provides an opportunity for a housing developer to bypass local zoning regulations when at least 30 percent of the units meet affordability criteria.

New Canaan would prefer that affordable housing built in the community be as compliant as possible with local regulations and as compatible as possible with local regulations and settings.

New Canaan can be exempt from the provisions of CGS 8-30g for a period of four years if it accumulates a total of approximately 151 housing unit equivalency points (defined in the statutes). New Canaan had accumulated about 133.5 points at the time this Plan was being drafted and should continue to pursue a moratorium.

Then efforts can be devoted to becoming eligible for additional moratoria in the future.

## "Complete Streets"

According to Smart Growth America, "complete street" are defined as:

*Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.*

*Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.*

The State of Connecticut adopted PA 09-154 which encourages "complete streets" thinking and approaches to roadway projects in Connecticut.

New Haven recently adopted a City-wide complete streets policy in order to ensure that roadways (and roadway improvements) make accommodations for all users.

A "complete streets" policy or philosophy would be a valuable approach for New Canaan to consider, especially for the higher density parts of the community.

## Enhance The Walking Environment

### A. Expand The Sidewalk Network In And Near Downtown

New Canaan has a good sidewalk network in much of the downtown area. While there are sidewalks on some streets in the adjacent residential zones, there are gaps in the sidewalk network which can make it more challenging for people to walk to the downtown, parks, train station, etc.

The livability of the downtown, the adjacent residential areas, and the entire community will be enhanced by having a cohesive and expansive pedestrian network in areas where they provide pedestrian mobility and accessibility to desired destinations. In addition to building and maintaining sidewalks, this will also include efforts aimed towards acquiring easements, where needed, to preserve pedestrian accessibility in mid-block areas in the downtown.

As part of a "complete streets" policy, New Canaan should continue to expand the sidewalk network, either as part of road paving projects or as independent sidewalk installations. The recommended hierarchy for sidewalk installations is as follows:

- Within business areas (on both sides of the street)
- On major streets within one-half mile of the train station to allow commuters to walk safely to and from the station (on one or both sides of the street)
- As connecting links between the main sidewalks which extend from the downtown and train station

The width of the sidewalk should be determined by the anticipated usage and the field conditions. Wider sidewalks are recommended in business areas in order to enhance the overall pedestrian environment and experience. Sidewalks connecting to the downtown and train station are expected to get the most usage and a width of five feet is recommended (four foot minimum).

Sidewalks For Shoppers



New Canaan News Online

Sidewalks For Commuters



New Canaan News Online

## CASE STUDY

# Sidewalks

In recent years, New Canaan residents have expressed more interest in walking for exercise, recreation, and as a means of getting to their destination. This strong interest resulted in several accomplishments.

First, as part of road widening and paving project, the Town proposed and built a sidewalk along Main Street extending southerly from Oak Street to Farm Road. The construction of this sidewalk in 2012 helped support a pedestrian loop which extends down South Avenue from the downtown, across Farm Road/Fieldcrest Road to Main Street and back to the downtown. This link strengthens walking opportunities for residents of this area and, in fact, residents of other parts of New Canaan will drive downtown to walk in this area.

Second, the sidewalk ordinance was revised to indicate that the Town was assuming maintenance responsibility for sidewalks in residential areas (property owners in downtown remain responsible for the sidewalk in front of their property). This ordinance revision removed some concerns about extending sidewalks to other areas and enhances the ability of the Town to extend sidewalks where desired.

**Walkers on South Avenue**



**Main Street Sidewalk Construction**



*New Canaan Advertiser*



## Regional Connections

The Southwest Regional Planning Agency has prepared a plan which identifies ways to promote bicycle and pedestrian use throughout the region.

This Bicycle and Pedestrian Plan can also be an important resource for New Canaan.

## B. Correlate Sidewalk Materials To Function And Area

Over time, it makes sense for New Canaan to reinforce the overall hierarchy of sidewalks by requiring the use of surface materials appropriate for the character of different areas:

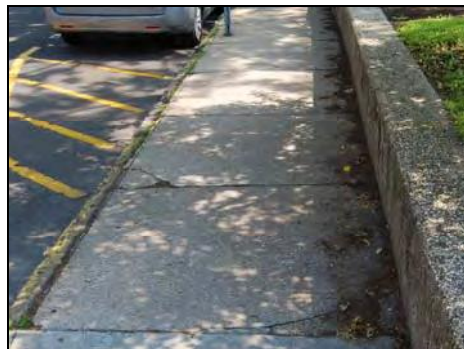
- Brick – within the Retail A and Retail B zones, and
- Concrete – within the other Business zones and along major arterial roads leading to the downtown or train station, and elsewhere

Asphalt sidewalks may be considered in low duty areas but are not preferred.

**Brick Sidewalk**



**Concrete Sidewalk**



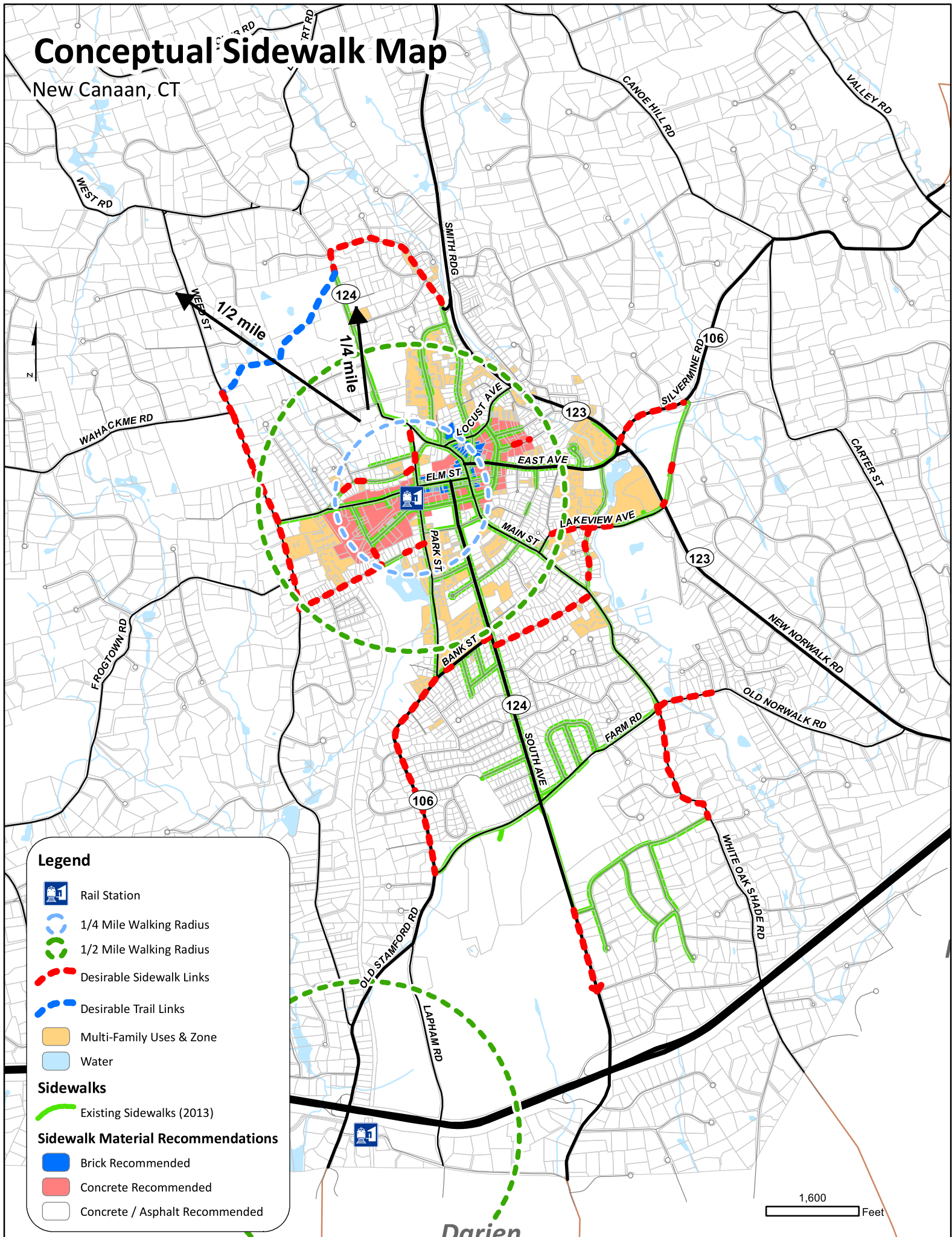
## C. Support Establishment Of Trails

In general, sidewalks will not be a major priority in outlying areas of New Canaan where the density is much lower (such as the One-Acre, Two-Acre, and Four-Acre residential zones) unless such sidewalks will enhance public safety (such as near a school) or provide other benefits. On the other hand, trails should be promoted within dedicated open spaces in these areas (see pages 18-21 for more information).

Trails (or special purpose sidewalks) might also be appropriate for connecting New Canaan's sidewalk network and downtown area to the proposed greenway trail along the Merritt Parkway. Although this greenway trail may not come to fruition for some time, having a connection from that trail to New Canaan's downtown area could be advantageous.

# Conceptual Sidewalk Map

New Canaan, CT





**Green Circle**  
**Most Suitable Route**



**Blue Square**  
**Suitable Route**



**Black Diamond**  
**More Challenging Route**

## Enhance Bicycle Circulation

### A. Categorize And Identify Bicycle Routes

In recent years, there has also been increased interest among New Canaan residents in bicycle usage for recreation, occasional errands, and for commuting.

The Connecticut Department of Transportation created a statewide database which classifies state highways by potential suitability for bicycle usage (see the map on the facing page). That classification system considers traffic speed and the width of the roadway shoulder area to suggest potential suitability.

New Canaan should enlist a committee comprised of local cyclists to look at local streets and establish a comparable system of bicycle routes in New Canaan, coded by potential suitability. Much as is done for ski slopes, this categorization would be of use to residents and to recreational riders who might be inclined to visit New Canaan and cycle.

These symbols could be placed on the posts supporting traffic signs, appropriate pavement markings could be added (such as lane marking or symbols), and the routes could be summarized on a map available on-line. This approach would also support the establishment of “complete streets” in New Canaan.

### B. Become Recognized As A Bicycle-Friendly Community

An organization called League of American Bicyclists evaluates and designates communities that apply for bicycle-friendliness. In Connecticut, Simsbury (bronze) and South Windsor (bronze) have been so designated. New Canaan should consider applying for this designation.

**Bicycle-Friendly Designation**



**New Canaan Cyclist**



**New Canaan Cyclist**





# Bicycle Plan

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel Reservoir

Stamford

Norwalk

Darien

## Legend

### State Bicycle Suitability

Most Suitable

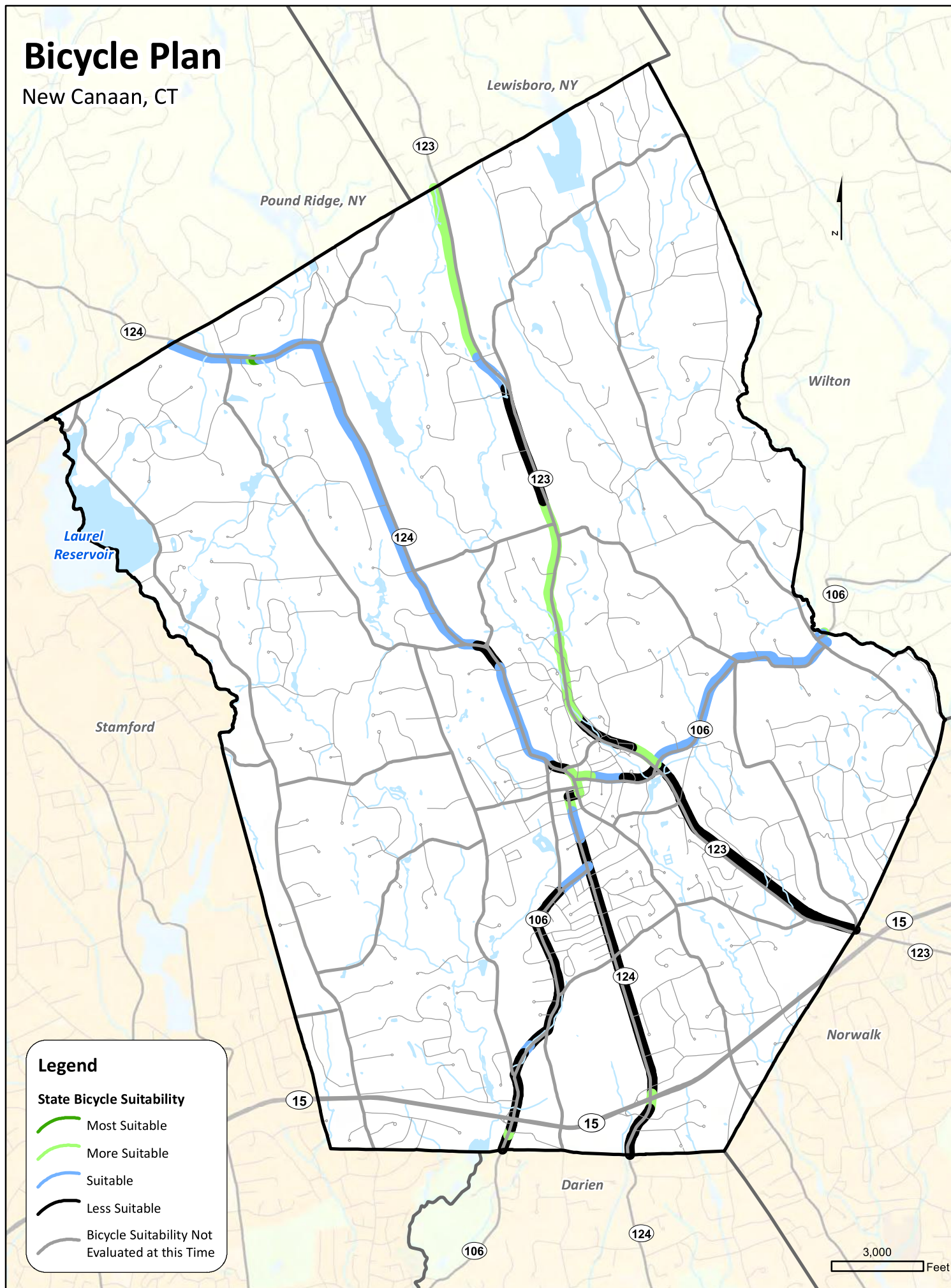
More Suitable

Suitable

Less Suitable

Bicycle Suitability Not  
Evaluated at this Time

3,000 Feet





## Coverage Map

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The map on the facing page is an illustration of the types of issues which can affect wireless coverage. It is not a map of actual cellular coverage which can vary based on service provider, terrain, and other factors.

Should accurate information become available, that information should supersede the map on the facing page.

## Enhance Wireless Communications

---

### A. Enhance Wireless Coverage For Residents And Visitors

New Canaan needs to enhance the wireless communications coverage in the community and do it in ways which are available, effective, and discrete.

People are increasingly using smart phones and other wireless devices for basic communications. Statistics show a strong trend towards people foregoing “land lines” (a wired connection to a physical location) and relying exclusively on wireless devices. Adults are typically providing their children with smart phones for safety and security.

But this transformation in communications requires wireless service. Most people are familiar with the situation where a call gets “dropped.” Typically just an inconvenience, it can be a serious issue if it involves a parent trying to reach their child or if it is the only means of communication for people who are lost, in danger, or requesting emergency assistance.

While New Canaan has reasonably good wireless coverage in the southern areas of the community, there are areas in the northern parts of New Canaan where wireless service is simply not available. In the past few years, there are reported instances where people were unable to summon emergency assistance when needed as a result of car accidents or fire. Today, and in the future, better wireless coverage is needed.

The lack of service in large parts of the community needs to be addressed. It is ironic that New Canaan residents enjoy excellent cell phone coverage in other communities while being unable to experience the same service here. The Utilities Commission is investigating potential approaches which should be available, effective, and discrete.

### B. Enhance Public Safety Communications

At the present time, public safety communications (police, fire, ambulance, etc.) can be challenging in the northern parts of the community due to topography and the distance from existing antennas. The Plan recommends that public safety communications be improved.

# Conceptual Telecommunication Plan

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel Reservoir

Cellular Communication Priority Area

Terrain from LiDAR

Value

High : 609

Low : 99

10' cell size,  
1' vertical resolution

## Legend



Existing Telecommunication Tower Sites

Ring = 1.25 Miles

Telecom Towers Sources:

1 - CT Siting Council Data

February 7, 2013

2 - One additional tower sited in Lewisboro, NY

Map is conceptual and should not be interpreted as representative of actual coverage or level of service.

## Enhance Energy Services

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### A. Extend Natural Gas Service

Natural gas is an energy source which is projected to be an affordable alternative in the future as a result of the discovery of new domestic sources. Although natural gas service is presently only provided by Yankee Gas Company to a small area of southwest New Canaan (near Ponus Ridge Road and Running Brook Lane), it is a major strategy of the Plan to extend natural gas service to key areas.

At this time, the Plan recommends that natural gas be extended to serve the downtown and some of the key facilities in the community (New Canaan High School, Saxe Middle School, South Elementary School, the YMCA, and Waveny Care Center). Since the High School is the emergency shelter for New Canaan, this extension will serve multiple purposes. The Utilities Commission estimates the Town could save up to \$250,000 per year on energy costs just for its facilities.

In terms of the downtown area, extending natural gas service to downtown will provide an alternative energy source for local buildings and help support many of the businesses there. The extension of natural gas may also increase public safety by eliminating above ground propane tanks currently in use by some restaurants and other uses.

The Plan also recommends that local gas franchise holders (Yankee Gas and/or Connecticut Natural Gas) undertake the extension of natural gas within the residential neighborhoods adjacent to the downtown. It is estimated that homeowners in these areas could save 25%-50% off their annual heating costs and the density of homes is likely to support the gas company investment in extending the gas lines.



# Energy Plan

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel  
Reservoir

Stamford

106

123

## Legend



Phase 1  
Extend Natural Gas Service



Phase 2  
Key Facilities  
connect to Natural Gas



Phase 3  
Downtown users  
connect to Natural Gas



Phase 4  
Establish  
Electrical Microgrid



Phase 5  
Users in Core  
Neighborhood  
connect to Natural Gas



Phase 6  
Extend Natural Gas Outward



Gas Transmission Line



Norwalk

Darien

3,000

Feet

123

124

123

124

106

123

15

123

15

15

124

106



## **B. Enhance Electrical Service Reliability**

Recent severe storm events have raised awareness about electrical service reliability. In the last few years, some residents of New Canaan have lost power for up to a week or more on multiple occasions.

Electrical service in New Canaan is provided by Connecticut Light & Power (CLP). While CLP has made numerous system improvements over the years (interconnecting circuits, redesigning circuits, new transformers, and installation of new wiring to improve circuit performance), there is little that can be done about the impact of severe storms except for more aggressive tree trimming.

Finding the right balance for tree trimming is something the Town should continue to work on with CLP.

Over the years, interest has been expressed in placing wired utilities underground. However, this can be expensive and has not been undertaken. New Canaan should continue to seek ways that wired utilities can be placed underground over the long term to enhance utility reliability. Placing utilities underground would also contribute to overall community character as well as help maintain and improve scenic views.

**Electrical Service Interruption**



New Canaan News Online

**Electrical Service Interruption**



New Canaan News Online

## C. Consider Establishing A Microgrid

A “microgrid” is a small independent electrical system which serves one or more uses in a defined area. Since it generates its own electricity, it can operate independently of the larger electrical grid and any issues it may have (such as service interruptions). It can also be connected to the larger electrical grid for back-up or if it is designed to supply power back to the larger electrical system. Microgrid generation resources can include fuel cells, wind, solar, or other energy sources.

New Canaan should consider establishing one or more microgrids for key facilities such as the high school / emergency shelter (and other schools in the vicinity), the police station, the fire station, the sewage treatment plant, elderly care facilities, and some of the key private businesses in the downtown area (food suppliers, gasoline stations, etc.). The connected users could save money by receiving power from the microgrid while also increasing the reliability of this service.

In 2012, the Connecticut Department of Energy and Environmental Protection established a pilot program to provide grants and loans to municipalities and other users for developing microgrids. Although New Canaan did not participate in this program, it may be possible to apply some of the lessons learned to establishing a local microgrid in the future.

Fuel Cell



### Microgrid Pioneers

In 2013, the Connecticut Department of Energy and Environmental Protections awarded grants to the following communities for establishing microgrids.

The following applicants received funding in Phase 1 and may provide useful benchmarks for New Canaan in the future:

- Bridgeport (2 projects)
- Glastonbury - Celtic Energy
- Groton – Submarine Base
- Hamden (2 projects)
- Hartford - CT Transit
- Hartford (2 projects)
- Middletown - Wesleyan
- Southington (Woodard & Curran)
- Stratford - Sikorsky
- South Windsor - CT Studios
- Storrs - UCONN Depot Campus -
- Trumbull
- West Hartford - University of Hartford
- Windham
- Windsor - Great Pond (ABB)
- Woodbridge

The following applicants received conditional funding in Phase 1 but still may provide useful benchmarks:

- Ansonia - Greenpoint Energy
- Fairfield (Public Safety)
- New London
- Norwich - Backus Hospital
- Simsbury
- Southbury
- Stamford
- Windham - Hospital

## Support Transit

---

### A. Seek Improvements To The Metro-North Branch Line

New Canaan is served by a branch line as part of the Metro-North commuter rail system. From the New Canaan station (in the Town Center) and the Talmadge Hill Station (just south of the Merritt Parkway), service is provided to Stamford and New York's Grand Central Station.

At the present time, service is limited on the New Canaan branch line because it is a single-track line. Adding a second track or dedicated pass-by areas would allow service on the branch line to be increased. New Canaan should advocate for improvements to the branch line to increase service.

### B. Maintain The "Get About" Service

New Canaan has the "Get About" service to provide dial-a-ride services for its senior citizens and special needs residents. In the future, there may be an increase in ridership as a result of an aging population that may require an increase in equipment or service.

Alternatively, this service could also be expanded to provide dial-a-ride services to youths and other residents at other times of day.

### C. Consider Other Transit Services

At some time in the future, New Canaan may wish to consider supporting the establishment of scheduled bus transit service to Norwalk or Stamford. In addition, it may make sense at some time in the future to consider some sort of transit service to connect downtown businesses to parking lots and outlying residential areas.

## Address Other Livability Issues

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There are several other livability issues which should also be addressed:

1. **Road Maintenance** – In the 2010 community survey, road maintenance and road conditions were identified as important issues by survey respondents. New Canaan should be sure to address these issues.
2. **Communication** - The Town website should be maintained and improved as a source for important local information. In addition, opportunities for e-commerce with Town programs and activities should be enhanced.

# ACHIEVE SUSTAINABILITY AND RESILIENCY

# 6

## Overview

For the purposes of this Plan, “sustainability” refers to the philosophy of encouraging activities that allow present generations to meet their needs without compromising the ability of future generations to meet their needs. The term “resiliency” refers to the community’s ability to readily recover from sudden changes or adversity.

Much of New Canaan was built during a time when it was assumed that resources to support growth and development patterns were unconstrained and that major changes were unlikely to occur and that the environment would support such growth. While this still may be the case, it seems prudent to evaluate alternative scenarios and the possible implications of those scenarios. If we are to enhance the character and quality of life for present and future generations, being a sustainable and resilient community – able to adapt to possible future changes – may be especially important.

*Moving towards  
more sustainable  
and resilient  
practices will help  
New Canaan in the  
future ...*

**Sustainability**



**Resilience**





## Maintain Environmental Health

---

### A. Protect Natural Resources

Conservation of natural resources in New Canaan is important in terms of preserving environmental functions, protecting community character, and enhancing the quality of life for residents.

Natural resource conservation priorities in New Canaan will be based on:

- the value or function of the natural resource if preserved,
- the sensitivity of the resource to development, and/or
- the degree of constraint to development.

This philosophy ensures that important resources and functions are preserved and appropriate areas are identified for development at appropriate densities.

### B. Protect Water Resources and Water Quality

The most important natural resources in New Canaan are water related. All of the local rivers, streams, lakes, ponds, water supply reservoirs, wetlands, swamps, marshes, vernal pools, and aquifers influence and contribute to the overall quality of the local and the regional ecosystem.

Protecting groundwater quality and quantity is an important objective of the Plan since most areas of New Canaan rely on wells for domestic water supply.

New Canaan should continue to educate residents about sources of water pollution and ways to reduce contamination from fertilizer, road salt, agricultural chemicals and discharges from improperly operating septic systems.

Land Resources



Water Resources



# Natural Resources Map

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel  
Reservoir

Stamford

Norwalk

Darien

## Legend

-  Public Water Supply Watershed
-  Wetlands (NRCS and Local)
-  100-year Floodzone
-  500-year Floodzone
-  Slopes > 25%
-  Water
-  Natural Diversity Database Areas

3,000 Feet

### **C. Implement “Low Impact Development” Approaches**

New Canaan should consider adopting regulations that promote groundwater recharge and water quality improvements. While this type of approach is called “Low Impact Development” (LID), it really refers to drainage strategies.

This is an important consideration for several reasons:

- The main issue associated with new development in New Canaan is typically drainage and increased runoff onto adjacent properties,
- Many of the drainage facilities in New Canaan are inadequate to handle this runoff since they were installed many years ago before some of the larger homes (and increased runoff) found today,
- The Town simply does not have the funds to be able to receive and accommodate all the runoff residents might choose to discharge,
- Water quality impacts from increased coverage and other domestic activities (fertilizer, etc.) are typically not treated by current drainage systems, and
- It is more equitable and more sustainable that property owners accommodate increased runoff on their own properties.

### **D. Address Other Important Environmental Issues**

The Town should work with applicants and property owners to ensure that important resources are protected. The Connecticut Department of Energy and Environmental Protection (CT-DEEP) maintains a Natural Diversity Database identifying the general locations of rare and endangered species, species of special concern, unique habitats, and other valuable resources (such as unique natural areas or significant scenic resources).

New Canaan has other issues related to wildlife that are unique. The Town continues to address issues associated with deer, deer ticks, geese, and other animals.

While unique and ornamental plant species can be attractive, they can also disrupt the natural ecology of the New Canaan area. The Plan recommends the use of native species of plants in landscape design and discourages the use of non-native or invasive species.

While mature trees are recognized to be an important element of New Canaan’s character, they can also cause damage to power lines in severe storm events or if not maintained. New Canaan should strive to find an appropriate balance between protecting tree canopies and providing for State and utility pruning which may be necessary for electrical reliability.



## Promote Sustainability

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### A. Promote Energy Conservation / Sustainability

Energy availability and cost are likely to be more significant issues in New Canaan in the future. This has financial implications for all residents – whether for leading their daily lives or for supporting functions provided by the Town.

The Town should prepare and implement a Sustainability Plan. This could be prepared by the Conservation Commission or a Sustainability / Energy Task Force which could evaluate alternative approaches (space heating, electrical consumption, electrical generation, vehicles) and make recommendations to reduce energy usage, increase reliability, and save money.

Some of the key issues for the sustainability / energy task force to consider include:

- Prepare an energy conservation action plan to reduce operating costs, reduce lifecycle costs, and lower the carbon footprint of the Town / school buildings.
- Review municipal facilities for energy conservation opportunities (lighting, controls, equipment, building envelope, etc.).
- Investigate opportunities for energy generation (solar, wind, fuel cell, etc.) as a way to lower energy costs and enhance resiliency.
- Identify ways to involve the community in implementing energy conservation practices.
- Initiate transition to renewable energy for town vehicles (natural gas, electric, biofuels, and hybrids).

**Residential  
Solar Installation**



**Rooftop Solar Installation  
(Karl Chevrolet)**





## **B. Promote Water Conservation**

The United States has one of the highest rates of personal water consumption in the world (100 gallons of water per person per day for domestic purposes). Simple changes to some everyday activities can reduce most people's domestic water use by 10% or more. New Canaan should encourage water conservation especially since many areas of the community rely on groundwater for domestic use.

## **C. Promote Waste Reduction / Recycling**

The overall waste stream and recycling is another potential area for investigation and education in New Canaan. Reducing the waste stream and promoting recycling should be promoted.

## **D. Educate Residents About Sustainability Concepts**

Efforts should be devoted towards educating residents and school children about sustainability concepts.

**Water Conservation**



**Single Stream Recycling**



**Electric Vehicle**



## Promote Resiliency

---

One of the lessons for New Canaan from Hurricane Irene in 2011, an unusual October 2011 snowstorm, Storm Sandy in 2012, and winter storm Charlotte in 2013 was the value of emergency preparedness planning. In these situations, power was lost to large sections of the community for a week or more. This was quite a challenge until electrical service was restored. During these storms, a number of roads became impassable.

The Town of New Canaan and many public and private organizations were able to respond with emergency shelters, bottled water, and other supplies and services. Residents appreciated this response and were grateful for it.

New Canaan should continue to review and improve hazard mitigation plans for recurring events, such as flooding. For example, the Five Mile River Watershed Based Plan suggested New Canaan continue to seek opportunities to mitigate flooding in the watershed. This is a good example of a hazard mitigation approach which seeks to mitigate events before they occur.

New Canaan should also continue to review and improve emergency preparedness plans (single events) in order to be able to respond to these events in the future. For example, New Canaan is already looking at ways to provide for uninterrupted heat and electricity for the emergency shelter at the High School. This is a good example of preparing for unknown events before they occur so that the community can respond in a timely and appropriate manner with the appropriate tools and resources.

This can also include protecting electrical lines by placing them underground as opportunities present themselves. This should also include establishing “smart grids” to identify the location of circuit interruptions and other problems as soon as possible.

## Address Other Sustainability Issues

---

There are also some other issues which should be addressed in the future:

1. **Conservation Commission** – Review the charge of the Conservation Commission to ensure they are in a position to promote a broad range of conservation and sustainability initiatives (including energy initiatives).
2. **Water Service Area** – New Canaan should explore opportunities to expand the water supply service area. In addition to addressing the domestic and fire protection needs of residents, it will also help to ensure an adequate water supply in the event of power loss during and after storm events.
3. **Sewer Capacity** – To help manage sewer capacity, New Canaan should consider adopting a sewer limit line and/or a sewage allocation scheme. Since sewage capacity is a constrained resource (there is only so much treated effluent that can be discharged), it will be important to ensure that it is allocated and used appropriately to meet community objectives.
4. **Solid Waste Disposal** – New Canaan should continue to maintain adequate arrangements for disposal of solid waste, bulky waste, and recycled materials.
5. **Roadway Management** – There are no major issues with the roadway system in New Canaan. New Canaan should continue to manage the roadway system to meet the daily needs of the community. Since roadway maintenance is an expensive item, New Canaan should continue its pavement management approach to road maintenance in order to minimize the present value of future road maintenance costs.

# CONSISTENCY WITH OTHER PLANS

# 7

## Overview

The recommendations of each of the preceding chapters can be combined to present an overall Future Land Use Map for New Canaan. The Future Land Use Map is a reflection of the stated goals, objectives, and recommendations of the Plan as well as an integration of the preceding elements of the Plan of Conservation & Development.

In essence, the Future Land Use Map is a statement of what the New Canaan of the future should look like.

*The Future Land Use Map is a depiction of the Plan's recommendations for the future conservation and development of New Canaan...*

Conservation



Development





## **Future Land Use Map**

The map on the facing page is the future land use map for New Canaan.

As required by statute, it shows "... the commission's recommendation for the most desirable use of land within the municipality for residential, recreational, commercial, industrial and other purposes and for the most desirable density of population in the ... parts of the municipality."

## **Descriptions Of Future Land Use Categories**

### **Residential**

#### **Lowest Density**

Areas where residential densities will generally be less than one unit per four acres.

#### **Low Density**

Areas where residential densities will generally be less than one unit per two acres.

#### **Medium Density**

Areas where residential densities will generally be one unit per acre or higher.

#### **Higher Density**

Areas presently used for multi-family development.

### **Other Categories**

#### **Downtown**

The area generally identified as New Canaan's downtown.

#### **Community Facility / Institutional Use**

Areas containing existing community facilities (schools, library, Town Hall, etc.) and institutional uses (churches, New Canaan Country Club, etc.).

#### **Existing Open Space**

Areas that are currently preserved or used for open space purposes.

#### **Natural Resource Protection Areas**

Wetland, watercourse, steep slope, floodplain, public watershed water supply, and other resource areas where development will be balanced with protecting these important resources.

**Overall, the Future Land Use Plan depicts a land use pattern very similar to the current zoning configuration of New Canaan. Zoning initiatives which may not be illustrated at this scale include changes in and near the downtown area (see Chapter 4), changes to promote diversification of our housing portfolio, and regulation / map changes to help manage institutional uses in the community.**

# Future Land Use Plan

New Canaan, CT

Lewisboro, NY

Pound Ridge, NY

Wilton

Laurel Reservoir

Stamford

Norwalk

Darien

## Legend

### Residential

- Lowest Density
- Low Density
- Medium Density
- Higher Density

### Other Categories

- Downtown
- Community Facility / Institutional Use
- Existing Open Space
- Natural Resource Protection Areas

3,000 Feet



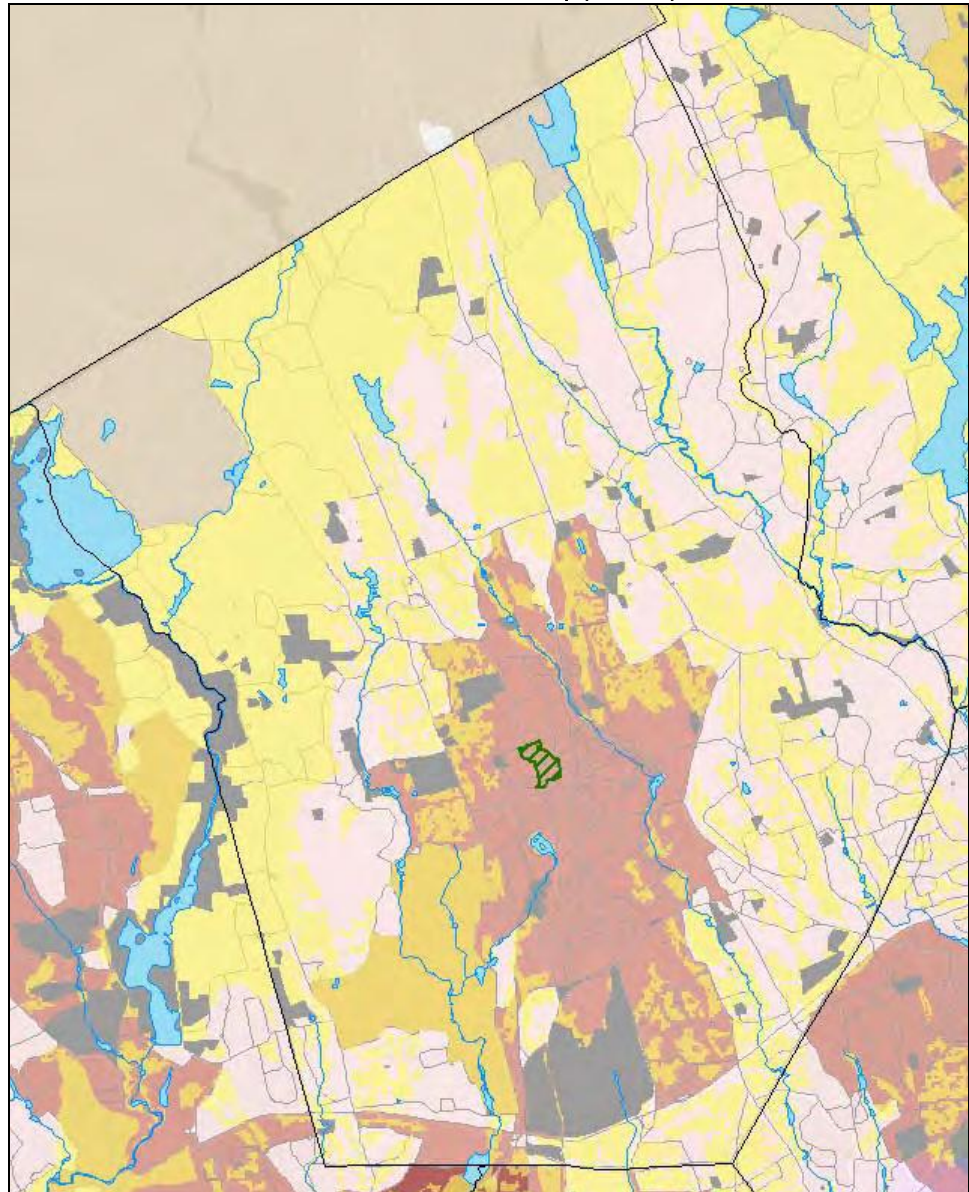
## State Plan Categories



## Plan Consistency

In accordance with CGS Section 8-23, this Plan of Conservation and Development was compared with the 2013-18 State Conservation & Development Policies Plan and found to be generally consistent with that Plan and its Locational Guide Map.

State Locational Guide Map (2013-18)



## Connecticut Conservation and Development Plan – State Growth Principles

In accordance with CGS Section 8-23, the Plan of Conservation and Development has been evaluated for consistency with statewide growth management principles.

<p><b>Principle 1 –</b></p> <p><b>Redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure.</b></p>	<p><b>FINDING – Consistent</b></p> <p>The Plan encourages growth in and near downtown New Canaan Center where mixed land uses are already permitted and are encouraged. New Canaan does not have a designated “regional center”.</p>
<p><b>Principle 2 –</b></p> <p><b>Expand housing opportunities and design choices to accommodate a variety of household types and needs.</b></p>	<p><b>FINDING –Consistent</b></p> <p>The Plan recommends that New Canaan seek to diversify its housing “portfolio” and address recognized housing needs – housing that is more affordable and housing for an aging population.</p>
<p><b>Principle 3 –</b></p> <p><b>Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.</b></p>	<p><b>FINDING – Consistent</b></p> <p>The Plan continues with the overall zoning framework of more intensive development around the train station and in the southern part of the community where it is served by rail transit and arterial roads.</p>
<p><b>Principle 4 –</b></p> <p><b>Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.</b></p>	<p><b>FINDING – Consistent</b></p> <p>The Plan identifies the importance of protecting important community resources such as the natural environment, open spaces, and historical resources.</p>
<p><b>Principle 5 –</b></p> <p><b>Protect environmental assets critical to public health and safety.</b></p>	<p><b>FINDING – Consistent</b></p> <p>The Plan contains recommendations to protect environmental assets critical to public health and safety. In particular, the Plan stresses the importance of protecting water quality and public water supply watershed lands.</p>
<p><b>Principle 6 –</b></p> <p><b>Integrate planning across all levels of government to address issues on a local, regional, and statewide basis.</b></p>	<p><b>FINDING – Consistent</b></p> <p>The Plan is part of the process of integrating planning with other levels of government and with other agencies. The Plan will be used to coordinate efforts with:</p> <ul style="list-style-type: none"> <li>• adjacent communities,</li> <li>• regional organizations, and</li> <li>• state agencies.</li> </ul>



## Regional Plan Categories

- Neighborhood Conservation
- Regional Center
- Rural Community Center
- Existing Preserved Open Space
- Preservation Area
- Conservation Area
- Rural Land
- Aquifer Protection Area
- Historic District
- Municipal Boundary
- Primary Highway
- Secondary Highway
- Local Road
- Railroad
- Rail Station

## Regional Plan Of Conservation and Development

In addition, this Plan was compared with the 2006-15 Regional Plan of Conservation and Development prepared by the Southwestern Regional Planning Agency and found to be generally consistent with that Plan.

Regional Locational Guide Map



## CONCLUSION

# 8

The Plan of Conservation & Development has been prepared to meet the challenges that will confront the Town of New Canaan in the future.

In preparing this Plan, a great deal of information was collected, presented, reviewed, and discussed. Many meetings were held to assess issues in New Canaan and discuss alternative strategies. Through this work, an overall vision and general goals and policies were developed. Finally, specific strategies were prepared and refined. This information is summarized throughout this Plan.

However, it is important to realize that the most important step of the planning process is implementation of the recommendations. While the task of implementation rests with all New Canaan residents, the realization of the Plan is orchestrated by the Planning and Zoning Commission and other Town agencies and officials.

The Plan is intended as a guide to be followed in order to enhance the quality of life and the community character of New Canaan. It is intended to be flexible in order to allow adjustments in the manner that specific goals and objectives are achieved while maintaining stability in the long-term goals of the community.

During the next few years, some of the goals will hopefully be achieved, some circumstances will undoubtedly change, and some conditions will certainly arise that will suggest that it is time to reconsider the Plan or some of its elements. Such situations are to be welcomed since it will mean that the Plan is being used by residents.

Programs that help achieve community consensus, establish community goals, and promote community welfare will all turn out to be positive steps in the history of New Canaan.

*Implementing this Plan of Conservation & Development will help New Canaan confront the challenges of the future ...*



# ACKNOWLEDGMENTS

## The Residents of New Canaan and the

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### Planning and Zoning Commission

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Laszlo Papp	Chair
Jean Grzelecki	Secretary
Elizabeth DeLuca	
John H. Goodwin	
Dan Radman	
David Scannell	
Tony M. Shizari	
Kent Turner	
Dick Ward	
Michael Crofton	Alternate
John Flinn	Alternate
Roger Rothballer	(to February 2014)

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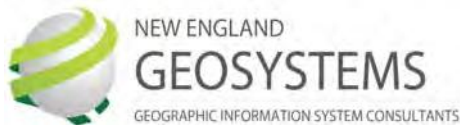
Steven Kleppin, AICP	Town Planner / Senior Enforcement Officer
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## Technical and Administrative Assistance Provided By:



Glenn Chalder, AICP	President
Leonard Desson, GISP	GIS Mapping (to Fall 2013)



Matt Longyear	GIS Mapping (From Fall 2013)
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Amendment 4/1/16 for sidebar regarding Cross & Vitti Streets study.

[illegible]





# Section 2

# NEW CANAAN



# ZONING REGULATIONS

Effective: June 16, 2007  
As Amended, Effective December 17, 2021

## PREAMBLE

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*These Zoning Regulations are intended to guide land use activities in New Canaan in ways that will maintain and enhance community character and protect the public health, safety, and welfare.*

*The Planning and Zoning Commission, in recognition of the need to balance numerous factors when establishing or revising Zoning Regulations, has given careful consideration to the following:*

- 1. Protecting natural resources;*
- 2. Protecting existing properties and neighborhoods;*
- 3. Allowing for new development that will be in keeping with overall community standards and meet community needs;*
- 4. Establishing a positive approach to community development that will encourage appropriate development;*
- 5. Promoting good civic design and arrangements;*
- 6. Ensuring the reasonableness and legality of regulatory provisions; and*
- 7. Furthering implementation of the New Canaan Plan of Conservation and Development.*

*It is the general purpose and intent of these Regulations to foster the use and development of land in an orderly manner by both private and public interests with special consideration given to the appearance of the community as a result of such development.*

*It is recognized that the appearance of property has a direct bearing on the economic value of such property and also the economic value of adjacent and surrounding property. The appearance of a single property affects not only surrounding property, but the cumulative effect is to enhance or diminish the beauty of the entire Town, and consequently the values of property within the Town.*

*It is further recognized that the appearance of property not only has economic effects but also affects the general welfare, health, and safety of Town citizens. An aesthetically pleasing environment is a clean, healthy, and safe environment.*

*These Regulations provide standards and procedures by which development of property within the Town may be reviewed and modified in order to enhance the aesthetic beauty of the Town, and consequently, the economic value of property and general welfare of the citizens.*

*These Regulations are intended to be a dynamic document, not a static document. It is anticipated that these Regulations will be regularly reviewed and updated, as necessary, to anticipate and reflect the ever changing needs of the community and to guide land use activities in New Canaan in ways that will continue to maintain and enhance community character and protect the public health, safety, and welfare.*



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## **APPENDICES**





## **ARTICLE 1 - INTRODUCTION**

---

### **SECTION 1.1. AUTHORITY**

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut, as amended.

### **SECTION 1.2. PURPOSES**

These Regulations are adopted for the purposes of:

- a. Guiding the future growth and development of the Town in accordance with the Plan of Conservation and Development.
- b. Providing adequate light, air and privacy; securing safety from fire and other danger; and preventing overcrowding of the land and undue concentration of population.
- c. Protecting the character and the historic, social and economic stability of all parts of the Town and ensuring that development is orderly and beneficial.
- d. Protecting and conserving the value of land and buildings appropriate to the various zones established by these Regulations and throughout the Town.
- e. Bringing about the gradual conformity of the uses of land and buildings to the Comprehensive Zoning Plan set forth in these Regulations and minimizing conflicts among the uses of the land and buildings.
- f. Promoting the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard for the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian circulation appropriate to the various uses of land and buildings throughout the Town.
- g. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services and for private enterprise in building development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
- h. Controlling development to an amount commensurate with the capacity of the land and the availability and capacity of public facilities and services, thereby facilitating adequate provision for vehicular and pedestrian circulation, water, sewerage, schools, parks and other public requirements.
- i. Conserving and protecting the natural resources of the Town, especially groundwater and drinking water, in recognition of their importance to the health, safety and general welfare of New Canaan and its larger environs.
- j. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water for any project for which a permit is required or sought from the Town.
- k. Encouraging the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs.

### SECTION 1.3. JURISDICTION

These Regulations apply to all areas within the Town of New Canaan and to the use to which any area and any and all buildings or structures may be devoted.

### SECTION 1.4. ZONING DISTRICTS

#### A. Districts and Boundaries

1. To accomplish the purpose of these Regulations, the Town of New Canaan shall be and is divided into different classes of districts or zones as enumerated in these Regulations.
2. The boundaries of zoning districts shall be as shown on the official Zoning Map, as may be amended, which is on file in the office of the Planning and Zoning Commission.

#### B. Boundary Interpretation

If not clearly delineated on the Zoning Map, zone district boundaries shall be construed in the following sequence:

1. Following the center line of a street, railroad, right-of-way, or easement.
2. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.
3. Where zone boundaries are set back from street lines, they shall be considered running generally parallel thereto, at distances indicated as follows:

<b>Zone</b>	<b>Distance (feet)</b>
Four Acre Residence Zone	500
Two Acre Residence Zone	400
One Acre Residence Zone	300
One-Half Acre Residence Zone	200
One-Third Acre Residence Zone	150
A Residence Zone	100
B Residence Zone	100
Retail A Zone	150
Retail B Zone	150
Business A Zone	150
Business B Zone	150
Business C Zone	150

4. Following the lines of a particular physical feature including brooks, streams, floodplains, or steep slopes.
5. In case of uncertainty regarding zone boundaries on the Zoning Map, the zone boundary shall be determined by the Commission.

## **SECTION 1.5. INTERPRETATION OF REGULATIONS**

### **A. Permitted Uses and Activities**

1. Any principal use of land, buildings or structures not expressly permitted by these Regulations in the various zoning districts is prohibited.
2. Any activity not expressly permitted in the Regulations is prohibited.
3. For a principal use permitted by these Regulations, accessory uses which are customarily incidental and are actually subordinate thereto are permitted.
4. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

### **B. Minimum Requirements**

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

### **C. In The Event of Conflict**

Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of land, buildings or structures shall control.

## SECTION 1.6. CONFORMITY REQUIRED

### A. Conformity Required

Except as may be provided in Subsection 1.6.B:

1. No building, structure or land shall be used or occupied except in conformity with these Regulations for the zone in which the land, building, or structure is located.
2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.
3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
4. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
5. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
6. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
7. No height, building coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

### B. Exceptions

1. The following types of activities shall not, to the extent provided below, be required to:
  - a. make any changes in the plans, construction, or designated use of any such building or structure authorized, or
  - b. conform with any change in the Regulations or the boundaries of zoning districts taking effect during the indicated period of exception.
2. **Certificate of Occupancy Applied For** - An application for a Certificate of Occupancy for a building, structure, use, or activity was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

<b>Period of Exception</b>	From the date the application for the Certificate of Occupancy was submitted until the Certificate of Occupancy is issued or the application is denied for non-compliance with the Zoning Regulations in effect on the date the Certificate of Occupancy was applied for
<b>What Excepted</b>	The improvements authorized by the original Building Permit and included in the application for the Certificate of Occupancy
<b>Applicable Standard</b>	The Zoning Regulations in effect on the date the Certificate of Occupancy was applied for



3. **Under Construction** - A building or structure has a valid Building Permit issued by the Building Official prior to the effective date of any regulation change or zoning district change.

<b>Period of Exception</b>	From the date the Building Permit was applied for and subsequently issued until the Certificate of Occupancy is issued or the Building Permit lapses
<b>What Excepted</b>	The improvements authorized by the valid Building Permit
<b>Applicable Standard</b>	The Zoning Regulations in effect on the date the valid Building Permit was applied for

4. **Building Permit Applied For** - An application for a Building Permit was filed with the Building Official prior to the effective date of any regulation change or zoning district change.

<b>Period of Exception</b>	From the date the Building Permit was applied for until the Certificate of Occupancy is issued, the Building Permit lapses, or the permit application is denied for non-compliance with the Zoning Regulations in effect on the date the Building Permit was applied for
<b>What Excepted</b>	The improvements shown on the application for the Building Permit
<b>Applicable Standard</b>	The Zoning Regulations in effect on the date the Building Permit was applied for

5. **Zoning Application Approved by the Commission or Board of Appeals** - A building, structure, use, or activity was approved by the Commission or Board prior to the effective date of any regulation change or zoning district change.

<b>Period of Exception</b>	From the date the zoning application was submitted to, and subsequently approved by, the Commission or Board until the Certificate of Occupancy is issued, the approval is otherwise implemented, or the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed
<b>What Excepted</b>	The improvements shown on the plan(s) submitted to the Commission or Board and subsequently approved
<b>Applicable Standard</b>	The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

## Section 1.7

- 6. Subdivision Application Approved by the Commission** - A subdivision or resubdivision plan was approved by the Commission prior to the effective date of any regulation change or zoning district change and the subdivision plan was filed or recorded with the Town Clerk.

**Period of Exception** For each lot in the subdivision that was vacant, from the date the subdivision application was submitted to, and subsequently approved by, the Commission until the date a Building Permit is issued with respect to that lot and a foundation has been completed in accordance with such Building Permit

**What Excepted** The improvements authorized by the Building Permit

**Applicable Standard** The Zoning Regulations in effect on the date the subdivision application was submitted to the Commission and subsequently approved

- 7. Application Filed with the Commission or Board** - An application was filed with the Commission or the Board prior to the effective date of any regulation change or zoning district change and subsequently approved.

**Period of Exception** From the date the application was submitted to the Commission or Board until the Certificate of Occupancy is issued, the Building Permit lapses, the time period for completion of improvements, if applicable, as provided in CGS 8-3 has elapsed, or the application is denied for non-compliance with the Zoning Regulations in effect on the date the application was submitted

**What Excepted** The improvements shown on the application submitted to the Commission or Board

**Applicable Standard** The Zoning Regulations in effect on the date the application was submitted to the Commission or Board

## **SECTION 1.7. ADMINISTRATIVE PROVISIONS**

### **A. Severability**

Should any provision of these Regulations be declared unconstitutional or beyond the powers granted to the Commission by law, such action shall not affect the validity of any other provision or part hereof.

### **B. When Effective**

These Regulations and any amendments hereto shall be effective from and after the effective date established by the Commission.

## ARTICLE 2 - DEFINITIONS

---

### SECTION 2.1. USE OF TERMS

#### A. Definitions to be Applied

In the interpretation and enforcement of these Regulations, the words and phrases set forth in these Regulations shall be construed as defined in this Article, unless otherwise clearly qualified by their context.

#### B. Specific Terms

In the interpretation and enforcement of these Regulations, certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
  - a. Words in the present tense include the future and vice-versa.
  - b. Words in the singular include the plural and vice-versa.
  - c. Words in the masculine include the feminine and neuter and vice-versa.
4. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
5. The words "zone", "zoning district", and "district" have the same meaning.
6. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
7. "Filed" shall mean "submitted" and vice-versa.

#### C. Terms Not Defined

In the interpretation and enforcement of these Regulations, words not defined in this Article shall be interpreted by the Commission after consulting one or more of the following:

1. The State Building Code, as amended.
2. The Connecticut General Statutes, as amended.
3. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ), as amended.
4. Black's Law Dictionary.
5. A comprehensive general dictionary.

## SECTION 2.2. DEFINED TERMS

**ACCESSORY** – Subordinate and customarily incidental to a principal building, structure, or use on the same property.

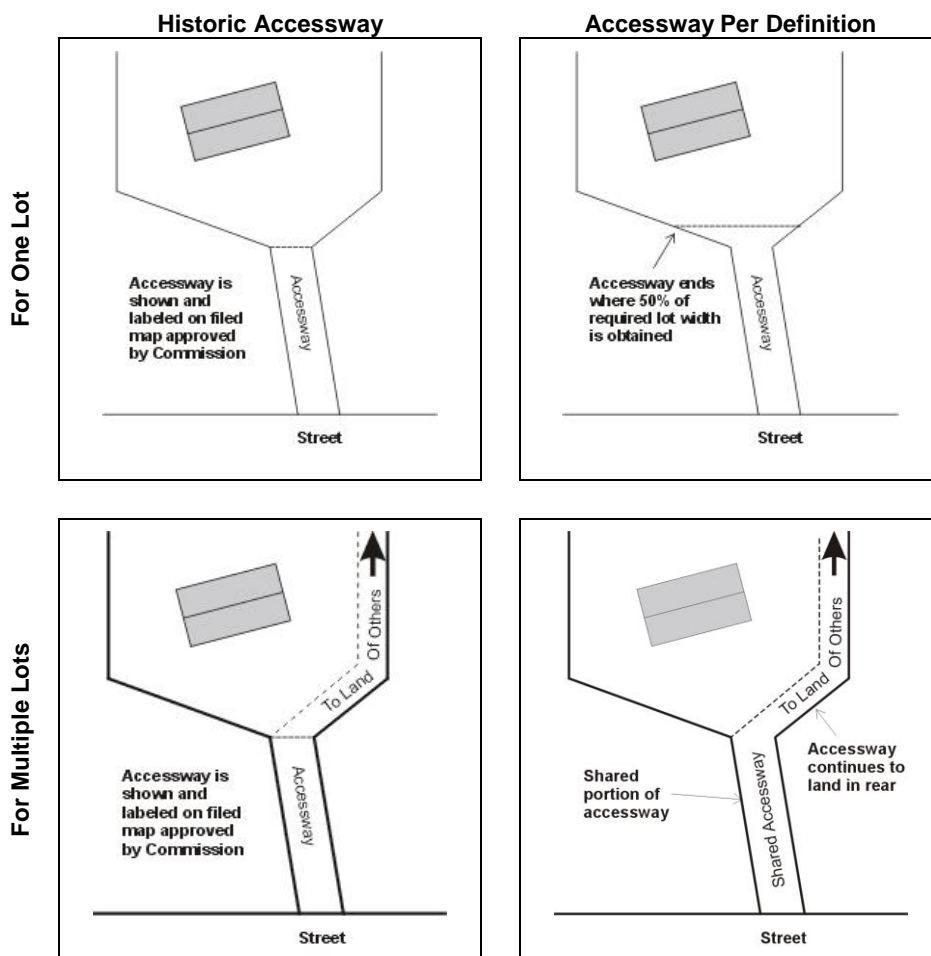
**ACCESSORY DWELLING UNIT** – See “*Dwelling Unit, Accessory*”.

**ACCESSORY BUILDING** -- See “*Building, Accessory*”.

**ACCESSWAY** – Land containing a driveway intended to provide access to a rear lot or to land(s) of others.

For lots established prior to June 18, 2005, the extent of an accessway shall be that area labeled as an accessway and shown on a map which has been approved by the Commission and is on file in the land records provided that the Commission may require legal documentation establishing the accessway and its location.

In all other situations, the extent of an accessway shall be that area beginning at the public street providing access and ending at the point where fifty per cent (50%) of the required lot width is obtained, or that area as approved by the Commission.





**AFFORDABLE HOUSING** - A single-family dwelling, a unit in a multi-family building or complex, an accessory dwelling unit, or a residential unit in a mixed-use building or complex for which, as defined in CGS 8-39a, persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to the area median income (*see definition*).

**AFFORDABLE HOUSING DEVELOPMENT** - a housing development which:

1. contains or will contain one or more units of affordable housing, or
2. is or will be a set-aside development (*see definition*), or
3. is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, or
4. is, or will be, occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code.

**ALTER** -- To change or rearrange the use, function, intended use, structural parts or the existing facilities of a building, structure or use of land.

**ANTENNA** - any device that transmits or receives electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other electromagnetic communication signals.

**ANTENNA HEIGHT** - *See "Height, Antenna"*.

**ANTENNA MOUNT** - The structure or surface upon which telecommunications antennas are mounted, including building roof mounts, building side mounts, ground mounted tower and structure mounted.

**ANTENNA TOWER** - Any structure, including a tower or building, and any support appurtenant thereto that is designed and constructed primarily for the purpose of supporting one or more antennas.

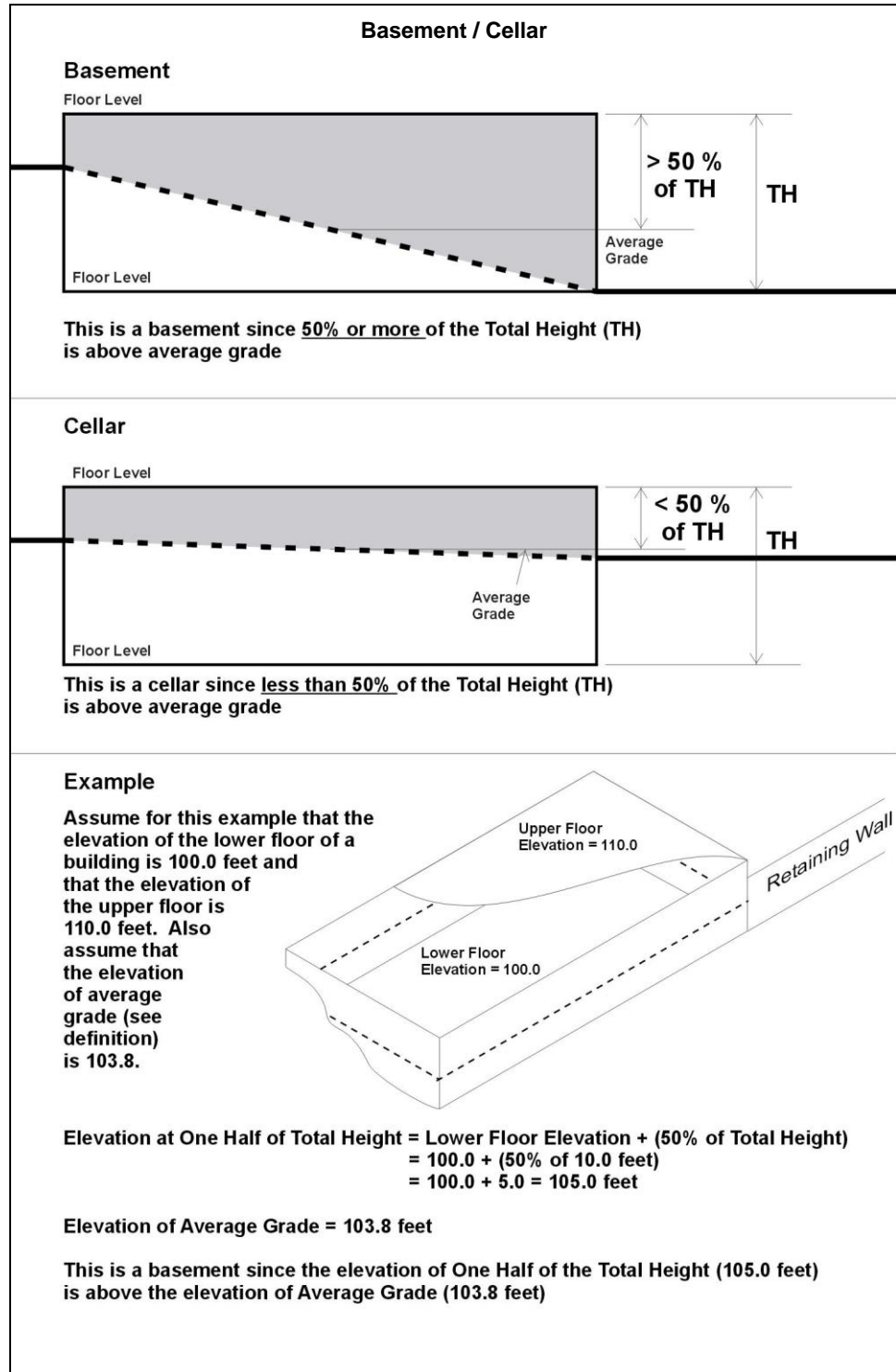
**ARTICLE** -- A separate part of these Zoning Regulations. *See "Chapter" and "Section"*.

**ATTIC** -- The space between the roof rafters and the ceiling beams or floor joists below. *See definition of "Story"*.

**AVERAGE GRADE** -- *See "Grade, Average"*.

## Section 2.2

**BASEMENT** -- That part of a building that is partly below and partly above ground and having one-half (1/2) or more of its total height above average grade. See "Story", "Cellar", and "Grade, Average."



**BED & BREAKFAST** -- An owner-occupied residence that provides overnight accommodations in six (6) or fewer rooms and a morning meal to guests for compensation and where stays are limited to thirty (30) days or less.

**BEDROOM** -- A room which is designated and primarily used for sleeping and including, in the case of any multi-family development, libraries, dens, studios, studies, lofts and other similar spaces.

**BOARD** -- The Zoning Board of Appeals.

**BREEZEWAY** -- A roofed passageway, which is open-sided or screened, connecting a building or structure to another building or structure.

**BUFFER, BUFFER AREA or BUFFER STRIP** -- A strip of land along a property line or zone boundary which is free of any building or use other than natural woody growth, landscaping, fencing or screening and which provides visual and noise separation.

**BUILDABLE LAND** -- Land area of a lot or parcel, exclusive of any area classified as wetlands, watercourses, 100-year floodplain, or containing pre-development slopes greater than twenty-five (25) percent as defined by a ten (10) foot change of grade in a horizontal distance of less than forty (40) feet.

**BUILDING** -- Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, goods, or personal possessions.

**BUILDING, ACCESSORY** -- A building, the use of which is subordinate and customarily incidental to that of the principal building on the same lot. A building shall be considered an accessory building unless it shares a common wall or a common roof with the principal building (a breezeway roof shall not be considered a common roof).

**BUILDING, PRINCIPAL** -- A building in which is conducted the main or principal use of the lot on which said building is situated.

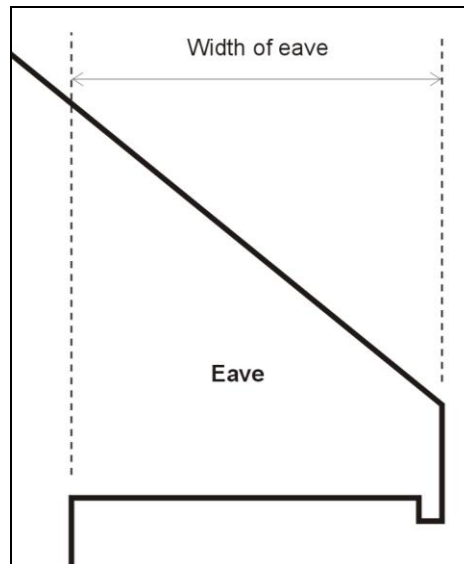
**BUILDING CODE** -- Regulations that govern building design, construction, and maintenance and require Building Permits, electrical permits, mechanical permits, plumbing permits, Certificates of Occupancy, and other approvals to do work pertaining to building construction, improvement, and occupancy in New Canaan.

## Section 2.2

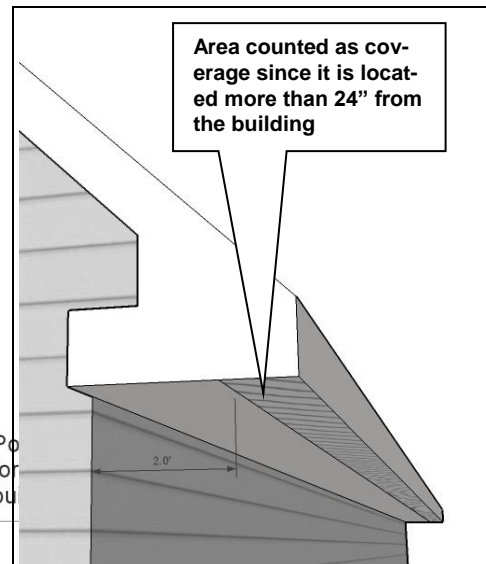
**BUILDING COVERAGE** – As provided below, the horizontal area covered by the indicated buildings and other structures on the lot:

Building coverage includes:	Building coverage excludes:
<ul style="list-style-type: none"> <li>The ground area of all buildings on the lot (buildings, garages, outbuildings, etc.) generally as measured by the exterior walls or columns</li> </ul>	<ul style="list-style-type: none"> <li>Exterior stairs</li> <li>Basement hatchway doors</li> </ul>
<ul style="list-style-type: none"> <li>That portion of a roof overhang, gutter, or leader located more than 24 inches from the building</li> <li>That portion of a bow or bay window projecting more than 24 inches</li> <li>That portion of a chimney projecting more than 24 inches</li> </ul>	<ul style="list-style-type: none"> <li>That portion of a roof overhang, gutter, or leader located no more than 24 inches from the building</li> <li>That portion of bow or bay window projecting no more than 24 inches</li> <li>That portion of a chimney projecting no more than 24 inches</li> </ul>
<ul style="list-style-type: none"> <li>The ground area of all structures on the lot, generally as measured by the exterior walls or columns, except those specifically excluded in this definition</li> </ul>	

**Measurement of Eave**



**Measurement of Eave**



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<b>Building coverage includes:</b>	<b>Building coverage excludes:</b>
	<ul style="list-style-type: none"> <li>• Driveways</li> </ul>
<ul style="list-style-type: none"> <li>• Covered walkways and breezeways generally as measured by the exterior walls or columns</li> <li>• Carports</li> <li>• Porte cochere</li> </ul>	<ul style="list-style-type: none"> <li>• Uncovered walkways</li> <li>• Trellis, pergola, or other similar structure with no roof</li> </ul>
	<ul style="list-style-type: none"> <li>• Patios</li> </ul>
<ul style="list-style-type: none"> <li>• That portion of a deck or terrace, generally as measured by the area of the floor or decking, that:               <ul style="list-style-type: none"> <li>• has the surface elevated more than 36 inches above finished grade, or</li> <li>• is not attached to a building, or</li> <li>• is attached to a building and extends more than 10 feet from the building, or</li> <li>• exceeds 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• That portion of a deck or terrace that:               <ul style="list-style-type: none"> <li>• has the surface elevated no more than 36 inches above finished grade+o, and extends no more than 10 feet from, the building, and</li> <li>• does not exceed 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• That portion of a porch attached to a building generally as measured by the area of the floor or decking, that:               <ul style="list-style-type: none"> <li>• has the porch surface elevated more than 36 inches above finished grade, or</li> <li>• extends more than 10 feet from the building, or</li> <li>• exceeds 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• That portion of a porch attached to a building that:               <ul style="list-style-type: none"> <li>• has the porch surface elevated no more than 36 inches above finished grade, and</li> <li>• extends no more than 10 feet from the building, and</li> <li>• does not exceed 40 percent of the perimeter of the building measured at the points of attachment</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Any above ground pool more than 400 square feet in area</li> </ul>	In-ground pools <ul style="list-style-type: none"> <li>• Above ground pools no more than 400 square feet in area</li> </ul>
<ul style="list-style-type: none"> <li>• Paddle tennis courts</li> </ul>	<ul style="list-style-type: none"> <li>• Tennis courts, sports courts, or other on-grade recreation surfaces</li> </ul>

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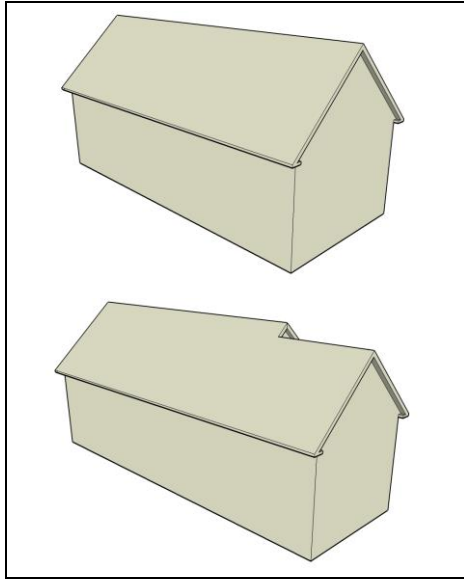
Building coverage includes:	Building coverage excludes:
<ul style="list-style-type: none"> <li>Minor detached accessory structure if: <ul style="list-style-type: none"> <li>the second or greater on a lot, or</li> <li>on a permanent foundation, or</li> <li>greater than 200 square feet in area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>One minor detached accessory structure (less than 200 SF in area) not situated on a permanent foundation.</li> <li>Small accessory or ornamental features such as a bird bath, trellis, well casing, etc.</li> </ul>
<ul style="list-style-type: none"> <li>Any dish antenna mounted off the ground on a base or riser on the ground</li> </ul>	<ul style="list-style-type: none"> <li>Any dish antenna mounted on a building or structure</li> </ul>
<ul style="list-style-type: none"> <li>That portion of an emergency generator or HVAC equipment located more than ten (10) feet from the principal structure</li> </ul>	<ul style="list-style-type: none"> <li>That portion of an emergency generator or HVAC equipment located within ten (10) feet of the principal structure</li> </ul>
	<ul style="list-style-type: none"> <li>Transformers or signal boxes on private property</li> </ul>
	<ul style="list-style-type: none"> <li>Signs</li> <li>Fences</li> <li>Freestanding walls</li> <li>Retaining walls</li> </ul>

**BUILDING HEIGHT** - See "*Height, Building*".

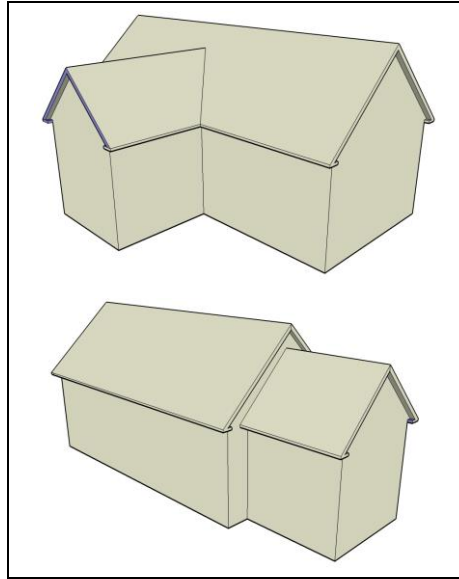
**BUILDING LINE** -- A line, established by the Commission or other competent municipal authority, in back of the street line defining an area between said lines upon which buildings or structures are regulated or prohibited.

**BUILDING WING (or Distinct Portion)** -- A portion of a building (defined by the footprint or outline), which does not share a roof plane with another portion of the same building and where the roof ridge is offset from another roof ridge.

**Buildings Without A Building Wing or Distinct Portion**



**Buildings With A Building Wing or Distinct Portion**



**CANNABIS** – means marijuana, as defined in section 21a–240 of the general statutes;

**CANNABIS ESTABLISHMENT** – means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act 21-1.

**CARPORT** -- A roofed structure, generally located in a parking area, providing space for the parking of motor vehicles, usually attached to a structure and may be supported by columns.

**CELLAR** -- That part of a building that is partly below and partly above ground and having more than one-half (1/2) of its height below average grade. See *"Story"*, *"Basement"*, and *"Grade, Average."*

**CERTIFICATION** – With regard to a soil erosion and sediment control plan, a signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with applicable requirements of these Regulations.

**CGS** – The Connecticut General Statutes, as amended.

**CHAPTER** – The entire Zoning Regulations. See *"Article"*.

**CHURCH** – See *"Religious Institution"*.

**CLUB** -- A voluntary or corporate association whose objects, purposes and pursuits are social, fraternal, religious, political, educational, recreational or

## Section 2.2

charitable, operating without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, and devoting all net revenues received to supporting its purposes and objects or to eleemosynary uses.

**COMMERCIAL VEHICLE** -- See *"Vehicle, Commercial"*.

**COMMISSION** -- The New Canaan Planning and Zoning Commission.

**COMPREHENSIVE ZONING PLAN** -- These Regulations and the accompanying map(s) and schedules which address the use of all areas in the Town of New Canaan.

**CONSERVATION RESTRICTION** -- An encumbrance on real property filed on the land records of the Town for the protection and permanent preservation of fragile, vulnerable or valuable areas such as natural features, open space, natural habitats, buffer zones, scenic areas, historic sites, riding and walking trails, and land devoted to other similar purposes.

**CONVALESCENT HOME** -- A facility that provides nursing services and custodial care for compensation on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

**CORNER LOT** -- See *"Lot, Corner"*.

**COVERAGE, BUILDING** -- See *"Building Coverage"*.

**CRAFTSPERSON** -- An individual having creative skills in manufacturing or arrangement of materials, resulting in a finished product or commodity such as wearing apparel, home decorations, jewelry, toys, furniture, dried flowers, or similar products.

**CRAFTSPERSON SHOP** -- An establishment primarily engaged in the manufacturing, fabrication, or assembling of wearing apparel, home decorations, jewelry, toys, furniture, dried flowers, or similar products.

**CURB CUT** -- The opening along the curb line at which point vehicles may enter or leave the roadway.

**CURB LEVEL** -- The permanently established grade of the sidewalk along the front of a lot based on a height of six (6) inches above the average street level at the gutter line in front of a lot, or along both fronts in the case of a corner lot.

**DATE OF APPROVAL** -- The date an application is approved:

- by affirmative action of the Commission or Board under any provision of these Regulations or,
- by conclusion of any appeal which results in a judgment approving or affirming approval of the application, or
- by reason of failure of the Commission to act within the statutory timeframe in the case of a Site Plan application.

**DAY CARE** -- The care of people on a regularly recurring but part-time basis in a place other than the person's own dwelling unit.

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**DAY CARE CENTER** – A facility which offers or provides a program of supplementary day care to more than twelve (12) related or unrelated people.

**DAY CARE HOME, FAMILY**– Day care provided in a private family home for not more than six (6) people and where the principal provider of the services resides on the premises.

**DAY CARE HOME, GROUP**– Day care provided in a private family home for more than six (6) but not more than twelve (12) people on a part-time, but regularly recurring, basis and where the principal provider of the services resides on the premises.

**DECK** -- A roof-less structure or portion of a structure which is usually constructed of wood with structural supports which hold the walking surface off the ground.

**DEPOSIT** -- With respect to the movement of earth material, the placement of earth material on land which includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

**DEVELOPMENT** -- Any construction or grading activities to improved or unimproved real estate.

**DISTURBED AREA** -- An area where the ground cover is destroyed, removed, or changed, leaving the land subject to potential accelerated erosion.

**DORMER** -- A projection from a sloping roof, usually containing a window or a ventilating louver, which is clearly subordinate in area and volume to the sloping roof and does not exceed 50% of the linear distance of the sloping roof and does not exceed 50% of the linear distance of the sloping roof.

**DRAINAGE** -- The controlled or uncontrolled removal or discharge of surface or ground water from land by drains, grading or other means which may include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

**DRIVEWAY** – An area primarily on private property used by vehicles to access or exit a property.

**DWELLING** -- A structure maintained for human habitation erected on a closed solid foundation, equipped with at least one customary form of heating apparatus and constructed with ceilings and walls finished in some acceptable manner to give proper insulation and to be capable of maintaining a healthful interior room temperature of sixty-eight degrees Fahrenheit (68° F.) and healthful ventilation when the outside temperature is zero.

**DWELLING, MULTI-FAMILY** -- A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other and doing their cooking upon the premises, or by four (4) or more unrelated individuals living independently.

**DWELLING, SINGLE-FAMILY** -- A building arranged, intended or designed to be occupied by one family.

**DWELLING, TWO-FAMILY** -- A building arranged, intended or designed to be occupied by two (2) families living independently of each other and doing their cooking upon the premises.

## Section 2.2

**DWELLING UNIT** -- A building or part thereof, providing provisions for cooking and related housekeeping facilities for one family.

**DWELLING UNIT, ACCESSORY** -- A secondary dwelling unit on a single-family residential property which is clearly accessory to the single-family dwelling and is a complete independent living facility with provisions within the unit for cooking, eating, sanitation, and sleeping.

**EARTH** -- Includes, in addition to earth as commonly understood, soil, loam, sand, gravel, rock, stone, clay or any other material of which the ground is composed.

**EAVE** -- The portion of a roof overhanging the wall of a building.

**EFFECTIVE DATE** - In the case of a zone change application or a regulation amendment application, the date specified by the Commission and published in the legal notice of the decision.

**ELEEMOSYNARY** -- Organized and operated for the purpose of providing a public service or activity without profit.

**EMERGENCY SERVICES COMMUNICATIONS** - Communications service and equipment needed for local police, fire, or ambulance services.

**ENCROACHMENT** -- Any obstruction or illegal or unauthorized intrusion in a delineated area (such as property line encroachment or setback encroachment).

**EROSION** -- The process of wearing away and removal of the earth's surface by natural agents including weather, running water, waves, currents, ice, wind or gravity.

**EXCAVATION** -- The digging out, extraction, regrading or removal of earth, whether exposed or covered by water, so as to alter its pre-existing contour or its natural contour.

**FAA** - The Federal Aviation Administration.

**FACADE** -- The face of any exterior wall of a building exposed to public view.

**FAMILY** -- Any number of individuals related by blood, legal adoption, or marriage and up to two additional unrelated individuals living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or rooming house or hotel.

**FAMILY DAY CARE HOME**— See *"Day Care Home, Family"*.

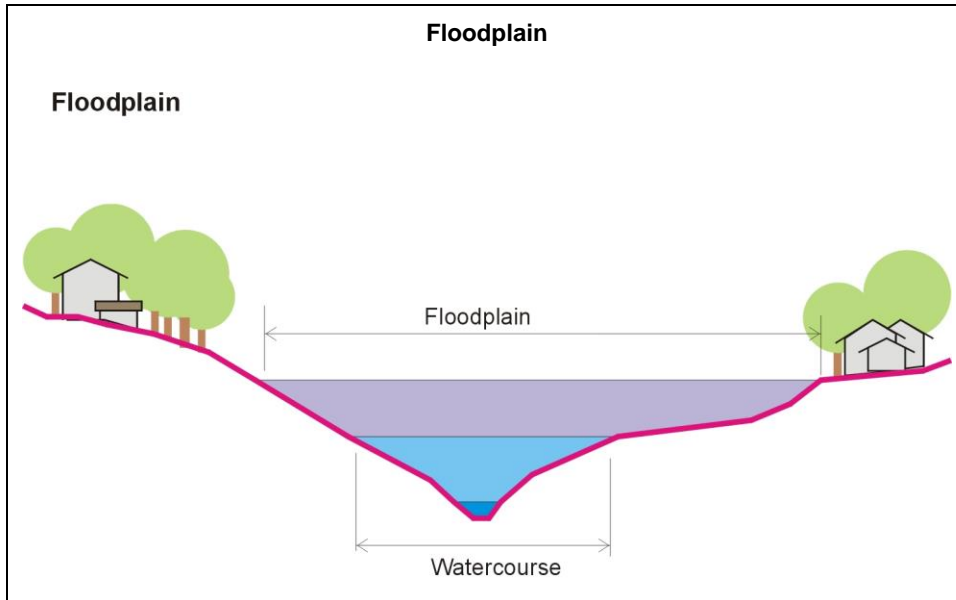
**FARMING** -- The use of any tract of land or building, either as a principal use or an accessory use as outlined in §CGS 1-1 (q), except that gardens incidental to the dwelling on the premises shall not constitute a farm.

**FCC** - The Federal Communications Commission.

**FENCE** -- A barrier of any material or combination of materials, other than trees or other living plant material, erected to enclose, separate, screen or buffer areas of land.

**FLOOD** -- A general and temporary condition of partial or complete inundation of normally dry land from the overflow of water or the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPLAIN OVERLAY ZONE** -- Any area designated by the Federal Emergency Management Agency in the Flood Insurance Study, as amended, as having a one percent (1%) chance of a theoretical flood event being equaled or exceeded in any given year (a "one-hundred-year-flood").



**FLOOR AREA, GROSS** -- The total of all floor area measured from the outside surface of the exterior walls of all stories of a building, exclusive of parking garage areas.

**FLOOR AREA RATIO** -- The ratio of the gross floor area of a building to the area of the lot.

**FOOD SHOPS, RETAIL** -- A retail establishment engaged in the sale of prepared food, primarily for offsite consumption including, but not limited to, establishments commonly known as delicatessens, bakeries, ice cream shops, or similar uses as determined by the Commission. Such establishments shall be limited to a total of eight (8) seats. Nothing in this definition is intended to include a restaurant of any variety as a principal use.

**FRONTAGE** -- The extent of land along a front lot line. See "Lot Width".

**FRONT YARD** -- See "Yard, Front".

**FUR-BEARING ANIMAL** -- An animal customarily bred and raised for the use of its pelt for clothing or decoration of clothing, such as mink, fox or rabbit.

**GARAGE, COMMERCIAL** -- Any lot, building or part thereof, used for the storage, service or repair of motors, engines or more than one vehicle or boat for remuneration, including any rental, lease or sale of any motors, engines, vehicles or boats.

**GRADE, AVERAGE --**

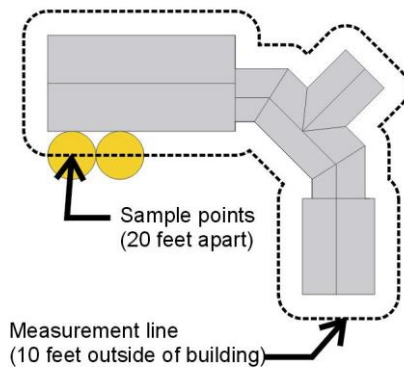
**(Residential Zones and Special Zones)** -- For Article 3 - Residence Zones and Article 5 - Special Zones, the average grade for a building or other structure or building wing or distinct portion is a horizontal plane, the elevation of which shall be determined by averaging the lowest exterior ground elevations on the same property within ten (10) feet of designated sample points, such sample points being located twenty (20) feet apart along a line located ten (10) feet outside of the building or other structure or building wing or distinct portion. For any building or other structure or building wing or distinct portion with less than four (4) measurement points, the Zoning Inspector shall determine the average grade.

**(Business Zones)** -- For other zoning districts, the average grade for a building or other structure shall be an elevation determined by averaging the finished grades at the four (4) outermost corners of the building or other structure.

### Average Grade For An Entire Building

**Average Grade (Building)**

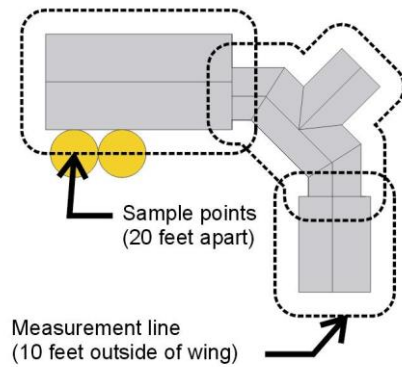
Take the lowest spot elevation within ten (10) feet of sample points located every twenty (20) feet along the measurement line for the entire building and average all of the elevations.



**Average Grade For  
A Building Wing or Distinct Portion**

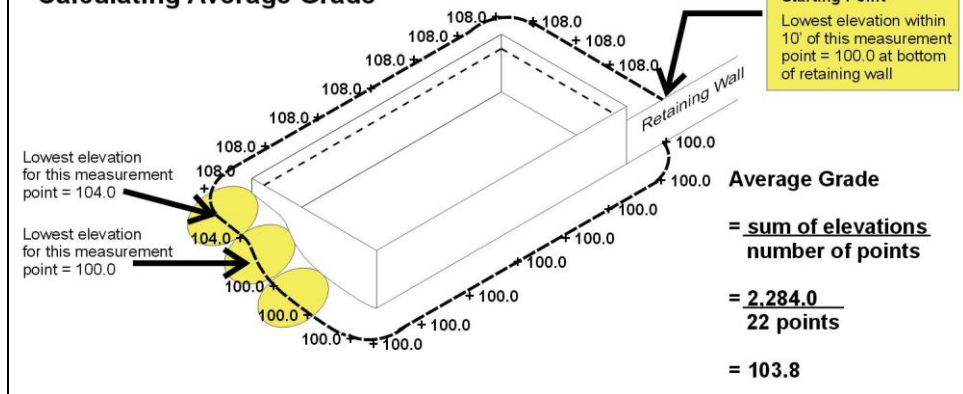
**Average Grade (Building Wings)**

Take the lowest spot elevation within ten (10) feet of sample points located every twenty (20) feet along the measurement line of each wing and average the elevations for each wing separately.



### Calculating Average Grade

### Calculating Average Grade





**GRADE, FINISHED** -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured after completion of construction, grading, landscaping, and similar improvements.

**GRADE, PRE-EXISTING** -- The elevation of a particular point above or below a given reference datum (such as mean sea level) measured prior to construction, grading, landscaping, or similar improvements intended to manipulate the overall contour of the land.

**GRADING** -- Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof which results in a change of contour or elevation, either permanent or temporary.

**GREEN GROCER** -- A retail establishment engaged primarily in the sale of groceries including perishable and non-perishable food items and food related items. In such stores, the sale of non-food items such as household, health and beauty goods and other miscellaneous wares may also be offered but the supply of such items must be clearly incidental and secondary to the primary purpose of the store which is the retail sale of groceries directly to the consumer for offsite consumption.

**GROSS FLOOR AREA** -- See *"Floor Area, Gross"*.

**GROUP DAY CARE HOME** -- See *"Day Care Home, Group"*.

**GROUP HOME** -- A community residence as defined in CGS 17a-220 which is licensed under the provisions of CGS 17a-227, or a child-care residential facility and which is licensed under CGS 17a-145 to 17a-151, inclusive.

**GUEST HOUSE** -- An accessory building used solely by the owner or occupant of the premises for the temporary accommodation of guests or family members and for which use no rental or other charge is made or received; or an accessory building used solely as accommodations for an employee of the owner or occupant of the premises.

**HEIGHT, ANTENNA** - The distance measured from the ground elevation at the base of an antenna or any appurtenances thereto to the highest point of the antenna or any appurtenances thereto.

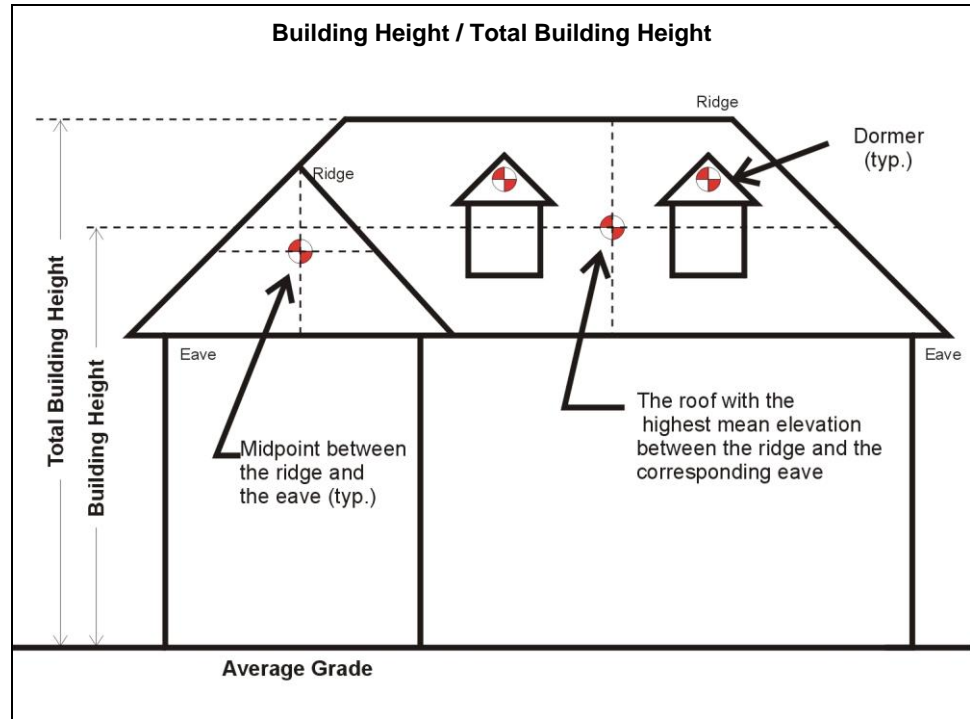
**HEIGHT, BUILDING** -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on the building or other structure:

- the elevation of the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- for roofs which are gable, hip, or A-frame roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave,
- for roofs which are gambrel roofs, the mean elevation of the roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave or the elevation of the highest pitch-break, whichever is greater, and
- for roofs which are salt box roofs, the mean elevation of the side of the salt box roof (other than a dormer) with the highest mean elevation between its highest ridge and its lowest corresponding eave.

## Section 2.2

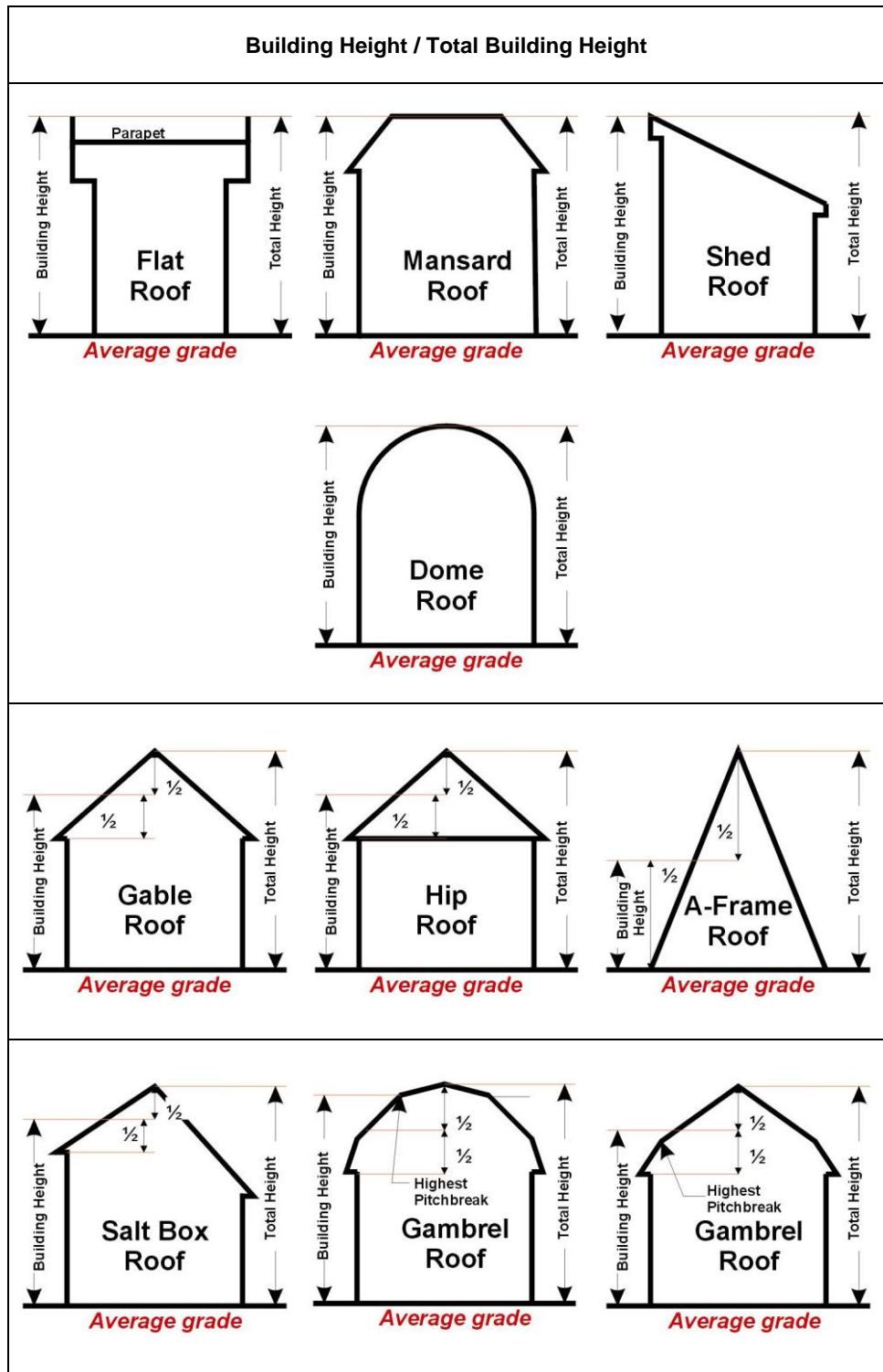
**HEIGHT, TOTAL BUILDING** -- The vertical distance from the average grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest of the following elevations on a building or other structure:

- the elevation of the highest point of the highest dome, flat, or mansard roof, including the top of any parapet; or
- the highest point of the highest ridge, including any dormer, of all gable, hip, gambrel, shed, A-frame, and salt box roofs.



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**HIGH-TECHNOLOGY INCUBATOR BUSINESS** -- Establishments primarily engaged in the research, design, development and marketing of a certain product and/or technology.

**HISTORIC STRUCTURE** -- Any structure which, in the opinion of the Commission, has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation.

**HOME-BASED BUSINESS** -- The use of a portion of a dwelling for business purposes by the resident occupants (specifically excluding barbershops; beauty parlors; manufacturing; commercial woodworking; animal hospitals; dance studios; mortuaries; restaurants; metal working; automobile, boat or other vehicle repair or painting; and other uses as may be determined by the Commission) in the following general hierarchy of intensity:

**HOME OFFICE** -- The use of a dwelling for occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving minimal visits to the premises by non-residents.

**HOME OCCUPATION, MINOR** -- The use of a dwelling for a home-based business, which may include one (1) non-resident employee, involving no more than five (5) patron, client, or associate visits per week.

**HOME OCCUPATION, MAJOR** -- The use of a dwelling for a home-based business involving two (2) or more non-resident employees or six or more patron, client, or associate visits per week.

**HOTEL** -- Any building or other structure kept, used, maintained, advertised or held out to the public to be a place where:

- more than six (6) rooms are used or offered for pay to transient or other guests for sleeping accommodations, and
- there is one (1) or more dining rooms where meals are served to such guests, and
- such sleeping accommodations and dining rooms are provided in the same building or buildings in connection therewith, and
- there is adequate kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for its guests.

**HOUSING AFFORDABILITY PLAN** -- a written narrative which complies with the requirements of CGS 8-30g, the Regulations of Connecticut State Agencies, and the Housing Affordability Plan Requirements adopted by the Commission.

**INN** -- Any building or other structure kept, used, maintained, advertised or held out to the public to be a place where:

- more than six (6) rooms but fewer than twenty (20) are used or offered for pay to guests for sleeping accommodations, and
- there is one (1) dining room where meals are served to such guests as well as the public, and
- such sleeping accommodations and dining rooms are provided in the same building, and
- there is adequate kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for its guests and for members of the public.
- guest stays are limited to thirty (30) days or less.
- parking shall be provided at 1 space per room & 1 space per every 100 SF of dining room space. However, if the Inn is located within 300' of a municipal parking lot the number of spaces may be reduced to 1 for every 2 rooms.

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**INSPECTION** -- The periodic on-site review of property for the purpose of determining compliance with these Regulations, as authorized by these Regulations and the Connecticut General Statutes.

**INSPECTOR** -- The Zoning Inspector.

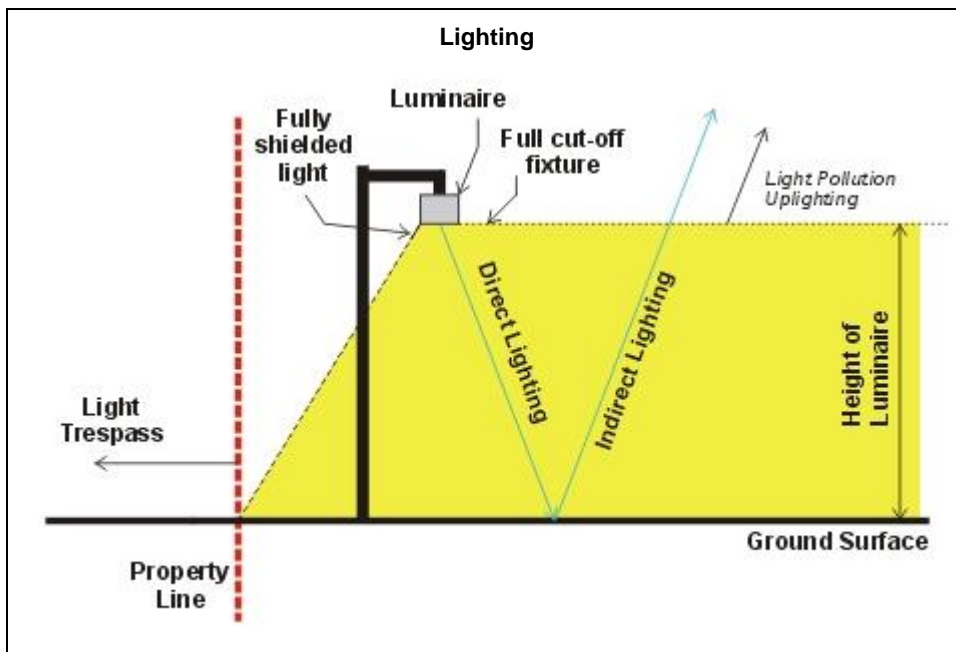
**KITCHEN** -- A room, place or space within a structure designed, equipped, or used for the preparation, cooking, and storage of food.

**LAND FILLING** -- The placement of any material over the surface of the natural ground, which has the effect of altering its natural contour.

**LEVEL OF SERVICE (LOS)** -- The ability of a road or intersection to move traffic safely and efficiently, measured by the ratio of traffic volume to its corresponding capacity and expressed in one of six letters as established by the Transportation Research Board of the National Academy of Sciences.

**LICENSED CARRIER** - A company authorized by the FCC to construct and operate a wireless communication facility.

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



**LIGHT FIXTURE, FULL CUT-OFF TYPE** -- 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 of the luminaire.

**LIGHT, FULLY SHIELDED** -- Fully shielded luminaire light fixtures which can control the glare in any direction.

**LIGHT GLARE** -- Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see.

**LIGHT, INDIRECT** -- Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.



## Section 2.2

**LIGHT ISODIAGRAM** -- A graphical representation of illuminance used to show the level and/or evenness of a lighting design and to show how light fixtures will perform on a given site.

**LIGHT POLLUTION** -- Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire and which can or does cause unwanted sky glow or which can or is seen from an abutting property.

**LIGHT TRESPASS** -- Direct light from an artificial light source on one property that is intruding into an area where it is not wanted or does not belong.

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

**LOADING SPACE** -- The required off-street area for the vehicular loading or unloading of goods.

**LOT** -- A parcel of land capable of being lawfully built upon in conformity with these Regulations and may contain one or more zone units. Also see "Parcel."

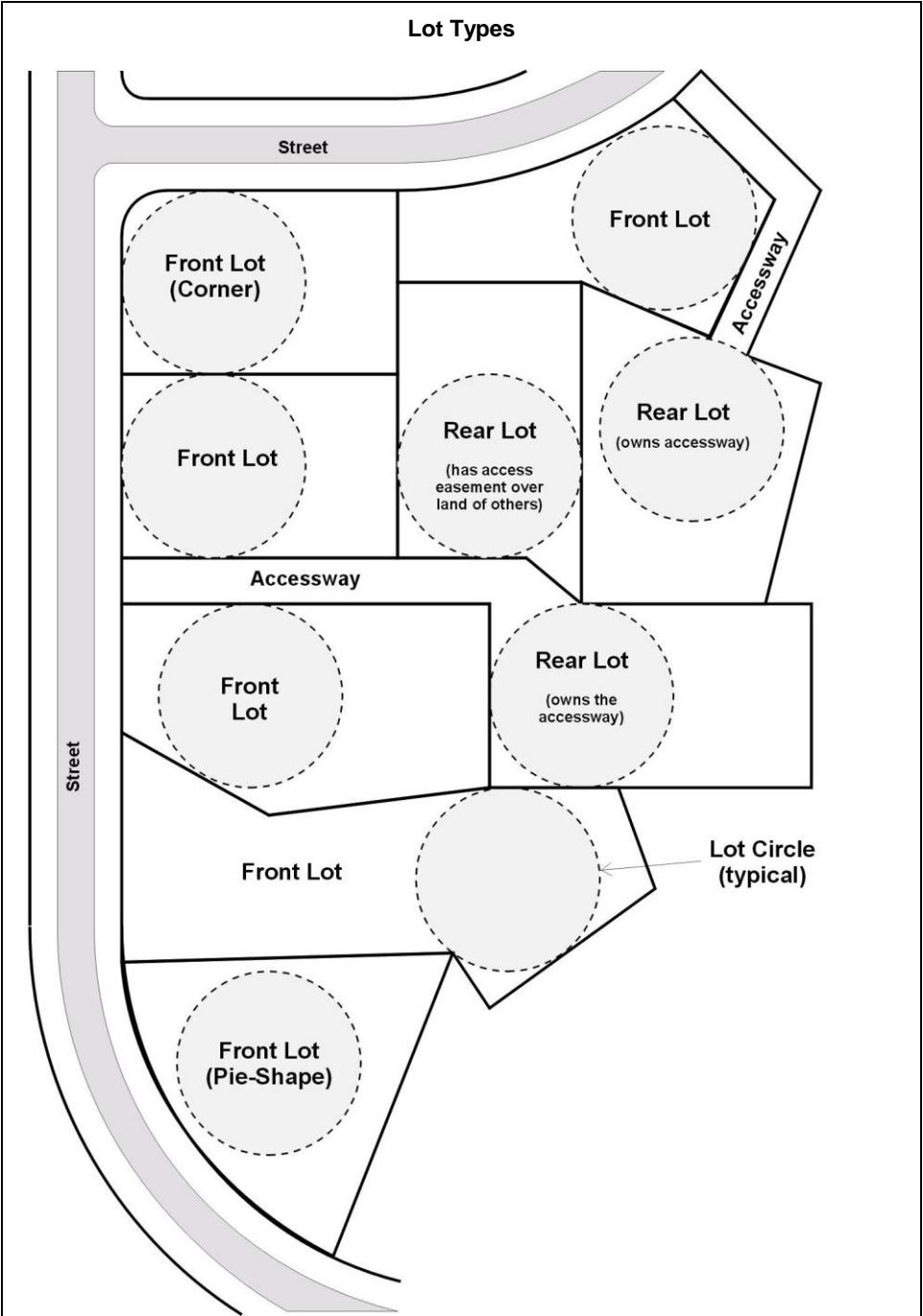
**LOT, CORNER** -- A front lot that abuts two (2) intersecting streets and, as a result, has two front yards.

**LOT, FRONT** -- A lot:

- fronting on a public street, and
- having direct driveway access to the street, and
- where the building site is generally located on or near the front yard setback as measured from the front lot line. See "*Lot, Rear*".

**LOT, REAR** -- A lot:

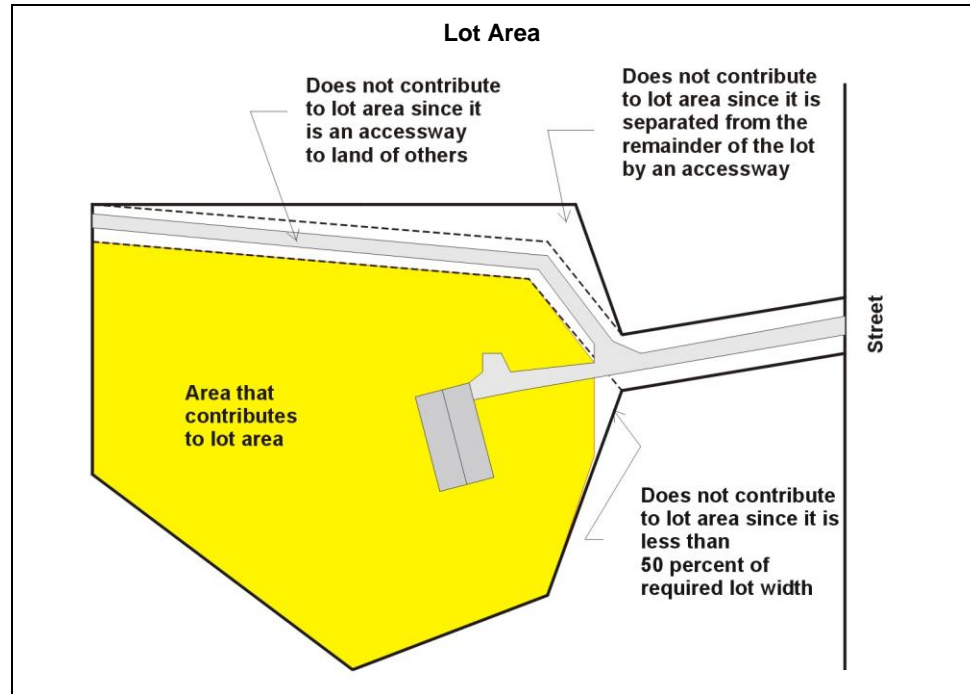
- not having the required lot width on a public street, and
- having access to the street via an accessway or a strip of land that may be part of the rear lot, and
- where the building site is located generally to the rear of other lots having frontage on the same street. See "*Lot, Front*".



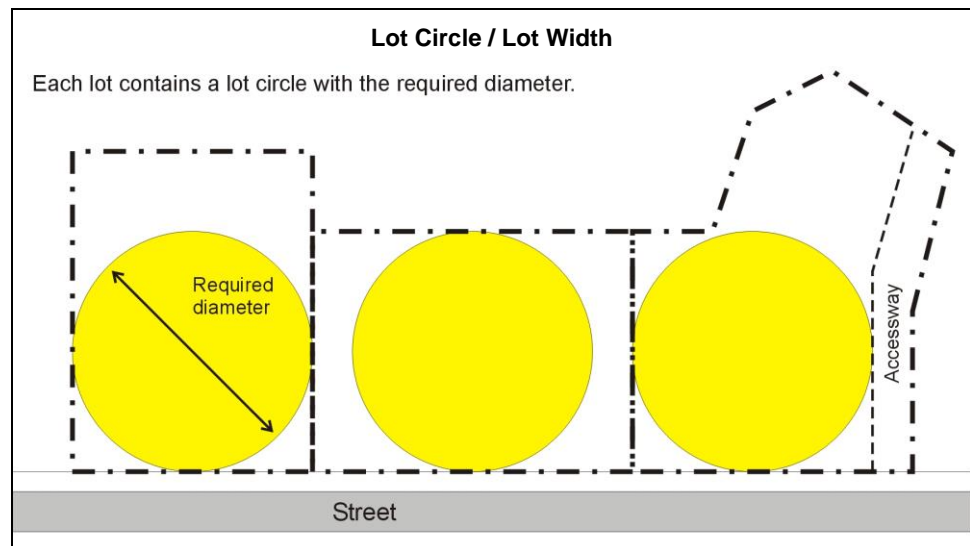
## Section 2.2

**LOT AREA** -- The total horizontal area included within lot lines but excluding:

- the area of any accessway or vehicular easement or right-of-way for vehicular travel to the subject lot or any other lot,
- any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel, and
- any portion of the lot having less than fifty percent (50%) of the required lot width.



**LOT CIRCLE** -- A circle of a diameter prescribed in Section 3.5.C, intended to control the shape of lots.



**LOT DEPTH** -- The mean horizontal distance between a front lot line and the opposite, most nearly parallel lot line measured in the general direction of the side lot lines or a line parallel thereto.

**LOT LINE** -- A boundary which separates a lot from another parcel or a street.

**LOT LINE, FRONT** -- A boundary which separates a lot from the street, or the boundary located adjacent to the accessway and most parallel to the street that provides access to the lot.

**LOT LINE, REAR** -- A boundary line which separates two (2) lots and is located most directly opposite the front lot line except that a corner lot, a through lot, or a pie-shape lot shall not be required to have a rear lot line.

**LOT LINE, SIDE** -- A boundary line which is not a front lot line or a rear lot line and which separates two (2) lots.

**LOT WIDTH** -- The "width" of a lot as measured generally parallel to the street front except that:

- it shall not include any portion of the parcel which is used for vehicular access to any other parcel, and
- it shall not include any portion of the parcel separated from the remainder of the parcel by an area used for vehicular access to any other parcel.

**LUMEN** -- A unit of luminous flux, determined from the initial lumen output ratings of a lamp, where one foot-candle is one lumen per square foot.

**LUMINAIRE** -- A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.

**LUMINAIRE, HEIGHT OF** -- The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**MEDIAN INCOME** -- after adjustments for family size, the lesser of the most recently reported state median income or the most recently reported area median income for the Stamford-Norwalk PMSA as determined by the United States Department of Housing and Urban Development.

**MEZZANINE** -- A mezzanine is an intermediate floor level as defined in Section 505.2.1 of the International Building Code.

**MIXED USE DEVELOPMENT** -- A development which contains more than one type of use in a building or set of buildings. These developments must include residential units and may contain multiple combinations of the allowed uses as outlined and permitted in that zone.

## Section 2.2

**MODERN HOUSE** -- A structure built in the style of the Modern Movement, generally between 1947 and 1968, which is identified on a list of Modern houses maintained by the New Canaan Historical Society.

**MOTOR VEHICLE JUNKYARD** -- A parcel of land used for the storage or maintaining of two or more unregistered motor vehicles or two or more vehicles or equivalent parts thereof no longer in condition for legal use on the public roadways, other than the site of a duly-licensed "motor vehicle junkyard" or the site of a duly-licensed "general repairer" as provided for in Chapter 246 of the General Statutes.

**MULTI-FAMILY** -- See "*Dwelling Unit, Multi-Family*".

**NONCONFORMING** -- The situation where a use, activity, building, structure, or lot does not conform to the requirements of these Regulations.



**NONCONFORMING BUILDING** -- A building that does not conform to these Regulations with respect to size, area, height, setback or other requirement for the zone in which it is situated.

**NONCONFORMING LOT** -- A lot which fails to conform to these Regulations with respect to area, width, or other requirement for the zone in which it is situated.

**NONCONFORMING USE** -- A use of land or of a building that does not conform to these Regulations for the zone in which it is situated.

**NONCONFORMITY, PRE-EXISTING** -- The situation where a nonconforming use, activity, building, structure, or lot existed or was lawful prior to the time these Regulations or amendments thereto which created the non-conformity became effective.

**OFFICE, GENERAL** -- An office used for conducting the affairs of a business, profession, service or industry which may involve interaction with the public. Such uses may consist of architects, engineers, lawyers, accountants, financial or other consultants or real estate brokers but *excludes those associated with the medical profession*.

**OFFICE, MEDICAL** -- An establishment engaged in the diagnosis, prevention and/or treatment of human medical conditions or mental ailments provided by persons certified or licensed by the State of Connecticut to perform such services, provided that no such office or facility shall offer services requiring overnight stays. Such establishments may also include imaging centers, blood-draw facilities, physical therapy and out-patient treatment facilities.

**OPEN SPACE** -- Land preserved in perpetuity for protection of natural resources, natural features, scenic resources, or community character.

**PARCEL** -- The land contained within one continuous property line. Also see "*Lot*".

**PARKING SPACE** -- The area required for the temporary storage of a motor vehicle, not including aisles and driveways giving access thereto, located in other than a public street or other public way and having a permanent means of access to a public street without requiring passage through another parking space.

**PATIO** -- An improved or graded area located at-grade, with no structural supports or roof, whose surface is no higher than 36 inches above the adjacent grade. A patio located at grade or ground level shall not be deemed a structure.

**PATIO, elevated or raised** -- See "*Terrace*".

**PERSONAL SERVICE ESTABLISHMENT** -- See "*Service Establishment, Personal*".

**PHILANTHROPIC** -- See "*Eleemosynary*".

**PITCHBREAK** -- The intersection of two slopes of a gambrel roof, other than the ridge.

## Section 2.2

**POOL HOUSE** -- An accessory structure, incidental to a swimming pool on the same premises, which:

- may contain changing areas, showers, toilets and entertainment facilities,
- shall not contain bedrooms, kitchens or other types of daily living areas and
- shall not be used as a guest house or for the accommodation of domestic staff.

**PORCH** -- A portion of a structure which has a roof and a floor and is open to the air without walls or screened-in or glassed-in openings.

**PORTE COCHERE** -- A covered area at an entrance to a building which will allow a vehicle to pass through while allowing occupants to alight under cover, protected from the weather.

**PREMISES** -- The real property, either land or buildings or both, which is being evaluated.

**PRIVATE EMERGENCY SHELTER** -- A structure designed and available for use for protection of the occupants.

**QUASI-PUBLIC LIBRARY** -- A facility that is a) a private, non-profit corporation or b) an agency of the Town of New Canaan that is open to the general public and principally serving the local community, where professional librarians maintain services and collections of resources in many formats that reflect and support the intellectual and cultural interests of its constituents. A Quasi-Public Library may also include facilities for learning, cultural enrichment, and information exchange such as auditoriums, and spaces for community and events, teaching/learning, meeting rooms and workshops, gallery space, and digital technology.

**REAR YARD** -- See *"Yard, Rear"*.

**RECREATION FACILITY, INDOOR** -- A commercial establishment which provides indoor recreation facilities, such as tennis clubs, skating rinks, bowling alleys, health clubs, racquetball clubs and other similar uses.

**RECREATIONAL VEHICLE** -- Any type of vehicle used primarily for recreational pleasure including but not limited to motor homes, travel trailers, campers, camping trailers, boats, snowmobiles, and associated trailers.

**RELIGIOUS HOUSE** -- A religion-related facility such as a parish house and, if used for dwelling purposes, housing persons associated with said religious facility and consisting of not more than four unrelated individuals or two family units.

**RELIGIOUS INSTITUTION** -- A place where persons regularly assemble for religious worship, and which is maintained and controlled by a religious body which is organized to sustain public worship.

**REMOVE** -- Includes, but is not limited to, drain, excavate, mine, dig, suck, bulldoze, dragline or blast.

**REQUIRED YARD** -- See *"Yard Setback"*.

**RESIDENCE** -- See *"Dwelling Unit"*.

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**RESTAURANT** -- A business or use whose principal function is the preparation and serving of food for consumption on the premises at tables, booths or similar sit-down accommodations.

**RETAIL BUSINESS** -- A business whose primary activity is the sale of merchandise kept and displayed on the premises to customers visiting the premises.

**SECTION** -- A separate part of an Article within these Zoning Regulations. See "Article" and "Subsection".

**SEDIMENT** -- Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

**SERVICE ESTABLISHMENT** -- An establishment whose primary activity is the provision of services or assistance, as opposed to products, to individuals, business, government, or other enterprises except that service establishments shall not be construed to include laundries, dry-cleaning establishments which clean or launder materials on the premises, rug or carpet cleaning commercial recreation, undertakers' establishments, any service operation which involves use of heavy equipment, or comparable uses.

**SERVICE ESTABLISHMENT, PERSONAL** -- A service establishment whose primary activity or activities is the provision of services relating to the repair, adjustment, alteration, cleaning or servicing of items owned by or being provided to a customer including hair care, clothing rental, photographic studios, garment repair, tailoring, shoe repair, wellness activities or comparable use.

**SET-ASIDE DEVELOPMENT** - a development approved by the Planning & Zoning Commission in accordance with a Housing Affordability Plan (*see definition*) approved by the Planning & Zoning Commission in which:

1. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning sixty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing, and
2. not less than fifteen per cent of the dwelling units are or will be encumbered by covenants or restrictions which require that, for at least forty years after the initial occupancy, such dwelling units shall be sold or rented at, or below, prices where households earning eighty per cent of the median income (*see definition*) will pay thirty per cent or less of their annual income for such housing.

**SETBACK** -- See "Yard Setback".

**SIDE YARD** -- See "Yard, Side".

**SIGN** -- A letter board or plane or the like, placed on, within, or before a building or other object or otherwise displayed to advertise a business or products, including lettering on buildings or windows, flags or banners and any device with or without lettering used for such purposes.

**SIGN, REAL ESTATE** -- A sign containing only the words "for sale" or "for lease," followed by "by broker" or "by owner," followed by a telephone number and no other identifying words, symbols, logos or characters.

**SIGN, SECURITY** -- A sign indicating that the parcel on which it is located contains an alarm system or is protected by a professional security service and stating only the foregoing and the name and telephone number of the provider of the system or service.

**SCHOOL** -- A nursery school, kindergarten school or a school having a comprehensive curriculum of study comparable to that of a public school.

**SHORT-TERM RESIDENTIAL RENTAL** -- The temporary rental of part or all of a residential property for fewer than thirty consecutive nights at a time, for which the tenant compensates the owner of the property.

**SOIL** -- Any unconsolidated mineral and organic material of any origin.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** -- A scheme that minimizes soil erosion and sedimentation in compliance with these Regulations.

**STATE** -- The State of Connecticut.

**STOOP** -- A landing and/or steps to a door of a building without a roof of any kind.

**STORY** -- A part of a building, a building wing or distinct portion, or other structure between any floor and the floor above or, in its absence, the ceiling or roof above; except that if a floor above a cellar, slab or crawlspace is elevated at the front wall of the building two-and-a-half (2.5) feet or more above the curb level (business zone per Article 4) or two-and-a-half (2.5) feet or more above the average level of the ground along the front wall of the building or building wing or distinct portion (any other zone district), then such cellar, slab or crawlspace shall be deemed to constitute one story. See *"Attic"*, *"Basement"*, and *"Cellar"*.

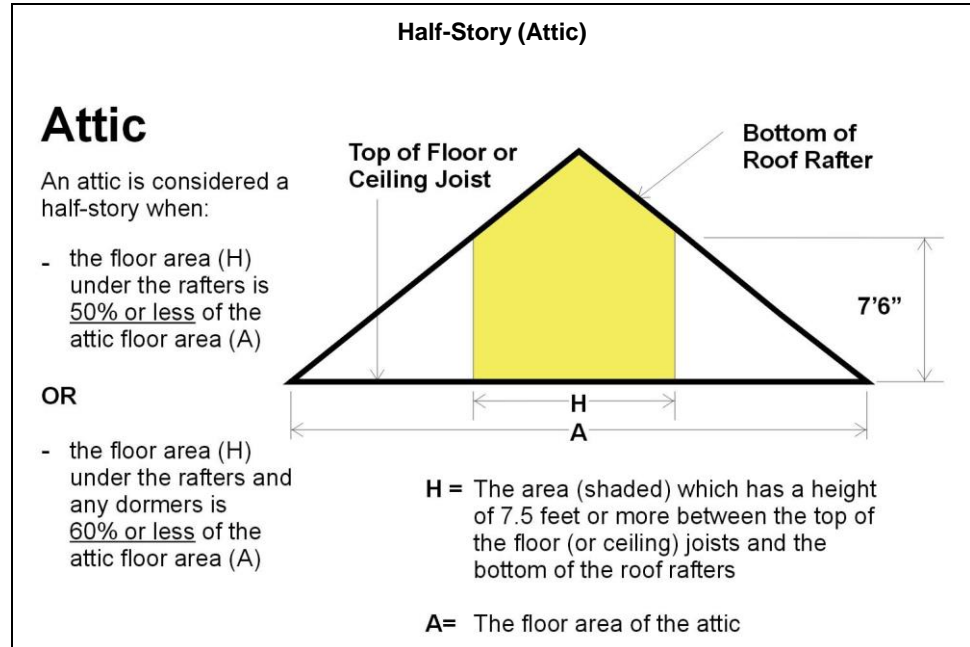
**STORY, FULL** -- Any story within a building, a building wing or distinct portion, or other structure, including any basement, except that the following shall not be considered a full story:

- a half-story, or
- an attic provided that no area of the attic has a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters, or
- a cellar provided that the finished first-floor elevation of the building is less than two-and-a-half (2.5) feet above the curb level (business zone per Article 4) or less than two-and-a-half (2.5) feet above the average level of the ground along the front wall of the building, a building wing or distinct portion (any other zone district).

**STORY, HALF** -- Any story within a building, a building wing or distinct portion, or other structure that is an attic in which the area with a height of seven feet six inches (7'-6") or greater between the top of the floor joists and the bottom of the rafters:

- of the main roof of that building wing, excluding any dormers, is fifty percent (50%) or less of the attic floor area under that roof, and
- of the same roof and any dormers is sixty percent (60%) or less of the attic floor area under that roof.





### Full Story

## Attic

An attic is considered a full story when:

- the floor area (H) under the rafters and the dormers is more than 60% of the attic floor area (A)

OR

- the floor area (H) under the rafters (without any dormers) is more than 50% of the attic floor area (A)

H = The area (shaded) which has a height of 7.5 feet or more between the top of the floor (or ceiling) joists and the bottom of the roof rafters

A = The floor area of the attic

## Cellar

A cellar is considered a full story when the first floor is more than 2.5' above:

- the curb level (business zone)

OR

- the average grade along the front wall (any other zone)

Floor Level

>2.5'

## Basement

A basement is always considered a full story

Floor Level

## Section 2.2

**STREET** -- A public roadway or private roadway, laid out and maintained in accordance with the laws of the State of Connecticut and the ordinances of the Town of New Canaan, used or designed to be used for travel of vehicles and including the right-of-way and the traveled way.

**STREET LINE** -- The lot line between the street right-of-way and the abutting lot or parcel.

**STRUCTURE** -- Anything constructed or erected, the use of which requires location on, in or under the ground or attachment to something having location on, in or under the ground including, but not limited to, buildings, swimming pools, tennis and other game courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, a gas or liquid storage tank that is principally above ground, transformer or signal box that is above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than six (6) feet in height, including retaining walls and deer fences.

**SUBSECTION** -- A separate part of a Section within these Zoning Regulations. See "Section".

**SUPERMARKETS** -- A retail establishment engaged primarily in the sale of groceries including perishable and non-perishable food items and food related items. In such stores, non-food items such as household, health and beauty goods and other miscellaneous wares are also permitted.

**SWIMMING POOL** -- Any structure capable of containing water and intended for swimming, bathing or recreational use, provided that the same has a potential water depth of at least twenty-four (24) inches at any point or at least one hundred (100) square feet of water surface area.

**TAG SALE** -- The public sale of personal household goods by the owner of the premises and specifically excluding the sale of any goods brought to the premises for the purpose of public sale (includes "garage sale," "barn sale," "yard sale" and other similar activities).

**TENNIS AND OTHER GAME COURTS** -- A specially prepared level playing surface for tennis, basketball, paddle ball, platform tennis, racquetball or similar games which may include a full or partial enclosure or fence protecting the playing area. Any such court is considered a structure in these Regulations.

**TERRACE** -- An elevated, roofless structure that may be improved with retaining walls and may contain structural supports such as footings and is attached to a dwelling unit.

**TOTAL BUILDING HEIGHT** -- See "Height, Total Building".

**TOWN** -- The Town of New Canaan.

**TRAILER** -- A vehicle on wheels, designed to be towed or propelled on public roadways by another vehicle which is self-propelled, and which may or may not be equipped to afford sleeping and cooking accommodations for its passengers or to afford traveling accommodations or for the transportation of goods, wares or merchandise.

**UNIVERSITY or COLLEGE** -- An institution offering a program of higher learning leading to the award of an academic, professional or graduate degree and accredited and licensed as a college or university by the Commission for Higher Education of the State of Connecticut.

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

**USE** -- The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

**USE, ACCESSORY** -- A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

**USE, COMMERCIAL** -- Activity carried out for monetary gain.

**USE, PERMITTED** -- A use allowed by these Regulations, but specifically excluding any nonconforming use.

**USE, PRINCIPAL** -- The primary or predominant use of any lot or building, except that, where multiple uses are allowed by these Regulations, this term may be used to refer to one or more of such use(s).

**VEHICLE** -- Any motor vehicle as defined by the General Statutes, as amended.

**VEHICLE, COMMERCIAL** -- Any motor vehicle with commercial license plates or with lettering, markings, racks or other apparent accessories indicating that it is intended for use other than personal and/or recreational transportation.

**VEHICLE, RECREATIONAL** -- Any vehicle designed or intended primarily for use in recreational activities, including boats, boat trailers, campers, camp trailers, horse trailers, horse vans, house trailers, motor homes, snowmobiles and utility trailers.

**WATERCOURSE** -- Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog or any other body of water, natural or artificial, vernal or intermittent, public or private which lies wholly or partially within the Town.

**WELLNESS CENTER** -- A facility providing multi-disciplined exercise, fitness programs and equipment including some or all of the following: physical therapy, strength training, yoga, spinning and dance classes, personal training, cardio/aerobic programs, nutritional counseling, retail sale of related products and all necessary supportive equipment and facilities.

**WETLAND** -- Any land area, including submerged land, which consists of any soil types generally designated as "poorly drained," "very poorly drained," "alluvial" and "floodplain" by the National Cooperative Soils Survey, of the Soil Conservation Service of the United States Department of Agriculture.

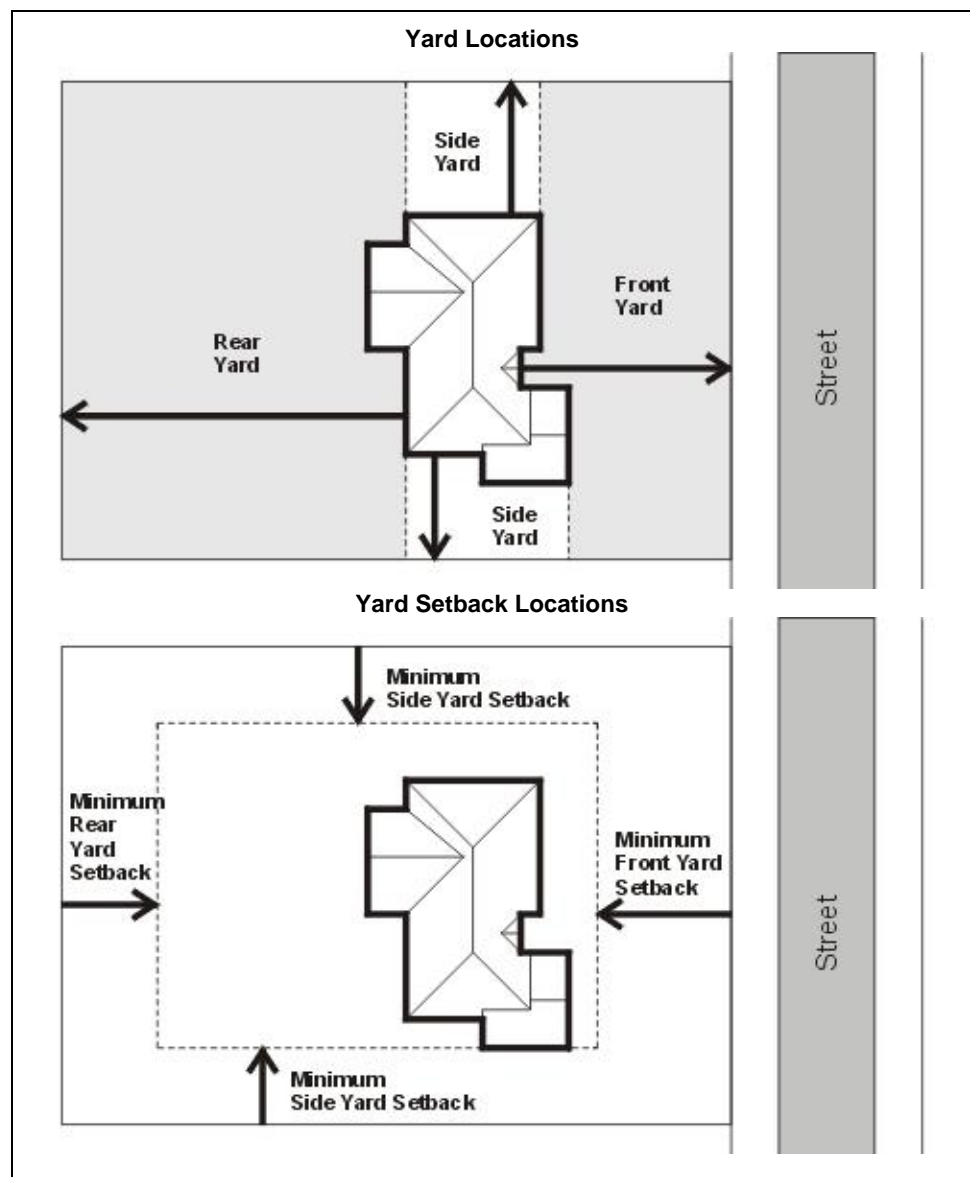
## Section 2.2

**YARD** -- An area on the same lot with a building or group of buildings, which space lies between the building or group of buildings and the nearest lot line or line of any easement for any traveled way. See "Yard Setback".

**YARD, FRONT** -- A yard extending across the full width of the lot and situated between the principal building and the street line(s) of the lot or, in the case of a rear lot, between the principal building and the location of the accessway serving that lot.

**YARD, REAR** -- A yard extending across the full width of the lot and situated between the principal building and the rear line of the lot.

**YARD, SIDE** -- A yard extending from the front yard to the rear yard between the principal building and the side line of the lot.

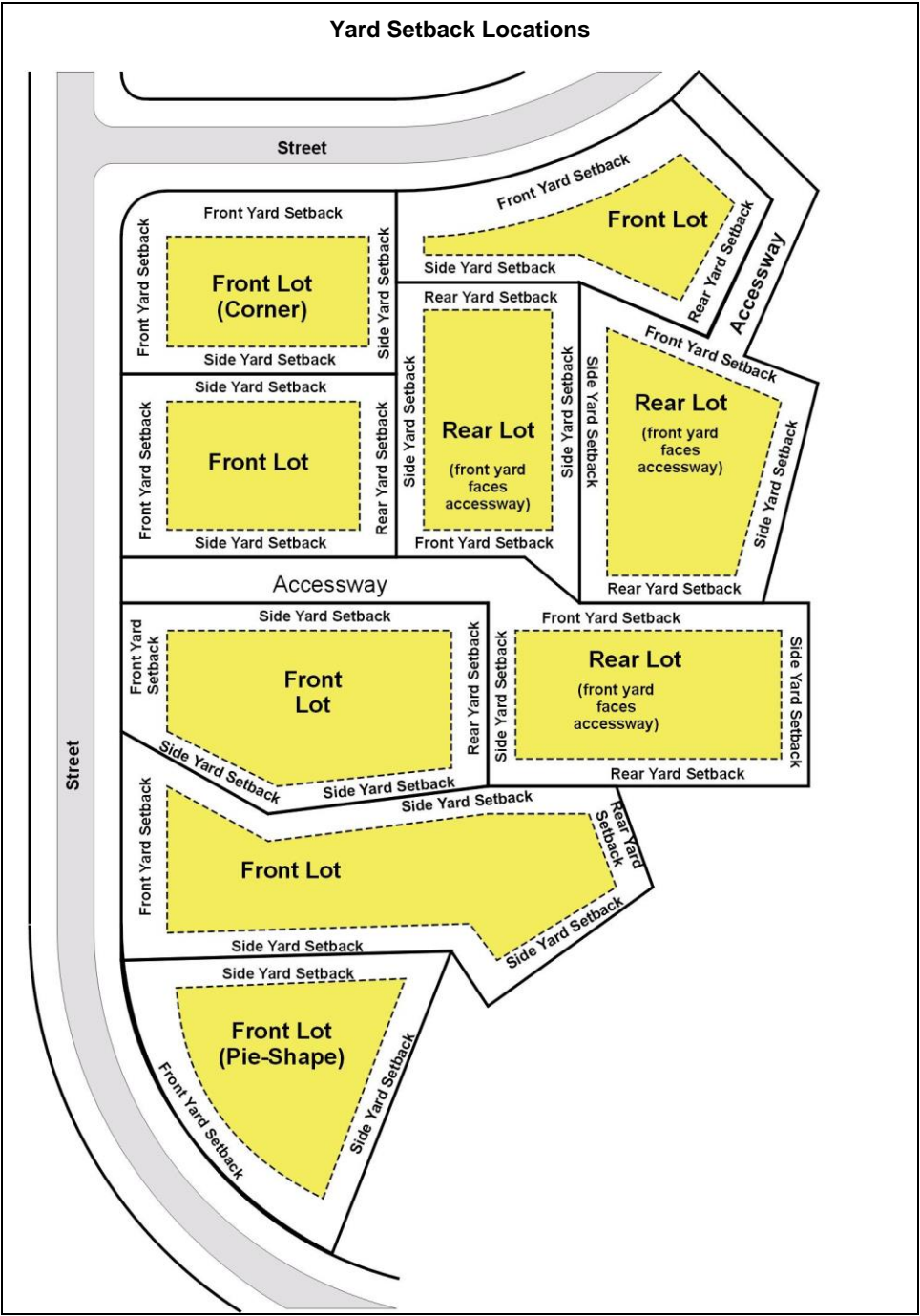


February 26, 2018



**YARD, REQUIRED** -- See "Yard Setback".

**YARD SETBACK** -- The minimum required distance from any street line, lot line, or edge of an accessway (in the case of a parcel encumbered by an accessway) to a building, structure or use (for instance, see Section 3.5.E for yard setback requirements in residential zones). See "Yard".



## Section 2.2

**ZONE UNIT** -- An area of land having the minimum width and area required by the schedule for a conforming use in any zone.

**ZONING INSPECTOR** -- As provided in CGS 8-12 as may be amended, the person or persons designated by the Commission to interpret and enforce the Regulations.

# ARTICLE 3 - RESIDENCE ZONES

## SECTION 3.1. PURPOSES

- A. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.
- B. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
- C. The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

Single-family Residential Use



Multi-Family Residential Use



Special Permit Use



Accessory Structure



## SECTION 3.2. PERMITTED PRINCIPAL USES & STRUCTURES

### A. Permitted Without Permit

1. **Open Space** - Unimproved and undeveloped open space, a pedestrian or bicycle greenway trail, a wildlife sanctuary, flood protection, conservation area, or vacant land retained in a natural and undeveloped condition without structures of any kind.

### B. Permitted by Zoning or Other Permit

1. **Residential** - Single-family dwelling.

### C. Permitted by Special Permit

One or more of the following permitted principal uses may be allowed by the Commission under the procedures and criteria set forth for Special Permits in Section 8, below.

#### Residential-Type Uses

1. **Two-Family Dwelling** - In the B Residence Zone:
  - a. One (1) two-family dwelling provided that:
    - i. the building shall have side yards of at least fifteen (15) feet,
    - ii. required parking spaces are provided behind the front lot line, and
    - iii. the lot has continuously been used for a two family structure since prior to July 25, 1969; or the lot contains at least 12,000 square feet, has a lot width upon a public street of at least 100 feet, and contains a lot circle diameter of at least 100 feet.
  - b. Two (2) detached dwelling units on common land provided that:
    - i. the building shall have side yards of at least fifteen (15) feet,
    - ii. required parking spaces are provided behind the front lot line,
    - iii. the lot has continuously contained two detached, single-family structures since prior to July 25, 1969; or the lot contains at least 15,000 square feet, has a lot width upon a public street of at least 100 feet, and contains a lot circle diameter of at least 100 feet, and
    - iv. the Commission shall determine the appropriate separation between the units.
2. **Elderly Housing Facility** - Multi-family dwelling(s) specifically designed for and occupied by persons over fifty-five (55) years of age when located in any vacated public school building within the sewer district and served by public water.
3. **Adult Housing Development** - Independent dwelling units specifically designed for and occupied by persons over fifty-five (55) years of age, whether constructed as attached or detached units, where:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than 1.5 times the number of units per acre of buildable land allowed in the zone, and
  - d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and

- e. adequate parking will, in the opinion of the Commission, be provided for residents, and visitors.
- 4. **Congregate Housing** - Congregate housing units, assisted living units, and/or skilled nursing accommodations in a continuing care facility or life care facility for persons age fifty-five (55) and over provided that:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than twice the number of congregate units per acre of buildable land allowed in the zone and where an assisted living unit shall equate to 0.5 congregate units and skilled nursing accommodations shall equate to 0.25 congregate units, and
  - d. building coverage does not exceed that allowed by Subsection 3.5.D unless modified by the Commission as provided in Subsection 3.7.E, and
  - e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
  - f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.

#### Lodging-Type Uses

- 5. **Rooming House** - Rooming house in the B Residence Zone when it is the sole permitted use on the parcel and provided that:
  - a. the property is occupied by the owner of the premises at all times as his principal residence, and
  - b. no more than four (4) rooms, all located in the principal building, are used for the rooming house, and
  - c. it complies with the provisions of § 32-6 of the Town Code relating to rooming houses, and
  - d. the lot shall contain at least 15,000 square feet, and
  - e. the lot width upon a public street shall be at least 125 feet, and
  - f. the lot shall contain a lot circle in accordance with Subsection 3.5.C.1 except that the lot circle diameter shall be 125 feet, and
  - g. the principal building shall have side yards of at least 15 feet, and
  - h. required parking spaces are provided behind the front lot line.
- 6. **Bed And Breakfast** - Bed and breakfast operation conducted by the owner resident(s) of the premises provided that:
  - a. all requirements of the Public Health Code, Building Code, and Fire Code as they apply to Bed and Breakfasts shall be met, and
  - b. the residential character of the building, the property, and the neighborhood is maintained, and
  - c. a maximum of six (6) guest rooms are provided, and
  - d. the maximum length of stay per guest is 30 days, and
  - e. additional off-street parking in the amount of one (1) space per guest room is provided and is adequately screened from the street and adjacent property.



## Section 3.2

### Education-Type Uses

7. **Private Schools** - private schools, colleges and universities and uses and activities accessory thereto.
8. **Day Care Center / Nursery School** - Day care centers and nursery schools provided that:
  - a. adequate provision is made for parking / pick-up / drop-off areas, and
  - b. the facility is operated by a resident of the property.

### Office-Type Uses

9. **Medical Office** - A medical office building in the B Residence Zone when located on a lot containing at least two (2) acres and when having the required frontage on and access from a through street which, in the sole opinion of the Commission, has adequate capacity for the anticipated usage.

### Institutional-Type Uses

10. **Municipal Facility** - Municipal facility, public school, park, recreation facility, or other public use on land owned or leased by the Town of New Canaan.
11. **Governmental Facility** - Governmental buildings, facilities and uses.
12. **Nursing Home** - Nursing home or convalescent home in the B Residence Zone provided that:
  - a. the lot is located on and served by a collector or arterial road as identified in the Plan of Conservation and Development, and
  - b. the facility is served by public water and is located within the sewer district, and
  - c. the facility has no more than 20 beds per acre of buildable land, and
  - d. building coverage does not exceed 25 percent, and
  - e. adequate provision has been made for dining areas, kitchen facilities, medical or clinical care rooms, physical therapy rooms, meeting or activity rooms, recreation rooms, administrative offices, and similar uses in support of the residents of the facility, and
  - f. adequate parking will, in the opinion of the Commission, be provided for residents, employees, and visitors.
13. **Group Home** - A group home licensed under the applicable provisions of the Connecticut General Statutes.
14. **Religious Institution** - Religious institutions when located on and served by a collector or arterial road as identified in the Plan of Conservation and Development.
15. **Religious Residential Facility** - A housing facility, such as a convent or monastery, for persons affiliated with a religious institution.

16. **Clubs and Organizations** - Clubs and other organizations providing social, cultural and recreational uses serving a community need or convenience and not including any activity carried on primarily for profit.
17. **Philanthropic or Eleemosynary Institutions** - Institutions of philanthropic or eleemosynary organizations serving a significant community need.
18. **Hospital** – [this provision is intended to apply only to the facility currently known as Silver Hill] In the 2 Acre Residence Zone only, a hospital providing treatments of mental illness or chemical dependency with levels of care that may include inpatient treatment, residential treatment, and a range of outpatient programs provided that:
  - a. the hospital campus contains a minimum of 30 acres, and such requirement must be satisfied by contiguous parcels which may be divided by a public road; and
  - b. the facility was licensed by the State of Connecticut as a hospital for mentally ill persons at the site as of June 16, 2007, and
  - c. the use has continually existed on some portion of the entire parcel since 1940; and
  - d. adequate provision has been made on the hospital campus for dining areas, kitchen facilities, medical or clinical care rooms, meeting or activity rooms, recreation rooms, administrative office and similar uses in support of residents or patients of the facility; and
  - e. any new buildings, structures, or additions shall be designed to minimize an institutional appearance, promote a residential appearance, and shall include adequate buffers, screening, and landscaping pursuant to Section 6.1 of these Regulations.

#### **Other Uses**

19. **Public Utility Uses** - Telephone exchanges, electric substations, water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.
20. **Railways** - Railways, but not including switching or storage yards, industrial sidings, repair or service facilities.
21. **Private Recreation** - use of the facilities and/or grounds of public or private schools, colleges, or universities for recreational or non-educational activities by other organizations.
22. **Farming**

## SECTION 3.3. PERMITTED ACCESSORY USES

### A. Permitted Without Permit

1. **Customary Uses** - Accessory uses customarily and reasonably incidental to a permitted principal use.
2. **Outside Parking** - Outside parking of motor vehicles provided:
  - a. required parking spaces shall not be located within the front yard setback, and
  - b. unregistered motor vehicles shall be screened from view from the street and adjacent properties, and
  - c. such parking shall be in accordance with any other provisions of these Regulations and other applicable laws and ordinances.
3. **Animals** - Keeping of animals by the resident(s) for their personal use in accordance with Chapter 6 of the Town Code.
4. **Home Office** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involves minimal visits to the premises provided that:
  - a. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
  - b. the home office does not have any non-resident employees, and
  - c. the accessory use shall:
    - i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
    - ii. not materially change the traffic characteristics of the neighborhood, and
    - iii. not have any outside storage or parking of commercial vehicles, and
    - iv. not involve the display of signs or products in, on, or about the premises except as permitted by these Regulations, and
    - v. not create any electrical, radio, television or similar interferences.
5. **Maintenance Vehicles / Equipment** - Vehicles or equipment necessary for, used for, and accessory to farming operations on the premises or upkeep of the premises provided that:
  - a. outside backhoe storage is not permitted, and
  - b. such vehicles or equipment shall not be used elsewhere for any purpose, except snow plowing.

August 1, 2013

6. **Commercial Vehicle Storage** - When housed in an enclosed structure, maintenance or storage of not more than one (1) commercial vehicle of over one-thousand (1,000) pound capacity or one (1) self-propelled heavy-construction equipment unit provided that no vehicle for the transportation of refuse, garbage, or septic waste shall be maintained or stored in a residential zone.

For purposes of this section “maintenance” means causing or allowing a commercial vehicle to be parked or otherwise kept on site or on any adjacent driveway, accessway, or public or private road, for more than four (4) hours, except that when the commercial vehicle is transportation for a contractor actually engaged in permitted work on site (e.g., the commercial vehicle of a builder, plumber, electrician, painter or landscaper that is used for transportation to and from the site and that is parked only while the contractor is present and engaged in construction or repairs in or on the residence or on the grounds of the residence).

For purposes of this section “storage” means to keep or put aside for use when needed, and storage is presumed when a commercial vehicle is present on site or on any adjacent driveway, accessway or public or private road for more than twenty-four hours.

## **B. Permitted by Zoning or Other Permit**

1. **Attached Garage** - An attached garage accessory to a residence provided that it does not result in garage space for more than five (5) vehicles on the property, one (1) of which may be a commercial vehicle.
2. **Tag Sale** - The use of land and buildings for a tag sale provided that:
  - a. a tag sale shall not exceed two (2) consecutive days in any calendar year, and
  - b. no signs related in any way to a tag sale, other than the permit issued by the Town, shall be placed or displayed in any manner within the right-of-way of any public or private road, street, or other public place.
3. **Day Care** - Family day-care home.
4. **Minor Home Occupation** - A home-based business where such business is located within the same dwelling used by such person as his or her primary residence and involving no more than five (5) patron, client or associate visits to the premises per week provided that.
  - a. a home occupation permit is obtained, and
  - b. the area devoted to such accessory use shall not exceed twenty percent (20%) of the total square footage of the dwelling, exclusive of garage, attic and cellar, and
  - c. not more than one (1) nonresident person shall be employed on the premises, and
  - d. The accessory use shall:
    - i. not change the exterior residential appearance or character of the building or be noticeable from the exterior of the building, and
    - ii. not materially change the traffic characteristics of the neighborhood, and
    - iii. not have any outside storage or parking of commercial vehicles, and
    - iv. not involve the display of signs or products in, on, or about the premises except for a sign as permitted by these Regulations, and
    - v. not create any electrical, radio, television or similar interferences, and
  - e. no parking areas for residents, employees or the general public shall be located between any street line and a front yard setback.

## Section 3.3

5. **Recreational Vehicle Parking** - Parking for not more than two (2) recreational vehicles, as defined in these Regulations, provided that such vehicles shall, when on the premises:
  - a. be parked or stored at all times in a fully enclosed structure or, if parked outdoors shall:
    - i. not be located in the front yard of the existing dwelling or other principal building on the same lot,
    - ii. not be located within any required accessory building yard space, and
    - iii. be effectively screened from view of adjacent premises to the satisfaction of the Zoning Inspector.
  - b. not be used for living, recreation or business purposes while parked or stored on a residential lot.
  - c. be directly owned or leased by the owner or tenant of the premises on which they are stored.
6. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit provided that:
  - a. only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use
  - b. the lot shall conform to the minimum lot width and area requirement for the zone in which the property is located, and an accessory dwelling unit in the B Residence Zone shall only be located on a lot containing at least 9,000 square feet and shall maintain side yard setbacks of at least twelve (12) feet, and
  - c. the owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit, and
  - d. the accessory dwelling unit shall:
    - i. be accessible from the principal dwelling by an operable door along a common wall, and
    - ii. not exceed 1,000 square feet or 40% of the combined floor areas of the single-family dwelling and the accessory dwelling unit, whichever is less unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building, and
  - e. both the accessory dwelling unit and the principal dwelling shall meet the requirements of the Building and Public Health Codes, and
  - f. upon establishment of the accessory dwelling unit, the building shall:
    - i. maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal residence, and
    - ii. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit, and
  - g. parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities, and
  - h. adequate off-street parking as required by these Regulations shall be provided for both uses and such parking shall not be located in the front yard.
7. **Temporary Use** - Temporary use of land and buildings for any musical, educational, charitable, religious, recreational, or fraternal purpose or entertainment, provided that such use is without financial profit except compensation to individuals for services devoted solely to the promotion of the objects and purposes for which such use is permitted, for a period not exceeding ten (10) days in any calendar year unless approved for a longer period of time by the Commission.

August 1, 2013



8. **Short-Term Residential Rental** – The temporary rental of part or all of a residential property for fewer than thirty consecutive nights at a time, for no more than three (3) instances in a rolling six (6) month period, for which the tenant compensates the owner of the property, provided that:
- a. Short-Term Rentals shall be the owner's primary residence.  
Sub-letting of existing rental property shall not be allowed, and
  - b. The accessory use of the property as a Short-Term Rental shall not materially disrupt the character of the neighborhood, and
  - c. The Short-Term Rental shall not be rented more than three (3) lease instances during a rolling six-month period, and
  - d. Any property offered for Short-Term Rental must meet the requirements of Chapter 186, Housing Code as amended. and
  - e. The Short-Term Rental shall only be used for lodging-type uses. Non-lodging uses, including, but not limited to, parties, receptions, weddings, filming, photo shoots, corporate retreats and fundraisers, shall not be allowed as Short-Term Rentals, and
  - f. Owners of Short-Term Rental properties shall obtain a Zoning Permit and a Short Term Rental Permit from the Zoning Inspector, prior to offering their properties for Short-Term Rental. Conditions of the zoning permit and Short Term Rental permit for Short-Term Rentals shall include any or all of the following as well as any additional conditions deemed appropriate by the Zoning Inspector based on the configuration and topography of the site:
    - i. The owner is limited to one permit for one rental unit per property. Short-Term Rental units shall include a room(s) on the property, OR an accessory dwelling unit, OR the entire house, condominium or apartment; only one of the aforementioned Short Term Rental types shall be rented on each property at any one time.
    - ii. The Short Term Rental owner shall be required to provide a copy of the appropriate insurance coverage that specifically covers their activity and level of risk., and
    - iii. Any advertisement of the Short-Term Rental shall include the Town of New Canaan's Short Term Rental permit number as well as a reference to the date the Zoning Permit was issued.
    - iv. If the ownership of the property is transferred or if a Zoning Permit and/or a Short Term Rental permit are not renewed after expiration, a new permit application shall be required.
    - v. The Short-Term Rental permit issued pursuant to this section shall expire one (1) year from the date of approval, and may be revoked at any time if the Zoning Inspector receives information showing that such minor Short-Term Rental has violated section 3.3.B.8 or imposed a nuisance on neighbors.
    - vi. The owners of Short-Term Rental properties shall maintain up to date records of all rental transactions, including the contact information for and number of tenants and the dates and duration of their stays. These records shall be provided to the Zoning Inspector annually to initiate a permit renewal.
    - vii. No additional signage other than what is permitted in Sect. 6.3 shall be allowed.

## Section 3.3

- viii. An inspection by the Building official and/or Fire Marshall shall be required prior to the issuance of a permit to determine whether the proposed dwelling is in compliance with the pertinent Building Codes and the property shall have no current violations and shall comply with all applicable laws and regulations, including the Town of New Canaan Zoning Regulations and the building, health and fire codes.
- ix. The Owners of Short Term Rental Properties shall provide on-site parking.

### C. Permitted by Special Permit

1. **Large Attached Garage** - An attached garage accessory to a residence that results in garage space for:
  - a. more than five (5) vehicles on the property, or
  - b. more than one (1) commercial vehicle on the property.
2. **Day Care** - Group day-care home.
3. **Major Home Occupation** - A home-based business where such business use does not comply with the requirements of Subsection 3.3.B.4.
4. **Special Living Accommodations** - Living accommodations or a dwelling unit, in conjunction with an approved principal use allowed by Special Permit under Subsection 3.2.C., provided:
  - a. the application clearly demonstrates a reasonable safety, security or similar need to have an employee reside on the premises, and
  - b. such approval shall terminate upon change of ownership or cessation of the need for an employee or caretaker to reside on the premises.
5. **Farming**
6. **Accessory Dwelling Unit** - An accessory dwelling unit within or attached to the main dwelling unit that does not comply with the provisions of Subsection 3.3.B.6.
7. **Other Uses** - Other accessory uses not customarily or reasonably incidental, as determined by the Commission, to a permitted principal use.

## SECTION 3.4. PERMITTED ACCESSORY STRUCTURES

### A. Permitted Without Permit

1. **Minor Attached Accessory Structure** - Accessory structures customarily and reasonably incidental to a permitted principal use and attached to the principal structure such as solar panels, and similar structures.
2. **Minor Detached Accessory Structure** - One tool shed, play house, gazebo, or similar detached accessory structure that:
  - a. does not have a permanent foundation, and
  - b. has no plumbing or electrical service or heating equipment, and
  - c. does not exceed 200 square feet in area, and
  - d. is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - e. complies with the yard requirements for an accessory building.

### B. Permitted by Zoning or Other Permit

1. **Detached Garage** - A detached garage accessory to a residence provided that:
  - a. it is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - b. it does not exceed building coverage of 1,000 square feet, and
  - c. it does not result in garage space for more than five (5) vehicles on the property or, one (1) commercial vehicle on the property.
2. **Signs** - Sign(s) pertaining to a permitted principal use on a lot, as permitted by these Regulations.
3. **Minor Detached Accessory Structure** - A tool shed, play house, gazebo, or similar detached accessory structure:
  - a. in addition to the one permitted in Subsection 3.4.A.2, or
  - b. that does not comply with Subsection 3.4.A.2, and
  - c. that is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - d. that does not exceed building coverage of 1,000 square feet.
4. **Non-Illuminated Outdoor Recreation Facility** - Outdoor recreation facility such as a tennis court, paddle tennis court, swimming pool, or similar facility with no above-ground artificial lighting provided that:
  - a. a Building Permit is also obtained, and
  - b. the facility is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. the facility complies with all yard and other applicable Regulations,
  - d. any swimming pool deck, patio, mechanical equipment, filtration equipment, and storage tanks or containers shall be visually screened and shall not be located within the yard setback required for accessory buildings and shall be located more than 50 feet from any public or private roadway or easement, and
  - e. in the absence of a pool deck or patio, the yard setback for a swimming pool shall be measured to the back of the coping.

## Section 3.4

5. **Accessory Recreation Structure** - A pool house or similar structure not used as a dwelling unit that is customarily and reasonably incidental to a permitted principal use provided that:
  - a. a Building Permit is also obtained, and
  - b. the facility is not located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. it does not exceed building coverage of 1,000 square feet, and
  - d. the facility complies with all yard and other applicable Regulations.
6. **Windmills** - Windmills and similar energy conservation systems provided that:
  - a. the lot shall have a minimum area of one acre (43,560 square feet) or as required by the applicable zone, whichever is greater, and
  - b. the windmill or similar structure shall be set back from all lot lines and from the principal building a distance at least equal to the total building height of the windmill structure, and
  - c. no windmill or similar structure shall:
    - i. exceed forty (40) feet in total building height, or
    - ii. be located within a front yard unless it is located 150 feet or more from a front property line, or
    - iii. be located in any required yard setback.
7. **Ground-Mounted Solar Panels** - Ground-mounted solar panels, provided that they shall:
  - a. not exceed fifteen (15) feet in height including all supporting structures, and
  - b. not be located within a front yard unless it is located 150 feet or more from a front property line, and
  - c. not be located within any required yard setback, and
  - d. be fully screened from any adjacent property line and the street line, and
  - e. be permanently anchored in compliance with the State Building Code.
8. **Private Emergency Shelter** - Private emergency shelter provided that it shall conform to applicable yard requirements and, if not constructed as an integral part of any dwelling or other conforming principal or accessory building or structure, it shall be covered with at least two (2) feet of soil and the finished ground level shall not be above natural ground level.

**C. Permitted by Special Permit**

1. **Detached Garage** - A detached garage accessory to a residence which does not comply with Subsection 3.4.B.1 since it is proposed to:
  - a. contain space for more than five (5) vehicles on a property provided that any such garage space shall not be occupied by more than one (1) commercial vehicle, or
  - b. be located within a front yard, or
  - c. exceed building coverage of 1,000 square feet. Such detached garage shall comply with the yard setback for a principal structure in that zone.
2. **Illuminated Outdoor Recreation Facility** - Outdoor recreation facility, including tennis courts and pools, in compliance with the requirements of Subsection 3.4.B.4. and which are artificially illuminated, provided that such lighting shall not create a hazard or nuisance upon adjacent properties with reference to the following standards:
  - a. the source of such lights shall be concealed from surrounding residential properties.
  - b. all lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties.
  - c. no lighting facilities shall be mounted at a height greater than twenty (20) feet above grade.
3. **Detached Accessory Residential Structure** - a detached guest house or a detached accessory dwelling unit provided that:
  - a. the property is located in a Residence Zone where the minimum area for a single-family dwelling is one (1) acre or more, and
  - b. the property shall have one (1) full zone unit, as required by these Regulations for the existing house on the premises except that, in the Four Acre Zone, such accessory structure may be permitted on a lot having less than one (1) full zone unit provided that such lot shall have at least two (2) acres of buildable land, and
  - c. both the existing house and the proposed accessory dwelling shall demonstrate compliance with the requirements of the Health Code, and
  - d. any detached accessory dwelling unit shall comply with the requirements of Subsection 3.3.B.6 except that access from the principal dwelling by an operable door along a common wall shall not be required.
  - e. the detached accessory residential structure complies with the yard setback for a principal structure in that zone.
4. **Agricultural Use** - Farm stand.
5. **Other Structures** - Other accessory buildings or structures not customarily and reasonably incidental, as determined by the Commission, to a permitted principal use.
6. **Accessory Structures In A Front Yard** - Accessory buildings or structures listed in Section 3.4.A or Section 3.4.B located within a front yard and located within 150 feet of the street.
7. **Accessory Buildings That Exceed Building Coverage of 1,000 Square Feet** – Accessory Buildings listed in Section 3.4.B.3 or Section 3.4.B.5 that exceed building coverage of 1,000 square feet. Such accessory building shall comply with the yard setback for a principal structure in that zone and if proposed to be located in a front yard, must be at least 150 feet from the street.
8. **Windmills and Ground Mounted Solar Panels** - Windmills and ground mounted solar panels that do not comply with the provisions of §3.4.B.



## SECTION 3.5. AREA AND DIMENSIONAL REQUIREMENTS

### A. Minimum Lot Area

#### 1. Basic Requirement

Except as may be otherwise provided in these Regulations, every lot shall contain the required minimum lot area for the zone within which the lot is situated.

	Minimum Lot Area <sup>1</sup> (Square Feet)
Four Acre Residence Zone	174,240
Two Acre Residence Zone	87,120
One Acre Residence Zone	43,560
One-Half Acre Residence Zone	21,780
One-Third Acre Residence Zone	14,520
A Residence Zone	10,000
B Residence Zone	7,500

1. Unless otherwise provided in Subsection 1.6.B.6, if two (2) or more adjoining lots or parcels are or have ever been in single ownership at the time of, or subsequent to, the adoption of any change to these Regulations that made one (1) or more of them non-conforming as to minimum lot area and if one (1) or more of the lots or parcels do not or did not conform to these Regulations for minimum lot area, then such lot(s) and/or parcel(s) shall be considered to be an undivided lot or parcel for the purpose of these Regulations, and no portion of said lot or parcel shall be used or sold so as to diminish conformance with these Regulations.

#### 2. Potential Exceptions

Potential exceptions to minimum lot area requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

## B. Maximum Density

### 1. Basic Limitation

Except as may be otherwise provided in these Regulations, no parcel in existence as of June 18, 2005 shall be:

- a. Divided, subdivided, or re-subdivided in such a way as to exceed the following maximum number of lots per acre of buildable land and any calculation resulting in a fractional remainder shall be rounded down to the next whole number.
- b. Used in such a way as to exceed the following maximum number of families per zone unit.
- c. Used in such a way as to exceed the following maximum number of families per building.

	<b>Lots / Acre of Buildable Land</b>	<b>Families / Zone Unit <sup>1</sup></b>	<b>Families / Building <sup>2</sup></b>
Four Acre Residence Zone	Density Limita- tion Does Not Apply	1	1
Two Acre Residence Zone		1	1
One Acre Residence Zone		1	1
One-Half Acre Residence Zone	1.00	1	1
One-Third Acre Residence Zone	1.50	1	1
A Residence Zone	2.20	1	1
B Residence Zone	2.90	1	1

1. Two (2) families per zoning unit are permitted with approval of:
  - an attached accessory dwelling unit per Section 3.3.B.6, or
  - a detached accessory dwelling unit or guest house per Section 3.4.C.3, or
  - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.
2. Two (2) families per building are permitted with approval by the Commission of:
  - an attached accessory dwelling unit per Section 3.3.B.6, or
  - a two-family dwelling in the B Residence Zone per Section 3.2.C.1.a.

#### Illustrative Example (A Residence Zone)

1. Gross area of parcel (acres)	1.92 acres
2. Minus areas classified as wetland, watercourse, 100-year floodplain, or containing slopes greater than 25 percent	(0.43 acres)
3. Equals the buildable land on the parcel (acres)	1.49 acres
4. Times the maximum number of lots per acre of buildable land for the A Residence zone	2.20 lots/acre
5. Equals maximum number of lots	3.278 lots
6. Rounded down to three (3) lots.	

### 2. Potential Exceptions

Potential exceptions to maximum density limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

## C. Minimum Width and Shape

### 1. Basic Requirement

- a. Except as may be otherwise provided in these Regulations, every front lot shall contain the required minimum width upon a public street for the zone within which the lot is situated.

	Minimum Width (Feet)
Four Acre Residence Zone	350
Two Acre Residence Zone	225
One Acre Residence Zone	150
One-Half Acre Residence Zone	125
One-Third Acre Residence Zone	100
A Residence Zone	100
B Residence Zone	75

- b. Every lot shall contain, totally within itself and without including any area of the lot that is part of an accessway, a lot circle with a diameter equal to the required minimum width for the zone within which the lot is situated.
- c. After June 18, 2005, at least fifty percent (50%) of the area of such lot circle shall be classified as contiguous non-wetland soils.
- d. Where it is proposed to divide, subdivide or re-subdivide land containing an existing house, the new lot that contains the existing house shall meet the minimum width required for the zone at the location of said existing structure, and the lot shall not be reduced below that minimum width at such point.
- e. No new rear lots shall be established in the A Residence Zone, the B Residence Zone, or the One-Third Acre Residence Zone.

### 2. Potential Exceptions

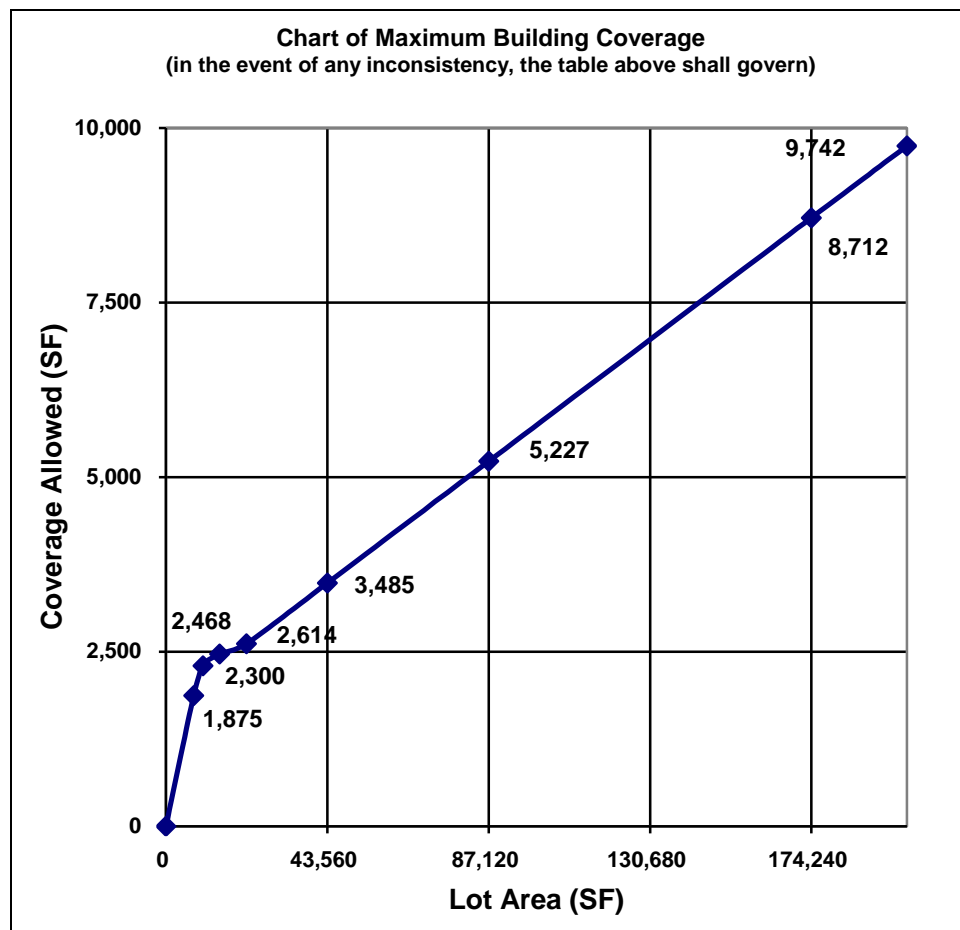
Potential exceptions to minimum width and shape requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.

## D. Maximum Building Coverage

### 1. Building Coverage Limitation

After June 18, 2005, unless otherwise provided in these Regulations, the building coverage in any Residence zone shall not exceed the following:

Lot Area	Allowed Building Coverage
Less than 7,500 SF	25% of the lot area
7,500 to 9,999 SF	1,875 SF plus 17% of the lot area in excess of 7,500 SF
10,000 to 14,519 SF	2,300 SF plus 3.7% of the lot area in excess of 10,000 SF
14,520 to 21,779 SF	2,468 SF plus 2.0% of the lot area in excess of 14,520 SF
21,780 to 43,559 SF	2,614 SF plus 4.0% of the lot area in excess of 21,780 SF
43,560 to 87,119 SF	3,485 SF plus 4.0% of the lot area in excess of 43,560 SF
87,120 to 174,239 SF	5,227 SF plus 4.0% of the lot area in excess of 87,120 SF
174,240 or more SF	8,712 SF plus 4.0% of the lot area in excess of 174,240 SF



### 2. Potential Exceptions

Potential exceptions to maximum building coverage limitations in Residential zones may be found in Section 3.6 and/or Section 3.7.

## E. Minimum Yard Setbacks

### 1. General Requirements

- Except as may be otherwise provided in these Regulations, every building and structure shall comply with the required minimum yard setbacks for the zone within which the lot is situated.
- A rear yard setback shall be required on every lot in a residential zone except a corner lot, a through lot, or a pie-shape lot.
- No building or accessory building shall be constructed within forty (40) feet of an interstate natural gas pipeline.

### 2. Minimum Yard Setbacks For Principal Buildings

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	50	40
One Acre Residence Zone	35	25	35	30
One-Half Acre Residence Zone	35	20	25	25
One-Third Acre Residence Zone	35	15	25	25
A Residence Zone	30	15	25 feet or 25% of lot depth, whichever is less	25 feet or 25% of lot depth, whichever is less
B Residence Zone	25	8		

### 3. Minimum Yard Setbacks For Accessory Buildings / Structures

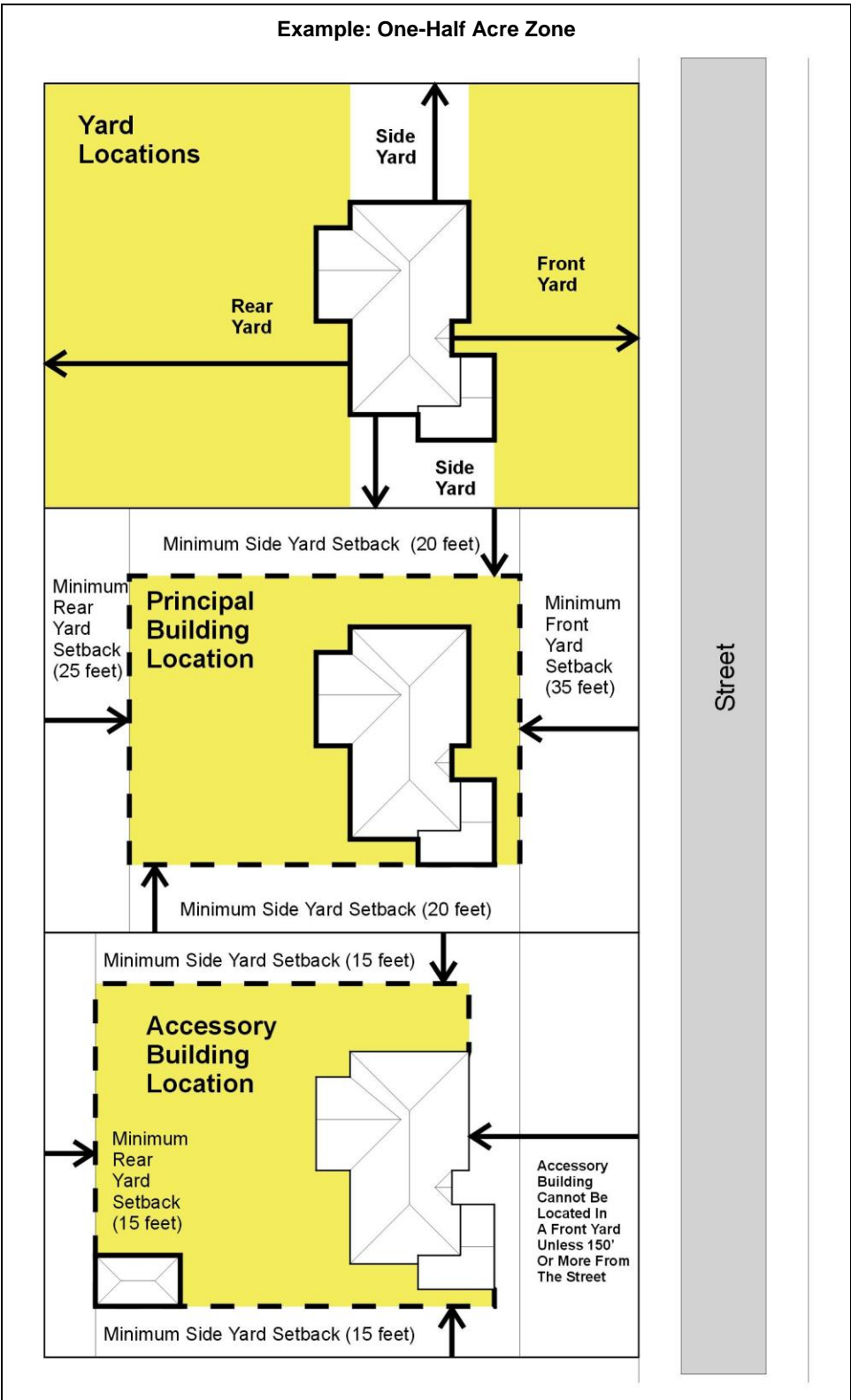
An accessory structure shall comply with the following yard setbacks and shall not be located in a front yard except as may be permitted by these Regulations.

	Front Lots			Rear Lots
	Front Yard Setback (feet)	Side Yard Setback (feet)	Rear Yard Setback (feet)	Front, Side, and Rear Yard Setbacks (feet)
Four Acre Residence Zone	50	50	50	50
Two Acre Residence Zone	45	35	35	35
One Acre Residence Zone	35	25	25	25
One-Half Acre Residence Zone	35	15	15	15
One-Third Acre Residence Zone	35	15	15	15
A Residence Zone	30	10	10	10
B Residence Zone	25	8	8	8



4. Potential Exceptions

Potential exceptions to minimum yard requirements in Residential zones may be found in Section 3.6 and/or Section 3.7.



## F. Height of Buildings and Walls

### 1. Maximum Height in Feet (Finished Grade)

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

- building height above finished average grade, or
- total building height above finished average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	40	20	45	30
Two Acre Residence Zone	35	15	40	25
One Acre Residence Zone	35	15	40	25
One-Half Acre Residence Zone	35	15	40	25
One-Third Acre Residence Zone	35	15	40	20
A Residence Zone	30	15	35	20
B Residence Zone	30	15	35	20

See Subsection 3.5.F.4 for additional building height limitations.

### 2. Maximum Height in Feet (Pre-Existing Grade)

Except as may otherwise be provided in these Regulations, no principal building or accessory building and no building wing or distinct portion thereof shall exceed the following:

- building height above pre-existing average grade, or
- total building height above pre-existing average grade.

	Building Height (Feet)		Total Building Height (Feet)	
	Principal Building	Accessory Building	Principal Building	Accessory Building
Four Acre Residence Zone	45	25	50	35
Two Acre Residence Zone	40	20	45	30
One Acre Residence Zone	40	20	45	30
One-Half Acre Residence Zone	40	20	45	30
One-Third Acre Residence Zone	40	20	45	25
A Residence Zone	35	20	40	25
B Residence Zone	35	20	40	25

See Subsection 3.5.F.4 for additional building height limitations.

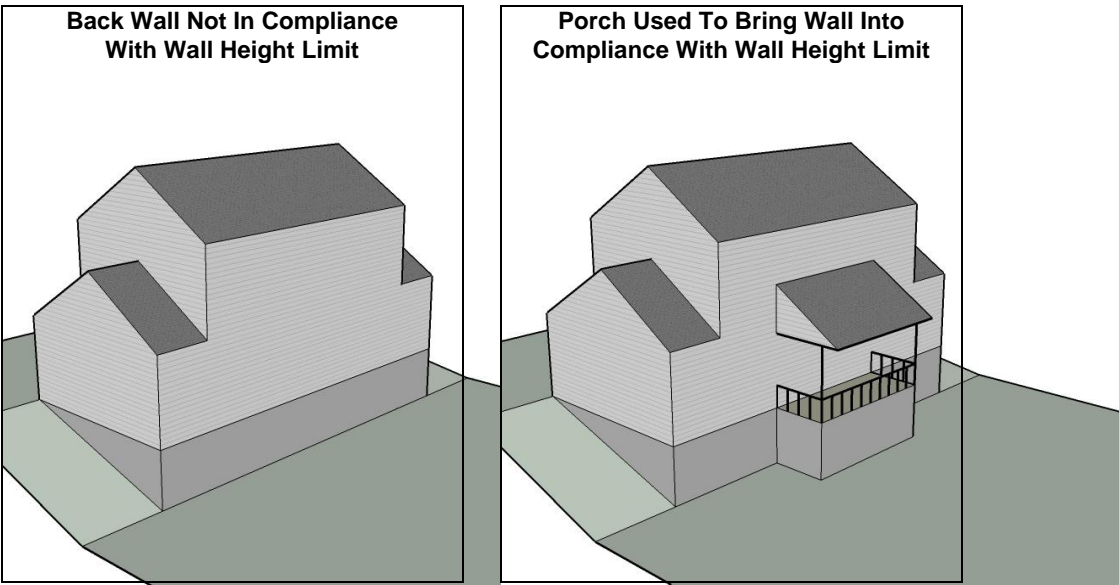
**3. Maximum Number of Stories**

Except as may be otherwise provided in these Regulations, no part of a principal building or accessory building and no building wing or distinct portion thereof shall exceed the following number of stories.

	Principal Building	Accessory Building
Four Acre Residence Zone	2 ½	1 ½
Two Acre Residence Zone	2 ½	1 ½
One Acre Residence Zone	2 ½	1 ½
One-Half Acre Residence Zone	2 ½	1 ½
One-Third Acre Residence Zone	2 ½	1 ½
A Residence Zone	2 ½	1 ½
B Residence Zone	2 ½	1 ½

**4. Maximum Wall Height In Feet**

After June 18, 2005, except as may be permitted by the Commission by Special Permit, no more than fifty percent (50%) of the horizontal dimension of an exterior wall of a principal building or accessory building shall exceed twenty-five (25) feet in vertical height from the lowest finished ground elevation at the bottom of the wall segment being evaluated to the eave or parapet without being broken by a roof or being offset from another generally parallel wall by at least eight (8) feet. This requirement shall not apply to the gable end of a gable, gambrel, or salt box roof.

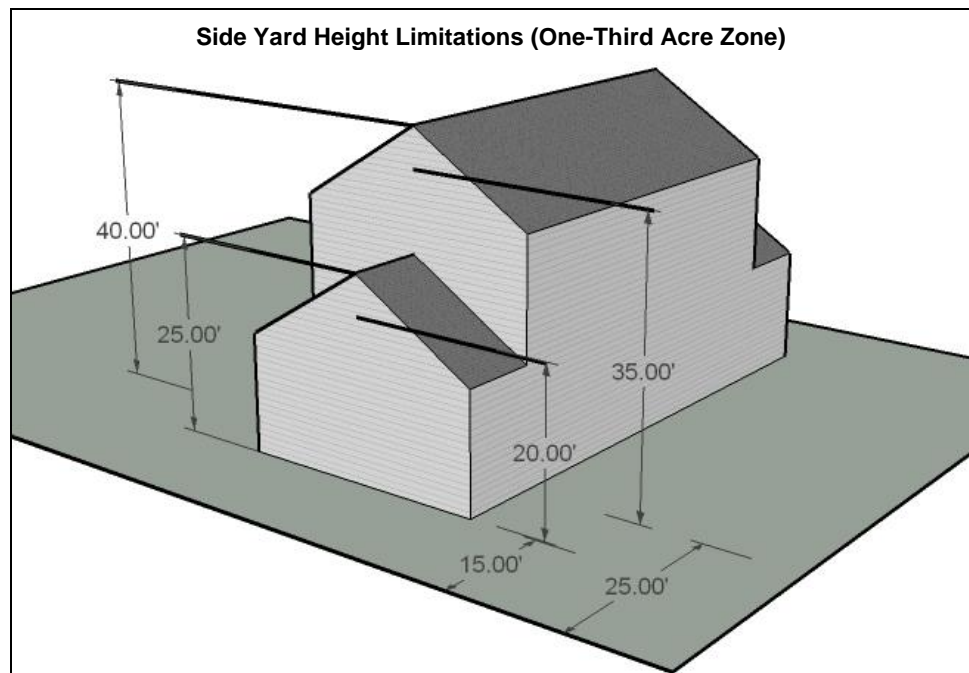


## Section 3.5

### 5. Maximum Side Yard Height

- a. No part of a principal building or accessory building shall, within the side yard setbacks identified below, exceed the following:
  - i. maximum building height above finished average grade, or
  - ii. maximum total building height above finished average grade.
- b. For the purposes of side yard height limitations, building height and total building height shall be determined on the basis of:
  - i. the portion of the building within the reduced height setback distance specified below, and
  - ii. the finished average grade for that building wing or distinct portion of the building.

Zone	Setback Distance (feet)	Building Height (feet)	Total Building Height (feet)
One-Half Acre Residence Zone	20 to 30	20	25
One-Third Acre Residence Zone	15 to 25	20	25
A Residence Zone	15 to 25	20	25
B Residence Zone	8 to 16	20	25



### 6. Potential Exceptions

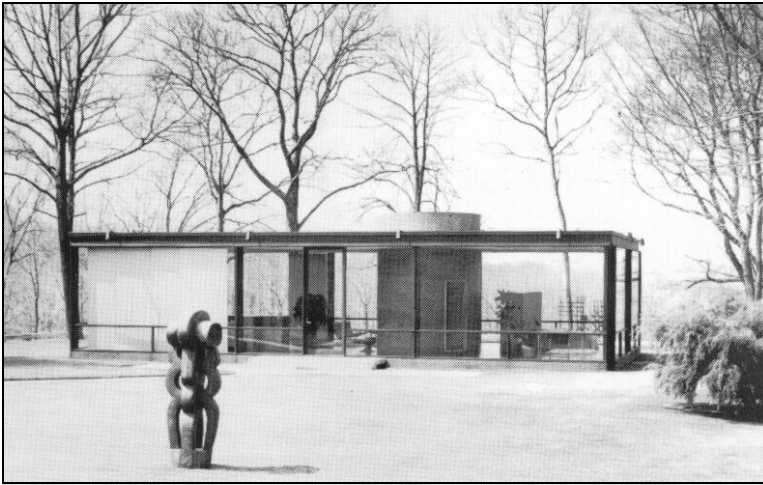
Potential exceptions to building height in Residential zones may be found in Section 3.6 and/or Section 3.7.

## SECTION 3.6. SPECIAL PROVISIONS FOR RESIDENCE ZONES

### A. Preservation of Modern Houses

1. In order to encourage the preservation and architectural integrity of Modern houses, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded provided that:
  - a. the New Canaan Historical Society or other source acceptable to the Commission shall have recognized the principal structure on the property as a Modern house worthy of continued preservation, and
  - b. the Modern house shall be preserved, and
  - c. the New Canaan Historical Society or other source acceptable to the Commission shall have determined that any proposed improvement shall retain the architectural integrity of the Modern house, and
  - d. the extent of the requirement to be exceeded or reduced shall be clearly identified on the application presented to the Commission, and
  - e. any such exception shall only be the minimum amount and geographic extent required to authorize the improvements approved by the Commission.
2. Any Special Permit granted by the Commission shall only remain effective so long as the Modern house is preserved and maintained as the principal structure on the property.

**Modern House**



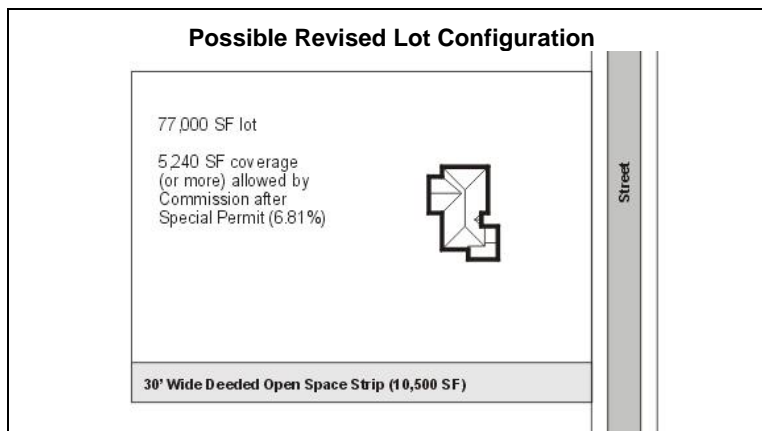
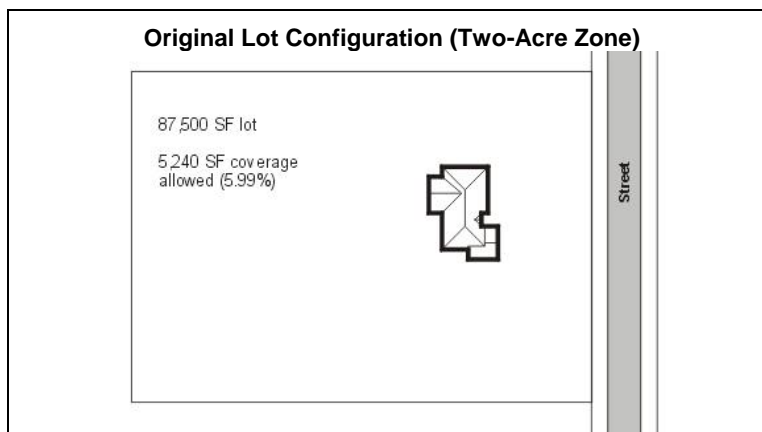
April 1, 2014



## B. Flexibility for Open Space Provision

In order to encourage the permanent preservation of open space and the establishment of greenways and trails in residential areas, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum lot area or minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded on a developed residential lot when a portion of the lot will be dedicated for permanent preservation of open space and the establishment of greenways and trails in residential areas provided that:

- the proposed open space dedication is referred, at least 30 days prior to the public hearing, to the Environmental Commission, the Park and Recreation Commission, and other appropriate Town agencies for an advisory recommendation, and
- the portion of the developed lot to be so dedicated in perpetuity as open space is deeded to the Town of New Canaan, the New Canaan Land Trust, or similar organization acceptable to the Commission, and
- the proposed open space dedication is not encumbered by an accessway or other easement in favor of other parties, and
- any encumbrance placed on the land so dedicated shall not restrict possible future establishment of a greenway trail, and
- the applicant shall submit a copy of the proposed document of dedication with the application.



### **C. Design Review**

In residential zones, new construction or remodeling of the exterior of any non-residential building or a multi-family residential use of four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **D. Driveways In Residence Zones**

1. After June 16, 2007, except as may be permitted by the Commission by Special Permit, no residential driveway shall be located within three (3) feet of a side or rear property line on any lot or within an accessway in any residential zone.
2. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.
3. In a residence zone, no accessway, driveway, right-of-way or walk shall be maintained or used for access to any other land which is:
  - a. being used for a use other than a dwelling or other use allowed by Section 3.2.A or 3.2.B; or
  - b. located in a zone in which, under applicable Regulations, there is permitted a residential use of greater density than is permitted in the zone in which the accessway, driveway, right-of-way or walk is located.
4. Any driveway shall comply with the provisions of Section 6.9 of these Regulations.

## SECTION 3.7. DIMENSIONAL EXCEPTIONS

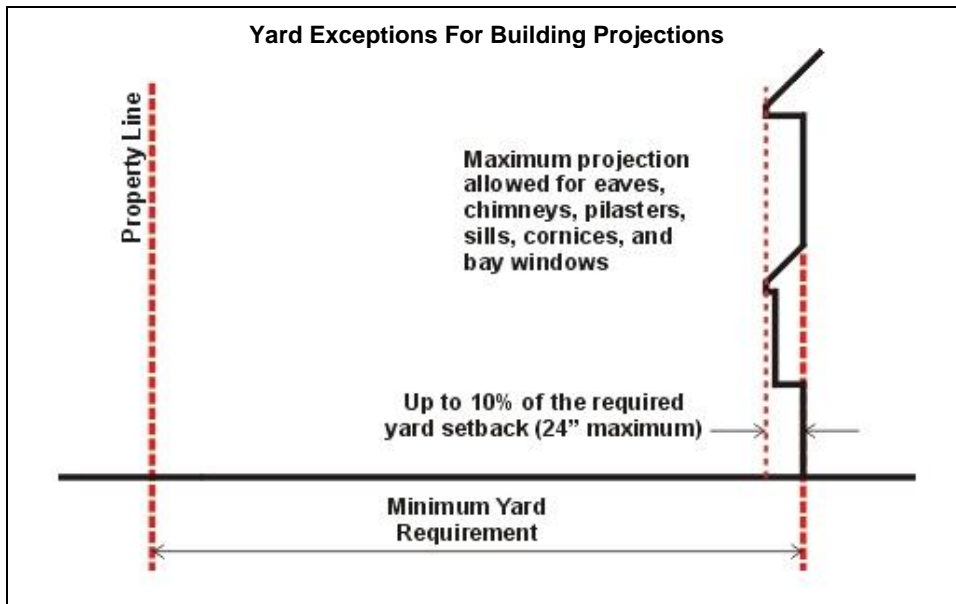
### A. Height Exceptions

In residence zones, the basic building height limitations of these Regulations may be exceeded in the following situations, provided that such features shall only be erected to such heights as are necessary to accomplish the purpose they are intended to serve:

1. A spire or belfry on a religious institution, school, public library, or public museum provided that:
  - a. the total building height of the spire or belfry shall not exceed fifty (50) feet unless a Special Permit has been approved by the Commission, and
  - b. the total area covered by such features shall not exceed ten percent (10%) of the roof area unless a Special Permit has been approved by the Commission.
2. Cupolas or chimneys provided that:
  - a. the total building height of the cupola or chimney shall not be more than twenty percent (20%) higher than the total building height allowed unless a Special Permit has been approved by the Commission, and
  - b. the total area of such features which exceed the total building height limitation shall not exceed five percent (5%) of the roof area unless a Special Permit has been approved by the Commission.
3. Flagpoles less than fifty (50) feet in height unless a Special Permit has been approved by the Commission.
4. Water tanks where the Commission has granted a Special Permit for an increase in height.
5. Roof-top equipment for non-residential buildings (such as HVAC equipment, ventilators, skylights, bulkheads, or similar features) provided that:
  - a. adequate appropriate screening shall be provided, and
  - b. such equipment which exceeds the total building height limitation shall not have a horizontal area greater than five percent (5%) of the roof area of the building on which it is located unless a Special Permit has been approved by the Commission.
6. The Commission may, by Special Permit, allow a greater building height and/or an additional half-story for a single-family residential dwelling provided:
  - a. such dwelling shall exhibit a historically appropriate architectural style (such as Victorian),
  - b. the Commission can request and/or consider design guidance from the Historic District Commission, the Historical Society, or Village District consultant, or others, and
  - c. the total building height limitation for the zoning district shall not be exceeded, and
  - d. no area encumbered by a height restriction as provided in Subsection 3.7.E.1.a shall be eligible for such greater building height or additional half-story.

## B. Yard Exceptions

1. Typical residential building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.
2. Typical residential building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.



3. A basement hatchway may project into a required rear yard setback not more than six (6) feet.
4. A one-story open porch and any associated stairs may project into the required front yard setback not more than twenty (20) percent of the minimum front yard requirement.
5. Entry stairs, stoops, and fire escapes may extend into any required yard setback not more than five (5) feet.
6. To accomplish the intended purpose, access ramps for the handicapped may, with approval of the Zoning Inspector, extend into any required yard setback.
7. The front yard, side yard, and rear yard setback requirements for the Two-Acre Zone shall apply to any parcel of land in the Four-Acre Zone which:
  - a. was in different ownership than all abutting land on December 1, 1956, and had an area on that date of less than four (4) acres, or
  - b. was an approved lot or parcel of land having an area of less than four (4) acres in a subdivision approved by the Commission and the subdivision map was filed for record in the Office of the Town Clerk on or before December 15, 1956.

## Section 3.7

8. The Zoning Inspector may allow an exception to the yard requirement or set-back requirement for minor detached accessory structures such as generators, transformers or mechanical equipment when it is determined that the topography or lot configuration makes compliance with the regulations unreasonable. In such instances the structure must be thoroughly screened and not visible from adjoining properties.

### C. Lot Width Exceptions

1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in width than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to width, such lot was in a different ownership from that of all abutting land.
2. In One-Half-Acre, One-Acre, Two-Acre and Four-Acre Zones, where a parcel of land is located on a public street and has sufficient area for no more than two (2) zone units and one (1) of the zone units does not have the required lot width on a public street for the zone involved, Zoning Permits may be issued for both zone units, provided that:
  - a. The zone unit not having the required lot width on a public street has access thereto by means of an accessway serving such zone unit.
  - b. Such accessway shall not be less than twenty-five (25) feet in horizontal width.
3. Where a parcel of land is located on a nonpublic roadway and has sufficient area and lot width for more than one zone unit, Zoning Permits may be issued for those zone units provided the private roadway has a width of at least fifty (50) feet, and has a traveled way to town standards of at least twenty (20) feet of asphalt, unless approved by the Commission through the granting of a Special Permit.
4. Where a parcel of land is located on a nonpublic roadway and has sufficient area for more than one zone units and one or more of the zone units do not have the required lot width for the zone involved, Zoning Permits may be issued for these zone units provided that:
  - a. The zone unit not having the required lot width on a nonpublic street has access thereto by means of an accessway serving such zone unit(s); and
  - b. Such accessway shall not be less than twenty-five (25) feet in horizontal width; and
  - c. The private roadway has a width of at least fifty (50) feet, and has a traveled way to town standards of at least twenty (20) feet of asphalt, unless approved by the Commission through the granting of a Special Permit.-
5. One (1) Zoning Permit may be issued for any tract of land that does not comply with the lot width requirement provided it was in different ownership than all abutting land on December 15, 1956, and has continued to be in different ownership than all abutting land, if such tract of land has access to a public street by means of a private accessway having a width of at least 16.5 feet.
6. For lots of record as of June 16, 2007, Zoning Permits may be issued for front lots having the required area and having an average width (minimum width plus maximum width divided by two) which is greater than or equal to the required minimum width but where the road frontage is less than the required minimum width, when such frontage is at least two-thirds (2/3) of the required lot width, and, if on a circle, the measurement may be on the arc of the circle.



## D. Lot Area Exceptions

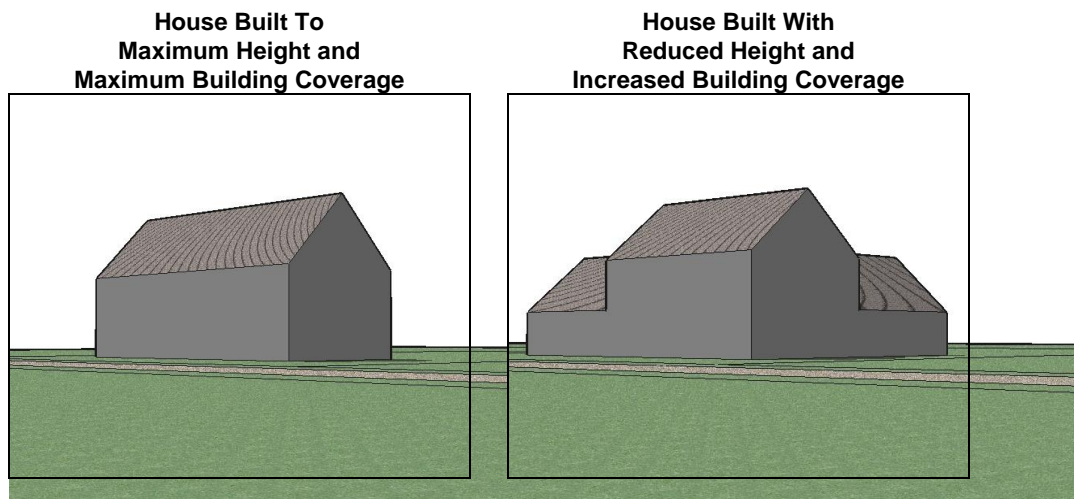
1. These Regulations shall not prohibit the erection of a single-family dwelling on any parcel which is smaller in lot area than that required for a single-family house by these Regulations provided that, at all times subsequent to the adoption of the zoning regulation which resulted in such lot being non-conforming as to lot area, such lot was in a different ownership from that of all abutting land.
2. Any parcel or lot of land located in the Four-Acre Zone, which is less than four (4) acres in area and which lot or parcel was an approved lot or parcel on a subdivision map approved by the Commission and which subdivision map was filed for record in the Office of the Town Clerk of the Town of New Canaan on or before December 15, 1956, shall be considered to conform to the area requirements of the Four-Acre Zone, but no resubdivision of any such lot or parcel having an area of less than four (4) acres located in such subdivision shall be allowed except in accordance with the requirements of the Four-Acre Zone.

## E. Exceptions for Building Coverage

1. The Commission may, by Special Permit, allow the maximum building coverage on a residential lot to be increased above the building coverage limitation specified in Subsection 3.5.D provided that:
  - a. a restriction shall be placed on the land records:
    - i. limiting the maximum building height on a portion of the lot that is or will be covered by a building to eighteen (18) feet and 1.5 stories, and
    - ii. encumbering with such limitation an area that is or will be covered by a building pursuant to the Special Permit which encumbered area is at least twice as large as the increased building coverage allowed by the Commission, and
  - b. no such building coverage exception shall allow the total building coverage to exceed one-hundred forty percent (140%) of the area allowed for building coverage by Subsection 3.5.D.

### Examples:

Area Requested For Increased Building Coverage	Minimum Area To Be Restricted to Reduced Height
575 square feet	1,150 square feet
2,000 square feet	4,000 square feet



July 15, 2015

## Section 3.7

2. The Commission may, by Special Permit, increase the permitted building coverage in a residential zone for the following uses:
  - a. Municipal facility.
  - b. Governmental facility.
  - c. Hospital in the Two Acre Residence Zone if permitted under Subsection 3.2.C.18 of these Regulations.
  - d. Recreational clubs, in recognition that such clubs can provide unique facilities, programs and services serving a community need or convenience not provided by the Town, provided that:
    - i. The club is open to the general public through paid memberships and financially-assisted memberships; receives widespread financial and volunteer support from the New Canaan community; and provides charitable services or programs to the New Canaan community;
    - ii. The club is located on a parcel of at least 6 acres, and the portion added to the buildings and structures under this subsection shall meet the setback requirements for the zone;
    - iii. The increase in coverage will enable the club to provide or improve a facility or use that will serve a community need or convenience not provided by the Town; and
    - iv. The increase in building coverage that may be permitted by special permit shall be in addition to the existing building coverage as of the date of this amendment, and the aggregate of all such special permit increases from the date of this amendment shall not exceed 6 percent (6%) of the total lot size of the subject lot existing as of the date of this amendment. Further, such permitted increase in building coverage shall be mitigated by attractive building and site design and by enhancements in screening and landscaping that will improve the overall appearance of the parcel (see Section 6.12-Design Review).

## F. Maximum Density Exceptions

1. The Commission may, by Special Permit, increase the maximum density (lots / acre of buildable land) permitted in a residential zone above the limitation established in Subsection 3.5.B by:
  - a. allowing a calculation resulting in a fractional remainder of three-quarters (0.75) or above to be rounded up to the next whole number, or
  - b. considering some other method proposed by the applicant that will, in the sole discretion of the Commission, help preserve open space or the feeling of "openness" in New Canaan.

## ARTICLE 4 - BUSINESS ZONES

### SECTION 4.1. GENERAL PURPOSES

1. The various business districts are intended to provide suitable areas for business development appropriate to overall community needs, the location and characteristics of the land, and the character of the neighborhood.
2. The differentiation among the business districts is intended to provide for variety in the size and intensity of business development appropriate to community needs.
3. The business districts may allow for certain non-business uses when it can be demonstrated that they shall be compatible with nearby uses and enhance neighborhood and community character.

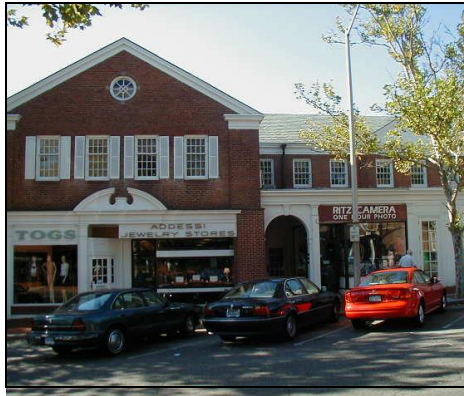
Business Area



Business Area



Business Area



Business Area



#### 4. Cannabis Establishments

##### a. Purpose:

The purpose of this regulation, in accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," is to prohibit both retail and medical adult-use Cannabis Establishments in the Town of New Canaan.

## Section 4.1

### b. Prohibition:

In accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis,” all Cannabis Establishments are prohibited in all zoning districts in the Town of New Canaan.

## **SECTION 4.2. RETAIL A ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Retail A Zone is intended to provide a compact and cohesive, pedestrian-oriented shopping district which is scaled to serve the needs of the community, designed to retain the attractive village character valued by so many residents and restricted in area to limit the major public investment required to provide municipal parking to serve such a district. It is also the purpose of this district to allow for residential use of upper floors, particularly in existing structures, so that such buildings, which may be historic or architecturally significant, can contribute to the smaller-unit housing resources, thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Retail A Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Retail businesses containing a gross first-floor area of not more than 5,000 square feet per store, but not to include automotive sales or services.
2. Restaurants, excluding any designed or intended in whole or in part for food service to, or consumption by, patrons in motor vehicles on the premises.
3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant or food-serving establishment when located on the same property.
4. Food Shops, Retail
5. Theaters or groups of adjacent theaters containing a total gross floor area of not more than 7,500 square feet.

May 14, 2018
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## Section 4.2

6. General and Medical Offices provided that:
  - a. offices shall not be permitted on the first floor of any building, and
  - b. not more than 10,000 square feet of total gross floor area of office use shall be in any one building, and
  - c. any floor used for office shall be located more than seven feet in vertical height above or below the curb level of the adjacent street.
7. Personal Service Establishments and/or Service Establishments shall be permitted on the first floor in accordance with the following guidelines:
  - a. The retail component must be located along the entire tenancy facing the street except for an access or common hallway to the street line.
  - b. The Personal Service Establishment cannot be located along any portion of the building's frontage except for an access or common hallway leading to the establishment.
  - c. The retail area must be a minimum of 15 feet in depth, measured from exterior building line or 20% of total floor area, whichever is greater. Anything less than 15 feet in depth is subject to administrative approval.
  - d. The space may be occupied by one tenant with multiple permitted uses, provided that the requirements in Section 4.2.C.7.a, 4.2.C.7.b and 4.2.7.c are met. (See also Section 4.2.D.3)
8. Personal service establishments provided that storage or work areas shall not occupy more than 80 percent of the total gross floor area of such use.
9. Service establishments that are not personal service establishments, provided that such uses shall not be permitted on the first floor of any building and storage and work areas shall not occupy more than 80 percent of the total gross floor area for such use.
10. Residential dwelling units provided that:
  - a. no such unit shall be permitted on the first floor of any building, and
  - b. no such unit shall contain more than 750 square feet of gross floor area, and
  - c. any floor used for such a unit shall be located more than seven feet in vertical height above the curb level of the adjacent street, and
  - d. no such unit shall contain more than one bedroom.
11. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities; provided that each such use shall not contain more than 7,500 square feet of gross floor area.

### **D. Uses Requiring Special Permit**

1. Outside dining, including entertainment, on private property as an accessory use to a restaurant or food-serving establishment when located on the same property.
2. Retail businesses containing a gross first-floor area of more than 5,000 (not to exceed 10,000) square feet per store and may not include automotive sales or services.
3. Personal Service Establishments and/or Service Establishments shall be permitted on the first floor in accordance with the following, where the space is occupied by no more than two (2) tenants with multiple permitted uses, provided that the requirements in Section 4.2.C.7.a, 4.2.C.7.b and 4.2.7.c are met.

May 14, 2018

## Section 4.2

4. Personal Service Establishments without a retail component may be permitted by Commission approval.
5. Residential dwelling units subject to inclusionary zoning per Section 7.6 C. The same requirements of Section 4.2 C (10) shall apply.

**E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

### **SECTION 4.3. RETAIL B ZONE (VILLAGE DISTRICT)**

#### **A. Purpose**

The Retail B Zone is intended to provide areas adjacent to the pedestrian-oriented Retail A Zone where parking shall be provided on-site yet where buildings are located close to the sidewalk for pedestrian access. It is also the purpose of this district to allow for residential use of upper floors, particularly in existing structures, so that such buildings, which may be historic or architecturally significant, can contribute to the smaller-unit housing resources, thereby providing for diversity in housing choices and opportunity.

#### **B. Design Review Authorized**

The Retail B Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

#### **C. Uses Permitted with Site Plan Approval**

1. Retail businesses.
2. Banks.
3. Restaurants as permitted in Retail A Zone.
4. Outside dining as permitted in Retail A Zone.
5. Food Shops, Retail
6. Theaters as permitted in Retail A Zone.
7. General and Medical Offices as permitted in Retail A Zone.
8. Residential dwelling units as permitted in Retail A Zone.
9. Service establishments, including personal service establishments, provided that such operations which involve outdoor storage of equipment, supplies or products shall be located on a lot containing at least 80,000 square feet.
10. New car dealerships, including a motor vehicle repair garage and sale of used cars, provided that:
  - a. such repair garage and/or sale of used cars is clearly accessory and incidental to the principal use, and
  - b. such accessory operations are located on the same parcel as the principal use or, with approval of the Zoning Board of Appeals, on a parcel within 300 feet of the principal parcel.
11. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities such as art galleries and museums; and public utilities.
12. A public or commercial surface parking lot but not a parking structure, whether attached or detached.
13. Green Grocers, not to exceed a gross floor area of 10,000 square feet.

**D. Uses Requiring Special Permit**

1. Dwellings units contained within a mixed-use development of multi-family dwellings and other permitted uses, provided that:
  - a. no dwelling unit shall contain more than 1,500 gross square feet; however, the Commission may increase the size of a dwelling unit beyond 1,500 square feet where the Commission finds that the larger units are appropriate for the site, promote excellence in design and contribute to the variety of housing choices, and
  - b. no dwelling unit shall contain more than two bedrooms; however, the Commission may increase the number of bedrooms beyond two, where the Commission finds that the number of bedrooms are appropriate for the site, promote excellence in design and contribute to the variety of housing choices, and
  - c. the total number of dwelling units on the lot shall not exceed one unit per 1,500 square feet of lot area, and
  - d. in addition to alterations to address compliance with the Special Permit criteria, the Commission may increase or decrease density and alter layout requirements based upon:
    - i. special or unusual lot area,
    - ii. shape or topography;
    - iii. the density and layout of existing neighboring uses;
    - iv. the official designation of infrastructure improvements or re-configurations which may negatively impact residential use.
2. Outside dining as permitted in Retail A Zone.
3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant when located on the same property.
4. Underground parking provided:
  - a. the underground parking shall be hidden from view from abutting properties,
  - b. the street level views of such underground parking access shall be minimized, and
  - c. any first floor level above such parking shall not exceed the curb level of the street by more than two (2) feet.
5. Decked or tiered parking structure.
6. Inns.

**E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.4. BUSINESS A ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business A Zone is intended to provide areas for single-purpose shopping and services which require on-site parking facilities. Retail sales of large or bulky items which would be difficult to carry any distance, automotive services, drive-in banking and certain professional and personal services which often represent a special-purpose trip are appropriate uses in this area. Residential uses may also be permitted under certain conditions to provide a greater variety of use alternatives for large lots, to include uses which generate less traffic and contribute to the housing resources for smaller households, thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Business A Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Any non-office use permitted with Site Plan Approval in the Retail B Zone subject to the same conditions.
2. Green Grocers, provided they do not exceed a total gross floor area of 10,000 square feet.
3. Supermarkets, provided they do not exceed a total gross floor area of 30,000 square feet.
4. Banks
5. General and Medical Offices provided that:  
Not more than 10,000 square feet of total gross floor area of general and/or medical office use shall be in any one building unless permitted by Special Permit.

### **D. Uses Requiring Special Permit**

1. Any non-office use permitted by Special Permit in the Retail B Zone subject to the same conditions.
2. Underground parking subject to the same requirements as for the Retail B zone except that public parking shall not be required to be hidden from public view or be a substitute for surface parking.
3. Quasi-Public Libraries
4. Wellness Centers
5. Office and/or medical use whose total gross floor area exceeds 10,000 square feet



### **E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.5. BUSINESS B ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business B Zone is intended to provide areas where service businesses, specialty retail and residential dwelling units, within a mixed-use development, can co-exist and complement each other. Medical office is also contemplated for this zone, but the overall amount dedicated to this use shall be determined by the Commission as outlined below. The long-term vision for this area is to improve the streetscape by becoming more pedestrian-friendly, active and attractive while ensuring that future redevelopment is consistent with the POCD. A detailed study of this area was conducted in 2015 and the Cross and Vitti Streets Neighborhood Master Plan was prepared. The Commission will refer to the Plan in its evaluation of applications in this zone and areas included in this zone in the future. Further, the Commission will ask applicants to consider the elements of the Plan when submitting applications.

### **B. Design Review Authorized**

The Business B Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations. In addition, any new construction or remodeling of the exterior of a building shall also be reviewed in accordance with the Village District Guidelines and the design recommendations within the Cross and Vitti Streets Neighborhood Master Plan.

### **C. Uses Permitted with Site Plan Approval**

1. Retail sales of garden supplies, hardware, lumber or other products which may require extensive storage areas, but shall not include outdoor storage of used or scrap materials, unless properly screened from view of adjacent property owners and adjacent streets.
2. Specialty retail sales such as antiques, art galleries, or artisan/craftsperson goods.
3. Restaurants as permitted in Retail A Zone.
4. Outside dining as permitted in Retail A Zone.
5. Craftsperson Shops
6. Food Shops, Retail
7. Green Grocers, as permitted in the Business A Zone.

8. General Offices, provided that:
  - a. no more than 4,000 gross square feet in any one building shall be utilized for such purpose, and
  - b. any office located on the first floor of the building is not located adjacent to the street and does not occupy more than 50% of the first floor area.
9. Service establishments and personal service establishments.
10. Laundries or dry cleaners, provided chemical dry cleaning is done off premises.
11. Other specialty sales and services which would be in keeping with the service business nature and stated purpose of the zone.
12. Publishers or printing services.
13. Automotive services which do not involve outdoor storage of used auto parts or inoperable motor vehicles.
14. Car Sales, New & Used:
  - a. New Car Sales, provided that there are no on-site repairs, outdoor storage of auto parts or inoperable motor vehicles.
  - b. Used Car Sales, provided that the dealership exclusively offers refurbished, investment grade, high-end collectible inventory; there are no on-site repairs, outdoor storage of auto parts or inoperable motor vehicles. Used car dealerships are prohibited from parking inventory outdoors for sale purposes; but inventory may be displayed for limited special events during business hours with advance notice and approval from the Town Planner/Zoning Enforcement Officer.
15. New car sales provided there are no Health clubs, spas and other indoor athletic facilities.
16. Wellness Centers
17. Upholsterers or furniture repair services
18. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities, such as art galleries, museums; and public utilities.

#### **D. Uses Requiring Special Permit**

1. Dwelling units as permitted by Special Permit in the Retail B Zone.
2. Outside dining as permitted in Retail A Zone.
3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant when located on the same property.
4. High-Technology Incubator Business, provided:
  - a. *Such businesses are, in the view of the Commission, consistent with the aim of developing and nurturing start-up, high-technology businesses. The Commission shall use NAICS descriptions, or its equivalent, in assisting them in determining if a particular Use is in keeping with the intent of the regulation. Some examples include, but are not limited to the research and development of: computer software, fuel cells, "green" products, solar cells, semiconductors, optical scanning devices, information technology, digital animation, 3D printing, robotics, computer hardware, computer facilities management and information retrieval services.*
  - b. *Such uses shall occupy a gross floor area of no more than 15,000 square feet.*

## Section 4.5

- c. *Office use within such space shall not occupy more than 50% of the gross floor area.*

### 5. Inns

### 6. Supermarkets

### 7. Theaters

### 8. Medical Offices provided:

- a. medical office use does not occupy more than 10,000 square feet on a single site.
- b. any medical office use located on the first floor of any building does not contain patient exam rooms but consists of such uses as pharmacies, physical therapy or group exercise rehabilitation, blood-draw or imaging services.
- c. any medical office use proposed to be located on the first floor of any building does not result in more than 25% of total first floor gross floor area of all the buildings, on either Cross Street or Vitti Street, including any properties on Cherry Street rezoned to Business B, within the zone, being medical office.
- d. any medical office use proposed on any site does not result in more than 25% of total gross floor area of all the buildings, on either Cross Street or Vitti Street, including any properties on Cherry Street rezoned to Business B, within the zone, being medical office.

### 9. Underground parking provided:

- a. the underground parking shall be hidden from view from abutting properties,
- b. the street level views of such underground parking access shall be minimized, and
- c. any first floor level above such parking shall not exceed the curb level of the street by more than two (2) feet.

### 10. Structured parking provided the parking structure shall be hidden from view from abutting properties.

## E. Sidewalk Cafés

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## **SECTION 4.6. BUSINESS C ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business C Zone is intended to allow for large office buildings in locations which would not be inconsistent with the village character and where proper traffic management can be provided. This district also allows for residential uses, thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Business C Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Any use permitted with Site Plan Approval in the Retail B Zone, excluding banks and outdoor dining, subject to the same conditions.
2. General and Medical office buildings containing a gross floor area of not more than thirty-five thousand (35,000) square feet.
3. Parking in accordance with the provisions for the Business A zone.

### **D. Uses Requiring Special Permit**

1. Any use permitted by Special Permit in the Retail B Zone, excluding outdoor dining, subject to the same conditions.
2. Commercial garage.
3. Parking provided underground or in a separate structure on the same site.



## **SECTION 4.7. BUSINESS D ZONE (VILLAGE DISTRICT)**

### **A. Purpose**

The Business D Zone is intended to provide areas where retail and service businesses of a heavier or more extensive nature may be located, provided that such uses are designed and operated so as to avoid undue nuisance, hazard or a deleterious effect on adjacent property values. Residential uses may also be permitted under certain conditions to provide for alternative uses on large parcels thereby providing for diversity in housing choices and opportunity.

### **B. Design Review Authorized**

The Business D Zone is hereby designated as a Village District as authorized by CGS 8-2 and any new construction or remodeling of the exterior of a building shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.

### **C. Uses Permitted with Site Plan Approval**

1. Retail sales of garden supplies, hardware, lumber or other products which may require extensive storage areas, but shall not include outdoor storage of used or scrap materials, unless properly screened from view of adjacent property owners and adjacent streets.
2. Specialty retail sales such as antiques, art galleries, or artisan/craftsperson goods.
3. Restaurants as permitted in Retail A Zone.
4. Outside dining as permitted in Retail A Zone.
5. Craftsperson Shops
6. Food Shops, Retail
7. Green Grocers, as permitted in the Business A Zone.
8. General Offices, provided that:
  - a. no more than 4,000 gross square feet in any one building shall be utilized for such purpose, and
  - b. not more than 25 percent of the total floor area of any building shall be first-floor offices.
9. Service establishments and personal service establishments.
10. Laundries or dry cleaners.
11. Other specialty sales and services which would be in keeping with the service business nature and stated purpose of the zone, including restaurants, as permitted in Retail A Zone.
12. Publishers or printing services.
13. Automotive services which do not involve outdoor storage of used auto parts or inoperable motor vehicles.
14. New car sales provided there are no on-site repairs, outdoor storage of auto parts or inoperable motor vehicles.
15. Health clubs, spas and other indoor athletic facilities.

- 16. Appliance repair services.
- 17. Upholsterers or furniture repair services
- 18. Municipal facilities; public facilities; quasi-public charitable institutions; cultural facilities, such as art galleries, museums; and public utilities.

#### **D. Uses Requiring Special Permit**

- 1. Dwelling units as permitted by Special Permit in the Retail B Zone.
- 2. Outside dining as permitted in Retail A Zone.
- 3. Outside dining on a deck, porch, terrace or patio as an accessory use to a restaurant when located on the same property.
- 4. High-Technology Incubator Business, provided:
  - a. Such businesses are, in the view of the Commission, consistent with the aim of developing and nurturing start-up, high-technology businesses. The Commission shall use NAICS descriptions, or its equivalent, in assisting them in determining if a particular Use is in keeping with the intent of the regulation. Some examples include, but are not limited to the research and development of: computer software, fuel cells, "green" products, solar cells, semiconductors, optical scanning devices, information technology, digital animation, computer hardware, computer facilities management and information retrieval services.
  - b. Such uses shall occupy a gross floor area of no more than 15,000 square feet.
  - c. Office use within such space shall not occupy more than 50% of the gross floor area.
- 5. Underground parking provided:
  - a. the underground parking shall be hidden from view from abutting properties,
  - b. the street level views of such underground parking access shall be minimized, and
  - c. any first floor level above such parking shall not exceed the curb level of the street by more than two (2) feet.
- 6. Inns
- 7. Medical Offices, provide that they do not exceed 10,000 square feet of gross floor area in any one building or parcel.

#### **E. Sidewalk Cafés**

Outside dining on municipal sidewalks or walkways, as an accessory use to an adjacent restaurant or food-serving establishment, subject to the Sidewalk Café Permit Procedures approved by the Board of Selectman and the Commission.

## SECTION 4.8. AREA AND DIMENSIONAL REQUIREMENTS

### A. Minimum Lot area

Zone(s)	Requirement
Retail A Zone	No minimum lot area requirement.
Retail B Zone Business A Zone Business B Zone Business C Zone Business D Zone	Five thousand (5,000) square feet

### B. Minimum Frontage

Zone(s)	Requirement
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone Business D Zone	Fifty (50) feet of frontage on a public street

### C. Minimum Front Yard Setback

Zone(s)	Requirement
Retail A Zone	<ul style="list-style-type: none"> <li>Building line only.</li> </ul>
Retail B Zone	<ul style="list-style-type: none"> <li>The minimum front yard shall be five (5) feet or equal to one hundred fifty percent (150%) of the minimum side yard, whichever is greater, but need not exceed ten (10) feet.</li> <li>Front yards may be reduced to the average distance from the street line for existing buildings on adjacent lots, except that any new construction shall comply with any established building line.</li> <li>Where appropriate due to the location and/or design of the proposed use and the building line of existing neighboring structures, the Commission may, by Special Permit, reduce the front yard setback to the building line.</li> </ul>
Business A Zone	<ul style="list-style-type: none"> <li>The minimum front yard shall be five (5) feet or equal to one hundred fifty percent (150%) of the minimum side yard, whichever is greater.</li> </ul>
Business B Zone	<ul style="list-style-type: none"> <li>Same as for Retail A Zone.</li> </ul>
Business C Zone	<ul style="list-style-type: none"> <li>A minimum of six (6) feet.</li> </ul>
Business D Zone	<ul style="list-style-type: none"> <li>Same as for Business A Zone.</li> </ul>

**D. Maximum Front Yard Setback**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone Business A Zone Business B Zone	Five (5) feet. Unless modified by the Commission through the granting of a Special Permit. An increased setback can only be approved, provided the proposed development contains an amenity, which in the view of the Commission, will enhance the pedestrian experience and improve the streetscape.

**E. Building Lines**

Unless modified by the Commission through the granting of a Special Permit, in any Retail A Zone, Retail B Zone, Business A Zone, Business B Zone, Business C Zone, or Business D Zone, no building or other structure shall be erected on land between the building line, as previously or hereafter established, and the street line.

**F. Minimum Side/Rear Yard Setbacks**

A rear yard extending along the rear lot line shall be required on every lot or portion thereof, except as may be modified in the Retail A and Retail B Zones.

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone	<ul style="list-style-type: none"> <li>• Six feet minimum each, except that the Commission may: <ul style="list-style-type: none"> <li>• reduce the yard setback to zero (0) feet where a common wall will be established or maintained by both property owners, or</li> <li>• increase the yard setback to twelve (12) feet where a common wall will not be established or maintained and a structure on the adjacent lot was established with a zero (0) foot setback.</li> </ul> </li> <li>• In any event, a clear minimum of twelve (12) feet shall be provided or be available on at least two sides of any building.</li> <li>• For nonrectangular buildings, a clear minimum of twelve (12) feet shall be provided or be available on at least forty (40) percent of the perimeter of any building.</li> <li>• Said twelve (12) feet of clear area shall have adequate vehicular access and may be a grass area, provided that it has a base suitable to support fire vehicles.</li> </ul>

## Section 4.8

Retail B Zone	<ul style="list-style-type: none"> <li>The minimum side yard and rear yards for any lot shall be three (3) feet each, plus an additional one (1) foot for every 5,000 square feet of lot area in excess of 5,000 square feet, up to a maximum 32 feet each for side and rear yards, for parcels of 150,000 square feet and over.</li> <li>Where appropriate due to the location and/or design of the proposed use and the building setbacks of existing neighboring structures, the Commission may, by Special Permit, reduce the side and rear yards to those of the Retail A Zone.</li> </ul>
Business A Zone	<ul style="list-style-type: none"> <li>The minimum side yard and rear yards for any lot shall be six feet each and at least one side yard shall be three feet wide plus an additional one foot for every 5,000 square feet of lot area in excess of 5,000 square feet, up to a maximum 32 feet.</li> <li>Where appropriate due to the location and/or design of the proposed use and building setbacks of existing neighboring structures, the Commission may, by Special Permit, reduce the side and rear yards to those of the Retail A Zone.</li> </ul>
Business B Zone	<ul style="list-style-type: none"> <li>Same as for Retail A Zone.</li> </ul>
Business C Zone	<ul style="list-style-type: none"> <li>A minimum of six (6) feet each.</li> <li>On at least two sides of each principal building, there shall be a minimum twelve (12) foot clear area, both of which shall have vehicular access adequate for fire vehicles.</li> <li>For nonrectangular buildings, a clear minimum of twelve (12) feet shall be provided or be available on at least forty (40) percent of the perimeter of any building.</li> </ul>
Business D Zone	<ul style="list-style-type: none"> <li>Same as for Business A Zone.</li> </ul>

## G. Minimum Distance between Buildings on the Same Lot

Zone(s)	Requirement
Retail A Zone Retail B Zone Business A Zone Business B Zone Business C Zone Business D Zone	<ul style="list-style-type: none"> <li>Each principal building or accessory building shall be at least twelve (12) feet distant from any other building on the same lot, as measured in a straight line between the nearest points of any two buildings.</li> </ul>

## H. Maximum Building Height

Zone(s)	Requirement
Retail A Zone Retail B Zone (1) Business A Zone Business B Zone (2) Business C Zone Business D Zone	<ul style="list-style-type: none"> <li>The maximum building height shall be thirty (30) feet or two-and-one-half stories, whichever is less.</li> </ul>

(1) By Special Permit in the Retail B Zone, the maximum building height may be increased above thirty (30) feet and up to three (3) stories, provided the Commission shall make affirmative findings that:

- a. The proposed development will provide for a significant community benefit such as:
  - consolidation of two or more parcels into a meaningful master plan,
  - excellence in design which enhances the pedestrian experience and overall streetscape (such as avoiding driveways interrupting the sidewalk),
  - provides meaningful design solutions to properties with unique site constraints or features (such as topography, size, shape, location presence of a water table, etc.); and/or
  - other meaningful public amenities.
- b. the increased building height promotes the goal of providing mixed use with residential use of upper floors and contributes to the variety of housing choices;
- c. due to the location and/or design of the proposed use and the building height of existing neighboring structures, no neighboring property will be adversely impacted by such structure; and
- d. the increased building height will be in harmony with the existing building heights within the zone.

(2) The Commission may determine that any mixed-use building(s) with a basement level dedicated in its entirety to storage and/or non-living space (ex. Vehicular garage access and/or parking, utility, circulation, or other common storage, etc.) shall not be counted as a story in the calculation of height in the Retail B Zone provided that:

- a. A minimum of 30% of the subject basement level area is located a minimum of three (3) feet below grade;
- b. Required residential parking is concealed;
- c. Non-residential parking requirements are provided on-site or off-site, provided that if off-site, appropriate Special Permits are obtained and said off-site parking is located adjacent to the subject property in a manner otherwise conforming to these Regulations; and
- d. The affirmative findings of Paragraph (1) are satisfied.

(3) The Commission may require that any building height above thirty (30) feet or two-and-one-half stories be set back from the façade of the building so as to maintain a cornice line along the street and/or not overwhelm the street.



## Section 4.8

**I. Minimum Building Height**

<b>Zone(s)</b>	<b>Requirement</b>
Business B Zone	Twenty (20) feet and two (2) stories.

**J. Maximum Building Wall Length**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone Business B Zone	<ul style="list-style-type: none"> <li>No limitation.</li> </ul>
Business A Zone Business C Zone Business D Zone	<ul style="list-style-type: none"> <li>Unless modified by the Commission, no length of continuous building wall shall exceed eighty (80) feet unless there shall be a wall offset of at least ten (10) feet for a distance of at least twenty (20) feet.</li> </ul>

**K. Size of Second Floor**

<b>Zone(s)</b>	<b>Requirement</b>
Retail A Zone Retail B Zone (1) Business A Zone Business B Zone Business C Zone Business D Zone	<ul style="list-style-type: none"> <li>The gross floor area of the second floor of any building shall not exceed by more than fifteen (15) percent the gross floor area of the first floor of said building.</li> </ul>

(1) By Special Permit in the Retail B Zone and the Business B Zone, the gross floor area of any upper floor of any building may be increased to exceed the gross floor area of the first floor by more than 15% of said building, provided that the Commission shall make affirmative findings that:

- a. The proposed development will provide for a significant community benefit such as:
  - i. consolidation of two or more parcels into a meaningful master plan,
  - ii. excellence in design which enhances the pedestrian experience and overall streetscape (such as avoiding driveways interrupting the sidewalk), and/or
  - iii. other meaningful public amenities.
- b. the increase in the gross floor area of the upper floor of any building promotes the goal of providing mixed use with residential use of upper floors and contributes to the variety of housing choices;
- c. due to the location and/or design of the proposed use and the size of existing neighboring structures, no neighboring property will be adversely impacted by such structure; and
- d. the size of the proposed structure will be in harmony with the existing development of the zone.

August 8, 2016
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**L. Maximum Floor Area Ratio**

<b>Zone(s)</b>	<b>Limitation</b>	<b>Limitation With Underground Parking (may require Special Permit)</b>
Retail A Zone	No maximum	No maximum
Retail B Zone	0.40	0.46
Business A Zone	0.40	0.46
Business A Zone - for medical, dental or similar health- oriented facilities oc- cupying more than 50% of a building	0.25	0.2875
Business A Zone - for building floor areas relating to residential uses as part of an Affordable Housing Development	No maximum	No maximum
Business B Zone	0.60	0.69
Business C Zone	0.90	1.035
Business D Zone	0.60	0.69

## **SECTION 4.9. SPECIAL PROVISIONS FOR BUSINESS ZONES**

### **A. Height Exceptions for Structures**

The height limitations of these Regulations shall not apply in business zones to:

1. a parapet wall or cornice extending above the height limit not more than three (3) feet,
2. flagpoles less than fifty (50) feet in height above finished grade,
3. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories, or
4. public utility facilities which may be built to a height not to exceed fifty (50) feet.

### **B. Height Exceptions for Roof-Top Appurtenances**

In retail zones and business zones, the building height limitations of these Regulations may be exceeded in the following situations provided that such features shall only be erected only to such heights as are necessary to accomplish the purpose they are intended to serve:

1. Roof-top solar panels provided that:
  - a. horizontal solar panels shall be mounted no more than nine (9) inches above roof level, and
  - b. sloping solar panels shall not project more than ten (10) feet in vertical height above the actual roof level of the building and shall be located so that no part of any such panel shall project above a forty-five-degree slope up from the edge of the roof, and
  - c. such panels shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, except that the Commission may modify these requirements upon proper showing that such screening would materially interfere with the reception of sunlight on solar panels and adversely affect the efficiency of the system.
2. Roof-top appurtenances, including but not limited to HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment provided that:
  - a. no such appurtenance shall be located within ten (10) feet of the edge of the roof of the building, and
  - b. such appurtenances shall not project more than ten (10) feet in vertical height above the actual roof level of the building, and
  - c. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
  - d. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.

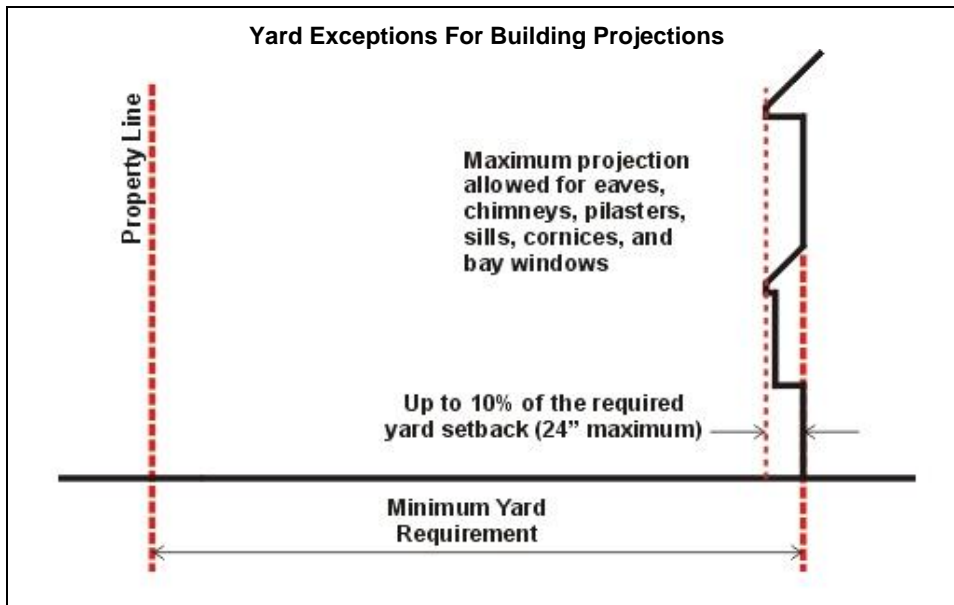
### **C. Driveways and Accessways**

Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.

February 26, 2018

## D. Yard Exceptions

1. Provided that such projections do not extend over a building line, typical building projections such as eaves, cornices, gutters, and belt courses may extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.
2. Provided that such projections do not extend over a building line, typical building projections such as chimneys, pilasters, sills, leaders, and bay windows may, for a maximum horizontal extent of ten (10) feet for each occurrence, extend into any required yard setback not more than the lesser of:
  - a. 10 percent of the required yard setback, or
  - b. 24 inches maximum.



3. By Special Permit in the Retail B Zone, entry stairs, stoops, porches, platforms or other associated projecting appurtenance required to provide safe access into the subject building may project into the front yard setback provided that:
  - a. Neither the walls of the subject building, nor the projecting appurtenance, extends over a building line or pedestrian sidewalk;
  - b. The first floor of the subject building is elevated above grade as a result of unique property features(ex. Topography, shape, presence of a water table, etc.) and said appurtenance is required for access; and
  - c. The Commission shall make further affirmative findings that the proposed projection;
    - i. Will result in excellence in design which will enhance the pedestrian experience and overall streetscape;
    - ii. Provide a meaningful design solution for building access;
    - iii. Promotes the goal of providing a mixed-use development in the zone; and
    - iv. Is otherwise in harmony with the existing neighboring properties in the zone.

## **E. Floor Area Ratio Exceptions**

In order to promote additional housing within the Retail B Zone, Business A Zone and Business B Zone, the Commission may, by Special Permit, allow the gross floor area of residential units to be excluded from the calculation of FAR. Any proposed change in use from residential to a non-residential use must include that square footage in the calculation of FAR and therefore comply with the FAR limitations listed in §4.7.J, in addition to other requirements set forth in these regulations.

## **ARTICLE 5 - SPECIAL ZONES**

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### **SECTION 5.1. WAVENY ZONE**

#### **A. Purposes**

The Waveny Zone is intended to provide for the diverse range of activities and functions that occur on the Town-owned Waveny property while providing for the establishment of flexible guidelines that will protect neighborhood and community interests.

#### **B. Uses Permitted by Right**

A single-family dwelling existing as of the effective date of this Section.

#### **C. Uses Permitted in Accordance with Guidelines**

1. Recreational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, including buildings, structures and playing fields with or without customary spectator amenities.
2. Educational uses in and on land and facilities under the jurisdiction of the Town of New Canaan, whether for profit or otherwise, subject to the approval of the owner of the land and or/facilities.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.
4. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets), where such events are approved by the owner or lessee of the land or facilities, or the agency charged with its management.
5. Not-for-profit community health facilities.

#### **D. Use Guidelines**

1. The Park & Recreation Commission shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.1 through 5.1.C.4.
2. The Board of Education shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdictions under Subsection 5.1.C.1 through 5.1.C.4.
3. The Waveny Care Center shall be the sole authority to prepare written guidelines for the uses permitted for buildings and land under its jurisdiction under Subsection 5.1.C.5.
4. These written guidelines shall be subject to the review and approval of the Commission.
5. Each cited agency shall provide to the Commission on an annual basis, a list of activities approved thereunder
6. Any driveway constructed for vehicular access to another parcel shall be located within the required accessway.



### **E. Uses Permitted by Special Permit**

1. New permanent buildings and facilities for recreational, educational, municipal, or other uses.
2. Water towers or other public utility uses provided that, if there shall be a conflict between a demonstrated public necessity and the Special Permit criteria set forth in these Regulations, the Commission may establish whatever conditions it finds necessary to minimize that conflict.
3. The Commission may, by Special Permit, modify the height limitations in the Wavenny Zone for a municipal facility or a public utility use as follows:
  - a. a parapet wall or cornice may extend above the height limit not more than three (3) feet
  - b. flagpoles may project up to fifty (50) feet in height above finished grade.
  - c. schools, public libraries, municipal buildings, and museums may be built to a height not to exceed three (3) stories.
  - d. public utility facilities may be built to a height not to exceed fifty (50) feet.

### **F. Dimensional Standards**

	Requirement
Maximum Building Height <sup>1</sup>	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side Yard	Fifty (50) Feet
Minimum Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Wavenny Zone may be applied in accordance with the criteria established in Subsection 3.7.A.

### **G. Special Setback Standards**

Within fifty (50) feet of the boundary line of a parcel of land or a lease line for land which is used and occupied by a community health care facility:

1. No stadiums, bleachers or other structures shall be erected.
2. No public address system or exterior lighting shall be installed.
3. The following may be permitted subject to the issuance of a Zoning Permit:
  - a. fences constructed of material which does not substantially obstruct light, air or ventilation.
  - b. low-level, low-intensity lighting.
  - c. bleachers which are neither affixed to the ground nor exceed three levels of seats.
  - d. baseball backstops and similar appurtenances oriented to direct principal sports activities away from said boundary line.
  - e. sports scoreboards designed to be visible principally to spectators not in said setback area.

**H. Temporary Signage Limitations**

1. Temporary signs shall be permitted only on the sign wall at the corner of South Avenue and Farm Road, subject to the guidelines established for signs at that location.
2. On the day or days of the use or activity, a temporary sign may be erected at the South Avenue entrance, the Lapham Road entrance or the Farm Road entrance to the Waveny property, most appropriate to the actual location of the activity or use and such signs shall be removed within 24 hours of completion of the use or activity.

**I. Lighting Limitations**

1. Lighting facilities within the Waveny Zone shall be mounted at a height of 20 feet above grade or less except that, on land under the jurisdiction of the Board of Education, the Commission may, by Special Permit, allow lighting facilities to be mounted up to a height of 70 feet above grade after the Commission has determined that said lighting shall not have a substantially adverse impact on adjoining uses or properties.
2. Any application to erect lighting facilities in excess of 20 feet above grade, as provided above, shall be prepared by a professional engineer licensed in the State of Connecticut and specializing in lighting design and shall include complete technical details including the height and location of proposed lighting, a plan showing proposed foot-candle levels, methods of shielding adjoining properties from the source of illumination, together with all steps that have been or shall be taken to minimize the impact on adjoining properties and the neighborhood.

## **SECTION 5.2. PARK, RECREATION & OPEN SPACE ZONE**

### **A. Purposes**

The Park, Recreation and Open Space zone is intended to provide for the diverse range of activities and functions that occur on Town-owned properties while providing for the establishment of flexible guidelines that shall protect neighborhood and community interests.

### **B. Uses Permitted by Right**

1. A single-family dwelling existing as of June 18, 2005 and accessory buildings or structures incidental and subordinate to the principal use.
2. Parks, playgrounds, recreation areas, greenways, and open space.
3. Temporary uses as specified in Subsection 3.3.B.7, where it is reasonably expected and affirmed by the sponsor that the net profits are to be devoted to the charitable purposes of the sponsoring organization.

### **C. Uses Permitted by Special Permit**

1. Golf courses and uses and activities accessory thereto.
2. Buildings or structures accessory to a park, playground, recreation area, or open space provided that
  - a. such building or structure shall have residential design, scale, architecture, and exterior materials compatible with the residential or recreational character of the area, and
  - b. such accessory building or structure is set back and buffered from adjacent residentially used properties.
3. Community activities, whether for profit or otherwise, including shows, entertainments, concerts, displays, and rehearsals (but not to include flea markets).

### **D. Dimensional Standards**

	<b>Requirement</b>
Maximum Building Height <sup>1</sup>	Thirty (30) Feet Two and One Half (2 1/2) Stories
Maximum Building Coverage	Five (5%) Percent
Minimum Front Yard	Fifty (50) Feet
Minimum Side And Rear Yard	Fifty (50) Feet

1. Exceptions to the building height limitations in the Park, Recreation & Open Space Zone may be applied for in accordance with the criteria established in Subsection 3.7.A.

## **SECTION 5.3. MULTI-FAMILY ZONE**

### **A. Purposes**

The Multi-family Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

### **B. Permitted by Zoning or Other Permit**

1. Single-family dwelling.
2. For a single-family dwelling:
  - a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
  - b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

### **C. Permitted by Special Permit**

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Individual dwelling units in detached buildings or multiple dwelling units in one or more buildings at a density of up to 4.0 units per acre of buildable land.
2. Individual dwelling units in detached buildings or multiple dwelling units in one building by a not-for-profit organization at a density of up to 6.0 units per acre of buildable land.
3. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.

**D. Dimensional Standards****1. Lot- Related Standards**

Minimum zone unit area	30,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum building coverage	30%
Minimum landscaped area	50%

**2. Building-Related Standards**

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

**E. Specific Lot-Related Standards**

1. Landscaped front, side and rear yard buffer areas shall be provided adjacent to each property line of the subject parcel except that if adjacent properties have been developed with a similar use, the Commission may, by Special Permit, modify the buffer area requirement.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Parking areas, including garages, shall:
  - a. comply with Section 6.2 hereof,
  - b. not be located in any required yard setback,
  - c. be suitably screened from adjoining residential uses, and
  - d. to the extent feasible, be designed so that vehicle headlights do not shine directly into the window of any dwelling unit on or off the premises.
4. Driveways and entrance and exit drives shall:
  - a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
  - b. not be permitted within any side or rear yard setback,
  - c. be surfaced with asphalt or another suitable non-erodible surface, and
  - d. be laid out so as to prevent traffic hazards and nuisances.
5. Exterior lighting shall:
  - a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
  - b. not be directed into any abutting properties.
6. Sidewalks shall:
  - a. have a minimum width of five (5) feet,
  - b. be concrete, brick, or other surface acceptable to the Commission, and
  - c. be provided between dwelling units and parking areas, streets and drive-ways.
7. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

**F. Specific Building-Related Standards**

1. No residential building shall contain more than four (4) dwelling units.
2. Every principal and accessory building shall be at least twenty (20) feet distant from any other building on the lot.
3. No length of continuous building wall or continuous building roof shall exceed (sixty) 60 feet unless there is an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
4. In accordance with Subsection 3.6.C, new construction or remodeling of the exterior of any building in a Multi-family Zone shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
5. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.



## **SECTION 5.4. APARTMENT ZONE**

### **A. Purposes**

The Apartment Zone is intended to allow for a diversity of housing types in New Canaan while retaining community character.

### **B. Permitted By Zoning or Other Permit**

1. Single-family dwelling in accordance with the use, area, and dimensional requirements of the B-Residence zone.
2. For a single-family dwelling on lots of less than 10,000 square feet in area:
  - a. accessory uses subject to the same conditions and limitations provided in Section 3.3, and
  - b. accessory structures subject to the same conditions and limitations provided in Section 3.4.
3. For a multi-family dwelling, a home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

### **C. Permitted By Special Permit**

The following uses may be permitted by the Commission by Special Permit provided that the construction, alteration or use shall comply with the requirements of this Section:

1. Attached or detached two family dwellings on lots of less than 15,000 square feet in area, in accordance with the use, area and dimensional requirements of the B Residence Zone except for maximum building coverage which shall comply with § 5.4.D.1.
2. Multi-family dwelling(s).
3. Common recreational facilities such as swimming pools or tennis courts and other uses accessory to a permitted use.
4. Quasi-Public Libraries

**D. Dimensional Standards****1. Lot- Related Standards**

Minimum zone unit area	15,000 square feet
Minimum zone unit width	100 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for a principal building	25 feet
Minimum side and rear yard setbacks for an accessory building	15 feet
Maximum density	One (1) unit per 5,000 square feet of lot area
Maximum building coverage	25%
Minimum landscaped area	50%

**2. Building-Related Standards**

Maximum principal building height	2 ½ stories 30 feet
Maximum total principal building height	40 feet
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	750 square feet excluding basements, attic space and garage space

**E. Specific Lot-Related Standards**

1. Landscaped front, side and rear yard buffer areas of at least fifteen (15) feet in width shall be provided adjacent to each property line of the subject parcel.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Recreational areas shall be provided with:
  - a. A minimum of 200 square feet per dwelling unit.
  - b. No dimension less than twenty (20) feet.
  - c. Not more than one-quarter of any such area to have a grade greater than five percent.
  - d. No boundary line to be less than ten (10) feet from any building or less than five (5) feet from any interior lot line.

**F. Specific Building-Related Standards**

1. Each dwelling unit shall have access to a service entrance opening into a rear or side yard.
2. No length of continuous building wall or continuous building roof shall exceed sixty (60) feet unless there shall be an offset of at least ten (10) feet for a distance of at least twenty (20) feet.
3. Any open courtyard surrounded by a building or buildings shall be at least twice as wide as the highest wall of the courtyard and shall, in area, be at least twice the square of the smallest dimension.
4. For an open courtyard between buildings, buildings separated at nearest points by at least the average of their combined heights may overlap for a distance not to exceed ten (10) feet.

**G. Specific Parking-Related Standards**

1. Parking areas shall:
  - a. comply with Section 6.2 hereof,
  - b. be located at least 10 feet from any dwelling unit within the development unless it is an attached garage or underground parking, and
  - c. be suitably screened from adjoining residential uses.
2. Enclosed garage spaces, if provided, shall be considered as satisfying the minimum off-street parking requirement for the development provided there shall be at least 0.25 visitor spaces per dwelling unit.
3. No portion of any parking area shall be more than 300 feet from the entrance of any building served thereby.
4. To the extent feasible, parking areas and access drives shall be designed so that vehicle headlights do not shine directly into the window of any unit.

**H. Other Standards**

1. In accordance with Subsection 3.6.E, new construction or remodeling of the exterior of any multi-family residential building containing four (4) or more units shall be reviewed in accordance with the provisions of Section 6.12 of these Regulations.
2. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.
3. Driveways and entrance and exit drives shall:
  - a. have a minimum width of twenty (20) feet for two-way travel and fifteen (15) feet for one-way travel,
  - b. not extend within ten (10) feet of any building used wholly or in part for dwelling purposes unless it is an attached garage or underground parking,
  - c. be surfaced with asphalt or another suitable non-erodible surface, and
  - d. be laid out so as to prevent traffic hazards and nuisances.
4. Exterior lighting shall:
  - a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic, and
  - b. not be directed into any abutting properties
5. Sidewalks shall:
  - a. have a minimum width of five feet (5'),
  - b. be concrete, brick, or other surface acceptable to the Commission, and
  - c. be provided between dwelling units and parking areas, streets and driveways.
6. Any outdoor recreation facilities shall comply with the criteria specified in Subsection 3.4.B.4 or Subsection 3.4.C.2.

**SECTION 5.5. FLOODPLAIN OVERLAY ZONE****A. Purpose**

The Floodplain Overlay Zone is intended to provide reasonable notice regarding property that may be subject to the effects of flooding.

**B. Standards**

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone provided that they comply with the requirements of the Town Code relating to floodplains and any requirements of the Environmental Commission, acting as the administrator of the floodplain standards.

**SECTION 5.6. AQUIFER PROTECTION OVERLAY ZONE****A. Purpose**

The purpose of the Aquifer Protection Zone is to preserve the quality and quantity of the groundwater supply by regulating land uses which may cause contamination of designated aquifers and aquifer recharge areas.

**B. Standards**

Principal and accessory buildings, structures, uses, and activities allowed in the underlying zone are permitted in the Aquifer Protection Overlay Zone provided that they comply with the requirements of the Town Code relating to aquifer protection and any requirements of the Environmental Commission, acting as the administrator of the aquifer protection standards.

**SECTION 5.7. MILLPORT HOUSING ZONE****A. Purpose**

The Millport Housing Zone is intended to increase economic diversity of housing types in New Canaan by allowing a small, well-designed and landscaped multi-family development.

**B. Properties Eligible for Rezoning to Millport Housing Zone**

To be eligible for rezoning to Millport Housing Zone, a parcel or parcels to be merged must total at least four (4.0) acres and have no less than 300 feet of frontage on Millport Avenue.

**C. Uses Permitted by Site Plan Approval**

Multi-family residential dwellings with a maximum of forty (40) units per building, with a total density of not more than thirty (30) units per gross acre.

**D. Accessory Uses Permitted by Site Plan Approval**

1. Free-standing garage structures of not more than six spaces, with a minimum side yard of ten (10) feet.
2. Home offices and minor home occupations allowed by Sections 3.3.A.4 and 3.3.B.4.

**E. Dimensional Standards**

## 1. Lot-Related Standards

Maximum building coverage	30 percent
Maximum combined impervious coverage	65 percent

## 2. Principal Building Standards

Maximum height (vertical distance from average grade of building to highest mean elevation between highest ridge and lowest corresponding eave)	<b>40 feet</b>
Maximum total height	<b>50 feet</b>
Maximum stories	<b>4.0 stories</b>
Minimum front yard	10 feet
Minimum side yard	12 feet
Minimum rear yard	15 feet
Minimum separation distance between buildings	5 feet
Parking	<b>1.0 space</b> per apartment home

**F. Site Plan Standards**

1. In accordance with Subsection 3.6.C, new construction or renovation of the exterior of any multi-family residential building or any detached garage shall be reviewed using the criteria set forth in subsection 6.12.D of these Regulations.
2. All dwelling units and other uses shall be located within the sewer district, and shall be connected to public water.
3. Driveways and entrance and exit drives shall:
  - a. have a minimum width of eighteen (18) feet for two-way travel and twelve (12) feet for one-way travel;
  - b. be surfaced with asphalt or another suitable non-erodible surface; and
  - c. be laid out so as to prevent traffic hazards and nuisances.
4. Parking stalls shall be eight (8) feet, six (6) inches wide and twenty (20) feet long, and the site plan shall provide for driving aisles at least twenty-four (24) feet wide.



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5. Exterior lighting shall:
  - a. be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;
  - b. not be directed into any abutting properties; and
  - c. comply with Section 6.11.
6. Sidewalks shall:
  - a. have a minimum width of four (4) feet;
  - b. be concrete, brick, or other surface acceptable to the Commission; and
  - c. be provided between dwelling units and parking areas, streets, and driveways.
7. Retaining walls shall:
  - a. have a maximum height of fifteen (15) feet;
  - b. when tiered, be separated by at least four (4) feet;
  - c. be no closer to a side property line than **five (5) feet**;
  - d. have a surface treatment / appearance that is suitable to a residential development; and shall be screened from abutting property by planting or landscaping.
8. Stormwater Management: In addition to compliance with Section 6.4.J of these Regulations, applicant shall use Low Impact Design practices and techniques to the maximum extent possible, including the use of a "green roof" to collect and renovate stormwater.
9. Grading, Excavation, Soil Disturbance.
  - a. Excavating, grading, or soil disturbance, including removal of trees and vegetative ground cover, shall occur only as specifically approved by the Commission as part of site plan approval, and shall be granted only as essential to the construction or alteration of residential and accessory buildings, and installation of driveways, utilities, or amenities.
  - b. The applicant shall provide the Commission, in connection with its site plan application, a calculation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut / fill calculation.
  - c. The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import / export.
  - d. The applicant shall comply with the provision of Section 6.4.H and 6.4.I of these Regulations.

## **G. Standards and Regulations for Household Income and Sale / Resale Price Limitations**

A development in a Millport Housing Zone shall be either a "set aside development" or "assisted housing" in compliance with General Statutes § 8-30g.

## **H. Affordable Apartment Home Requirements**

The purpose of the Millport Housing Zone is to facilitate a residential community containing household income / price-restricted dwellings that comply with § 8-30g of the General Statutes. The following requirements shall apply:

1. Affordable apartment homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes (if any) within the community. The Affordability Plan shall identify the locations within the community of the affordable apartment homes.
2. Calculation of the maximum monthly payment for affordable apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.
3. The maximum monthly payment that the owner of an affordable apartment home shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g.
4. An affordable apartment home shall be occupied only as a principal residence. Sub-leasing of affordable apartment homes shall be prohibited.
5. Notice of availability of the apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of New Canaan, by providing notice to the New Canaan Town Council, the New Canaan Town Clerk, and the New Canaan Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Affordability Plan.
6. Each lease for an affordable apartment home will contain substantially the following provision:  
  

"This apartment home is an affordable housing unit and is therefore subject to a limitation at the date of leasing and occupancy on the maximum annual income of the household that may occupy the apartment home, and is subject to a limitation on the maximum monthly rent. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of New Canaan."
7. The forty (40) year affordability period shall be calculated separately for each affordable apartment home in a Millport Housing Zone, and the period shall begin on the date, as stated in the lease, of occupancy of the affordable apartment home.

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8. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the New Canaan Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

**I. Conflicts**

Where any provision of this Section conflicts with any other provisions of the New Canaan Zoning Regulations, the provisions of this Section shall govern.

**J. Submission Requirements**

1. As applicant seeking approval of a site plan for a Millport Housing Zone development shall submit all information required by Section 8.2 of these Regulations.
2. The applicant shall also submit an Affordability Plan explaining how household income and rental price limits will be calculated and administered, and how the development will comply with General Statutes § 8-30g.

Adopted – November 29, 2016

Effective – December 29, 2016

Corrected Version – April 7, 2017 Corrected Language Underlined

## **SECTION 5.8. PEDESTRIAN ORIENTED MULTI-FAMILY ZONE (POMZ)**

### **A. Purpose**

The Pedestrian Oriented Multi-Family Zone (POMZ) is intended to add to the diversity of housing types in New Canaan located within walking distance (less than 1,000 feet) of the Metro North train station and downtown, and in an area that has the potential for development of higher density multi-family buildings within the Apartment Zone that supports transit and local demand for shops and services. The POMZ is an overlay zone, which enables an applicant to request Special Permit approval of a development using the provisions of this Section instead of those for the Apartment Zone, the underlying zone. The POMZ modifications to the Apartment Zone regulations are in conformance with the Plan of Conservation and Development and are designed to preserve health, safety, property values, and the residential character of New Canaan, broaden the housing opportunities in and near downtown, provide additional residential development within walking distance of the train station and the downtown shopping area, provide open spaces and opportunities for public access and connectivity, establish mid-block links in the pedestrian circulation system, minimize land area for surface parking, provide workforce housing, and establish parking requirements that support transit use and reduce land invested in parking.

### **B. Properties Eligible for rezoning to POMZ Zone**

To be eligible for rezoning to POMZ:

1. The lot size must be at least three and one-quarter (3.25) acres;
2. The three and one-quarter (3.25) acre minimum shall have been held as a single parcel of land, whether by one owner or successive owners, for at least ten (10) consecutive years prior to an application for a zone change to POMZ zone;
3. The lot must have been located within the Apartment Zone for at least ten (10) years and in walking distance (less than 1,000 feet) to downtown and Metro North Train station;
4. At the time of the application the property must be connected to public water supply;
5. At the time of the application the property must be served by the Town sewage system; and
6. The planned multifamily buildings and units must comply with this Section of the Regulations as well as all other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

**C. Uses Permitted by Special Permit Approval**

Multi-family residential dwellings units in one or more buildings located on at least a three and one-quarter (3.25) acre lot as set forth in Subsections 5.8.B.1 and 2.

Uses customarily associated with services for multi-family residential dwellings (i.e. indoor fitness facilities, storage facilities, dry cleaning drop off and pick up, storage of lawn and maintenance equipment, etc.)

**D. Accessory Uses Permitted by Special Permit**

A home office, keeping of animals and other customary uses subject to the same conditions and limitations provided in Subsection 3.3.A.

**E. Dimensional Standards****1. Lot- Related Standards**

Minimum zone unit area	140,000 square feet
Minimum zone unit width	200 feet
Minimum front yard setbacks	25 feet
Minimum side and rear yard setbacks for all buildings	25 feet <sup>1</sup>
Maximum density	One (1) unit per 1,200 square feet of lot area
Maximum building coverage	35%
Minimum open space area <sup>2</sup>	50%

**2. Building-Related Standards**

Maximum building height <sup>3</sup>	45 feet
Maximum total building height	55 feet
Maximum stories	4 stories
Maximum accessory building height	20 feet 1 ½ story
Minimum gross floor area per unit	650 square feet
Maximum number of units	One hundred and twenty-five (125) units

<sup>1</sup> The Commission may reduce the minimum side yard to no less than 12 feet in areas where the building on the adjacent property is more than 40 feet away.

<sup>2</sup> Includes walks and open space over underground garages and excludes buildings and vehicular drives and parking.

<sup>3</sup> In order to accommodate the underground parking, peaked roofs, and open space requirements, building height is determined by measuring from the entry level to the eave line and total building height is measured from the entry level.

**3. Minimum Parking**

Parking Spaces

1.5 spaces per unit

**F. Specific Lot-Related Standards**

1. Landscaped front, side and rear yard buffer areas of at least twelve (12) feet in width shall be provided adjacent to each property line of the subject parcel.
2. Side and rear yard buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order and present a reasonably opaque, natural barrier to a height of at least ten (10) feet.
3. Open space areas shall be provided with improvements that encourage pedestrian circulation for mid-block connections and a sense of community and place.

**G. Specific Parking-Related Standards**

1. Eighty percent (80%) of the parking spaces on the site must be located underground.
2. Parking areas shall:
  - a. comply with Section 6.2 of these Regulations, except as otherwise provided within this section; and
  - b. be suitably screened from adjoining residential uses.
3. Parking stalls shall be at least nine (9) feet wide and eighteen (18) feet long, and the site plan shall provide for driving aisles for perpendicular parking of at least twenty-four (24) feet wide.
4. No portion of any parking area shall be more than 300 feet from the entrance of any building served thereby.
5. To the extent feasible, parking areas and access drives shall be designed so that vehicle headlights do not shine directly into the window of any unit.
6. Tandem Parking shall be allowed by the Site Plan Approval if the spaces in tandem configuration are allocated to one dwelling unit. No parking attendant shall be required.

**H. Site Plan and Other Standards**

1. The POMZ development shall be reviewed using the criteria set forth in Subsection J of this Section.
2. All dwelling units and other uses shall be connected to and served by public water and shall be located within the sewer district.
3. Driveways and entrance and exit drives shall:



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- a. have a minimum width of twenty (20) feet for two-way travel and twelve (12) feet for one-way travel;
  - b. not extend within ten (10) feet of any building used wholly or in part for dwelling purposes unless it is an attached garage or underground parking;
  - c. be surfaced with asphalt or another suitable non-erodible surface; and
  - d. be laid out so as to prevent traffic hazards and nuisances.
4. Exterior lighting shall:
- a. be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere where required for the safety of vehicular or pedestrian traffic; and
  - b. not be directed into any abutting properties.
5. Sidewalks shall:
- a. have a minimum width of five feet (5');
  - c. be concrete, brick, or other surface acceptable to the Commission; and
  - d. be provided between dwelling units and parking areas, streets and driveways.

## I. Submission and other Approval Requirements

- 1. An applicant seeking approval for the rezoning of land to POMZ and of an accompanying Special Permit for development of multi-family residential dwellings in accordance herewith shall submit all information required in this Section and by applicable Sections of Article 8 of these Regulations.
- 2. Before the commission approves such special permit and rezoning application, it shall review the applications in accordance with applicable Sections of Article 8 if these Regulations and shall determine that the application is in conformance with this section of the Regulations as well as all other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

## J. Design Review

### 1. Purpose

This Subsection is intended to govern the design aspects for POMZ and aid applicants in ensuring that their designs for a POMZ development encourage high quality building and site design, comply with the Plan of Conservation and Development, are designed to preserve health, safety, property values, and the residential character of New Canaan, broaden the housing opportunities near downtown, provide additional residential development in walking distance to the train station and downtown, reduce land utilized for

parking, and encourage public transit use and pedestrian access to downtown.

## **2. Procedure**

The Commission shall review an application submitted pursuant to this Section in relation to the design guidelines of this Subsection.

## **3. Guidelines**

### **a. Relationship of Buildings to Site and Adjoining Areas**

1. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and residential characteristics.
2. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
3. Parking areas shall be treated appropriately in relation to the building(s), and preserve the residential quality of the neighborhood and the community while supporting transit use, encouraging pedestrian access to downtown, and reducing the amount land utilized for parking.
4. Each building shall: provide suitable multi-family housing opportunities for seniors and young adults be compatible with its site; be designed to preserve health, safety, property values, and the overall residential character of New Canaan; provide suitable multi-family housing opportunities within walking distance to the train station and downtown; and designed to encourage public transit use and pedestrian access to downtown.
5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
6. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

### **b. Landscape and Site Treatment**

1. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
2. Plant material that is non-invasive and native or adapted species, indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
3. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
4. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan to the extent feasible.

**c. Building Design**

1. Architectural features shall be of high quality and maintain a residential quality, while at the same time providing multifamily housing opportunities suitable for a transit oriented zone in walking distance of the train station and downtown.
2. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
3. Building materials shall have good architectural character and durable quality and maintain a residential quality, while at the same time providing multifamily housing opportunities suitable for a transit oriented zone in walking distance of the train station and downtown.
4. Building textures, colors, and components shall be in harmony with a residential neighborhood.
5. Utility and service equipment areas shall be screened from public view with materials harmonious with the building(s).

**d. Signs and Lighting**

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
- b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
- c. Lighting shall be restrained in design and excessive brightness avoided.

## SECTION 5.9. CANAAN PARISH HOUSING ZONE

### A. Purpose

The Canaan Parish Housing Zone is intended to increase economic diversity of housing types in New Canaan by allowing a small, well-designed and landscaped multi-family development.

### B. Properties Eligible for Rezoning to Canaan Parish Housing Zone

To be eligible for rezoning to Canaan Parish Housing Zone, a parcel or parcels to be merged must total at least four (4.0) acres and have no less than 200 feet of frontage on Lakeview Avenue.

### C. Uses Permitted by Site Plan Approval

Multi-family residential dwellings with a maximum of sixty-five (65) units per building, with a total density of not more than thirty (30) units per gross acre.

### D. Accessory Uses Permitted by Site Plan Approval

1. Free-standing garage structures of not more than six spaces, with a minimum side yard of ten (10) feet.
2. Home offices and minor home occupations allowed by Sections 3.3.A.4 and 3.3.B.4.
3. Free-standing bus shelter structure with no front yard minimum.
4. Clubhouse/community space for use by tenants.

### E. Dimensional Standards

#### 1. Lot-Related Standards

Maximum building coverage	30 percent
Maximum combined impervious coverage	65 percent

#### 2. Principal Building Standards

Maximum height (vertical distance from average grade of building to highest mean elevation between highest ridge and lowest corresponding eave)	<b>56 feet</b>
Maximum total height	<b>67 feet</b>
Maximum stories (a ground-level parking area shall not constitute a story)	<b>4.0 stories</b>
Minimum front yard	10 feet
Minimum side yard	12 feet
Minimum rear yard	15 feet
Minimum separation distance between buildings	5 feet
Parking	<b>1.5 spaces per apartment home</b>

**F. Site Plan Standards**

1. In accordance with Subsection 3.6.C, new construction or renovation of the exterior of any multi-family residential building or any detached garage shall be reviewed using the criteria set forth in subsection 6.12.D of these Regulations.
2. All dwelling units and other uses shall be located within the sewer district, and shall be connected to public water.
3. Driveways and entrance and exit drives shall:
  - a. have a minimum width of eighteen (18) feet for two-way travel and twelve (12) feet for one-way travel;
  - b. be surfaced with asphalt or another suitable non-erodible surface; and
  - c. be laid out so as to prevent traffic hazards and nuisances.
4. Parking stalls shall be nine (9) feet wide and twenty (20) feet long, and the site plan shall provide for driving aisles at least twenty-four (24) feet wide.
5. Exterior lighting shall:
  - a. be provided and maintained at all access points to streets, parking areas, building entrances, and elsewhere where required for the safety of vehicular or pedestrian traffic;
  - b. not be directed into any abutting properties; and
  - c. comply with Section 6.11.
6. Sidewalks shall:
  - a. have a minimum width of four (4) feet;
  - b. be concrete, brick, or other surface acceptable to the Commission; and
  - c. be provided between dwelling units and parking areas, streets, and driveways.
7. Retaining walls shall:
  - a. have a maximum height of fifteen (15) feet;
  - b. when tiered, be separated by at least four (4) feet;
  - c. be no closer to a side property line than one (1) foot;
  - d. have a surface treatment/appearance that is suitable to a residential development; and shall be screened from abutting property by planting or landscaping.

8. Stormwater Management: In addition to compliance with Section 6.4.J of these Regulations, applicant shall use Low Impact Design practices and techniques to the maximum extent possible.
9. Grading, Excavation, Soil Disturbance.
  - a. Excavating, grading, or soil disturbance, including removal of trees and vegetative ground cover, shall occur only as specifically approved by the Commission as part of site plan approval, and shall be granted only as essential to the construction or alteration of residential and accessory buildings, and installation of driveways, utilities, or amenities.
  - b. The applicant shall provide the Commission, in connection with its site plan application, a calculation and specification of the amount, lateral extent, and depth of earth materials to be excavated; materials to be reused on-site; materials to be imported; and a net cut/fill calculation.
  - c. The application erosion control plan shall specifically address controls tailored to the amount, location, and timetable for cut, fill, excavation, and import/ export.
  - d. The applicant shall comply with the provision of Section 6.4.H and 6.4.1 of these Regulations.

#### **G. Standards and Regulations for Household Income and Sale/Resale Price Limitations**

A development in a Canaan Parish Housing Zone shall be either a "set aside development" or "assisted housing" in compliance with General Statutes § 8-30g.

#### **H. Affordable Apartment Home Requirements**

The purpose of the Canaan Parish Housing Zone is to facilitate a residential community containing household income/price-restricted dwellings that comply with § 8-30g of the General Statutes. The following requirements shall apply:

1. Affordable apartment homes shall be of a construction quality that is comparable to a baseline specification for market-rate homes (if any) within the community. The Affordability Plan shall identify the locations within the community of the affordable apartment homes.
2. Calculation of the maximum monthly payment for affordable apartment homes, so as to satisfy General Statutes § 8-30g, shall utilize the median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a lease is executed.
3. The maximum monthly payment that the owner of an affordable apartment home shall pay shall not be greater than the amount that will preserve such unit as defined in General Statutes § 8-30g.
4. An affordable apartment home shall be occupied only as a principal residence. Sub-leasing of affordable apartment homes shall be prohibited.



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5. Notice of availability of the apartment homes shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of New Canaan, by providing notice to the New Canaan Town Council, the New Canaan Town Clerk, and the New Canaan Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan in the Affordability Plan.
6. Each lease for an affordable apartment home will contain substantially the following provision:  
  
"This apartment home is an affordable housing unit and is therefore subject to a limitation at the date of leasing and occupancy on the maximum annual income of the household that may occupy the apartment home, and is subject to a limitation on the maximum monthly rent. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of New Canaan."
7. The forty (40) year affordability period shall be calculated separately for each affordable apartment home in a Canaan Parish Housing Zone, and the period shall begin on the date, as stated in the lease, of occupancy of the affordable apartment home.
8. A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the New Canaan Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

**I. Conflicts**

Where any provision of this Section conflicts with any other provisions of the New Canaan Zoning Regulations, the provisions of this Section shall govern.

**J. Submission Requirements**

1. As applicant seeking approval of a site plan for a Canaan Parish Housing Zone development shall submit all information required by Section 8.2 of these Regulations.
2. The applicant shall also submit an Affordability Plan explaining how household income and rental price limits will be calculated and administered, and how the development will comply with General Statutes § 8-30g.

September 20, 2018

## **SECTION 5.10. QUASI-PUBLIC LIBRARY OVERLAY ZONE (LZ)**

### **A. Purpose**

The Quasi-Public Library Zone (LZ) is intended to facilitate an excellent Quasi-Public Library facility in the downtown to provide services and collections, and enhanced facilities for lifelong learning, cultural enrichment and information exchange for the local community. It recognizes a library's contribution to New Canaan's overall quality of life, economic vitality, property values, and capacity to enhance and sustain the downtown area. The LZ Zone is an overlay zone that enables the applicant to request Special Permit approval of a development that complies with the provisions of this Section instead of the mandatory base standards of the underlying zone(s) to address its unique spatial needs, and to encourage it to provide a downtown venue for community and non-profit events; to add open space; and to enhance pedestrian connectivity to shops and services. It promotes efficiencies in the use of land and energy to lessen the environmental impact on the Town's built environment. The LZ Zone supports and is consistent with the goals and objectives of the Plan of Conservation and Development.

### **B. Properties Eligible for Rezoning to LZ Zone**

To be eligible for rezoning to the LZ Zone:

1. The minimum proposed lot area shall be 2 acres;
2. The lot shall have frontage on a State Route;
3. The lot(s) is currently located in a Retail, Business, and/or an Apartment Zone.
4. The lot shall currently be served by public water and located within the town sewer district; and
5. The planned building and site improvements shall comply with this Section of the Regulations as well as all other applicable provisions of the Regulations not modified by this Section. In the event of conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

### **C. Uses Permitted by Special Permit Approval**

1. A Quasi-Public Library.

### **D. Accessory Uses Permitted by Special Permit**

1. A Private Park, privately-owned and open to the public, available for use for library programs, cultural purposes and civic events;

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2. An auditorium;
3. An indoor, commercial-grade Kitchen for educational use in conjunction with library programs and available for catering a function or event held in the facility's community room(s), auditorium, or outdoor civic space;
4. An indoor café as an on-site amenity for library patrons and visitors, operated by the property owner or an outside vendor; and
5. A rooftop terrace.

### E. Dimensional Standards

#### 1. Lot-Related Standards

Minimum Zone Unit area	87,120 square feet
Minimum Zone Unit width	100 feet
Minimum Front Yard setback	20 feet
Minimum side yard setbacks	20 feet
Minimum rear yard setback	25 feet
Maximum building coverage	30 %
Minimum open space area <sup>1</sup>	50 %

#### 2. Building-Related Standards

Maximum building height	40 feet
Maximum total building height	50 feet
Maximum number of stories	2.5 stories
Maximum total accessory building height	15 feet/1.5 stories

#### 3. Minimum Parking Required for a Quasi-Library Use

As determined by the Commission after review and consideration of a parking needs study prepared by a qualified professional traffic engineer or traffic consultant submitted by the applicant, and as may be modified pursuant to Subsection G. of this Section.

### F. Specific [Special] Lot-Related Standards

1. A new open space area shall be provided with improvements for library programs, cultural and passive recreational, and civic use and open to the public during reasonable days and times as determined by the Applicant. Public access to such open space area shall have direct pedestrian access from a public right-of-way.
2. Landscaped buffers at least 15 feet in depth shall be provided along the front lot line(s) of the lot.
3. Landscaped buffers at least 5 feet in depth or a fence at least 4 feet in height shall be provided adjacent to any side or rear lot lines of the lot abutting a commercially-zoned lot, and a landscaped buffer of at least 20

<sup>1</sup> Includes landscaped and lawn areas, walkways, terraces and site walls, and excludes buildings, vehicular drives and service courts, and parking.

feet in depth adjacent to any side or rear lot lines abutting a residentially-zoned lot.

### **G. Specific Parking-Related Standards**

1. Parking areas shall comply with dimensional standards and Section 6.2 of these Regulations except as otherwise set forth within this Section.
2. Up to 20 percent (20%) of the total minimum number of required parking spaces may be compact car spaces, with a minimum dimension of 8 feet by 16 feet. Compact car spaces shall be grouped together in uniform bays and striped with yellow paint, and with signage posted or painted on each space stating "Compact Cars Only".
3. All required parking shall be located on the same lot as the use served, or an off-site parking facility within 500 feet as measured from the most distant off-site parking space reserved for library use to the building. \_
4. Subject to Site Plan and Special Permit approval and, if required, approval of a Municipal Improvement pursuant to Section 8-24 of the Connecticut General Statutes, the minimum parking requirement for a Quasi-Public Library use may be met in total or in part on Town-owned land, or on privately-owned land, or a combination thereof, provided the following conditions, as applicable, are met:
  - a. The off-site parking area shall provide sufficient spaces to comply with the parking requirement for all uses served by the off-site parking facility.
  - b. The Town-owned land abuts or is located directly across the street from the subject lot. On-street public parking spaces are not eligible to meet this requirement; and
    - i. The Town-owned lot has enough excess land to construct additional parking spaces in conformance with the parking dimensional standards set forth in Section 6.12 of the Regulations that, once built, will accommodate both the general public's peak parking demand and the library's projected peak parking demand;
    - ii. The Town-owned parking facility, inclusive of any improvements, shall continue to be wholly owned by the Town.
      - I. The applicant shall enter into an agreement (license, lease, or easement) with the Town for use of a specified number of parking spaces in the subject Town-owned lot to meet, in part or in whole the minimum parking requirement under this Section and shall maintain such lease agreement to ensure continued zoning compliance with this Section.
  - c. In the case of the proposed use of off-site parking on privately-owned land for library staff only:

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- i. Any prior Special Permit approval allowing required parking for library staff parking to be satisfied off-site shall remain in effect; or if a new off-site parking location is proposed, such parking facility shall be located in a Retail, Business, or Apartment Zone.
  - ii. An agreement (license, lease, or easement) allowing such use by library staff shall be entered into between the library and the private property owner, a notice of which shall be filed on the Town land records.
5. If the agreement for use of such off-site private parking facility expires, the applicant shall return to the Commission for approval of a modification of its Special Permit with respect to parking.
  6. For Library uses in the LZ Overlay Zone at least one (1) electric vehicle charging station shall be provided on site, the PZC shall make a determination whether additional electric vehicle charger are required and how many.

### H. Site Plan Standards

1. In reviewing the proposed LZ Zone development, the Commission shall use the design guidelines set forth in Subsection K. of this Section.
2. All site utility connections shall be located underground.
3. The Commission may require Applicants to take appropriate actions in order to preserve various natural and/or manmade features on the site.

### I. Continued Use of Existing Facilities While New Approved Facilities under Construction

The Commission, by Special Permit, may authorize the applicant to continue the use and operation of existing facilities on the lot during construction of any new improvements approved under this Section, upon finding that the proposed construction phasing and logistics plan submitted by the applicant demonstrates that adequate library patron and staff parking, loading, and public safety measures will be provided and enforced throughout construction.

### J. Submission and Other Approval Requirements

1. An applicant seeking approval for the rezoning of land the LZ Zone and of an accompanying Special Permit and Site Plan for the construction, additions to and/or alterations of a Quasi-Public Library in accordance with this Section shall submit all information required under the Section and by any applicable Sections of Article 8 of these Regulations.
2. The Site Plan application shall include a preliminary construction phasing and logistics plan that details the location of construction access, staging area(s) and contractor parking, and public safety measures to be implemented during construction.

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3. Before granting an approval, the Commission shall review the application for rezoning the lot to an LZ Zone, Special Permit and Site Plan in accordance with applicable provisions set forth in Article 8 of these Regulations and shall determine that the applications are in conformance with this Section and any other applicable provisions of the Regulations. In the event of any conflict between the provisions of this Section and any other Section of the Regulations, the provisions of this Section shall control.

## **K. Design Review**

### **1. Purpose**

This Subsection is intended to guide the aesthetic design of the proposed buildings and site improvements in a LZ Zone encourage a high quality building and site design, complement the general purpose and intent of Section 6.12 of these Regulations, and are consistent with applicable goals of the Plan of Conservation and Development to preserve and enhance the public health, safety and welfare, promote pedestrian connectivity to the downtown, and to reduce the amount of land used for parking in order to conserve environmental resources. These design guidelines also encourage, to the extent practicable, the incorporation of site and building materials and systems to increase the efficiency with which a building uses energy and natural resources and materials to reduce building impacts on public health and environment during the building's lifecycle.

### **2. Procedure**

The Commission shall review an application made pursuant to this Section in relation to the design guidelines of this Subsection.

### **3. Design Guidelines**

#### **a. Site Infrastructure Standards**

- i. Site planning shall promote the control of stormwater and stormwater pollutants exiting the site. Incorporation of Low-Impact Development ("LID") Principles set forth in the 2004 Connecticut Stormwater Quality Manual is encouraged.

#### **b. Exterior Building Design**

- i. The overall building design shall be of superior quality, cohesive with site design features, and express the library's function as an institutional use.
- ii. Exterior building walls and rooflines shall be varied in plane and/or materials to reduce the appearance of bulk, and provide architectural interest.



- iii. To ensure a diverse street wall façade and promote the pedestrian scale in the downtown, no length of continuous building wall at grade level shall exceed 75 feet without being separated by a variation in its horizontal plane at grade level by an inset or projection of a minimum of 7 feet for a minimum horizontal distance of at least 15 feet, or by a window with a minimum width of 15 feet. At least 30% of the wall plane on each side of the building's upper stories shall be transparent.
- iv. Building textures, colors and other exterior architectural features shall be harmonious with the building project's site design. Use of natural materials such as stone, wood or brick for building walls is encouraged.
- v. Utility and service equipment areas located at grade or on a rooftop shall be screened from public view with materials complementary to the building's architecture or landscape design.
- vi. A proposed new building or building addition shall incorporate to the extent practicable materials and systems that provide optimized energy reduction strategies, including but not limited to: daylight sensors and optimization; high efficiency mechanical, electrical and lighting systems; low emitting glazing; window shades; photovoltaic panels; and high-albedo surfaces that reduce heat island effect.
- vii. Use of low-emitting materials and moisture management systems indoors to improve indoor air quality is encouraged.
- viii. Electric and water conservation measures such as daylight sensors for shutting off lights during inactive or after-hours periods, and low-flow plumbing fixtures.
- c. Landscape and Hardscape Treatments and Design
  - i. Proposed landscape and hardscape treatments shall represent a unified plan and aesthetically relate to and enhance architectural and site features, and screen unsightly areas.
  - ii. Additional landscaping beyond that minimally required by this Section is encouraged to further "green" the downtown and enhance the facility's public health benefits.
  - iii. Plans shall include a desirable streetscape that offers a pleasing transition from the central retail district to the neighboring residential areas. At least one (1) shade tree having a caliper of not less than 2 inches as measured at 4 feet above grade shall be provided within the front landscaped area for each 50 feet of street frontage or fraction thereof unless precluded by natural topographic conditions (such as depth to bedrock), or the location of utility lines or easements.

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- iv. Interior lot lines adjacent to commercial uses shall be suitably screened by a decorative fence or wall and/or closely planted evergreen shrubs to a height of 6 feet.
- v. Planting beds are recommended along exposed building edges, foundations and uninterrupted walls. Plantings shall provide either a formal pattern or a naturalistic blend of heights, colors, and textures for visual relief and lessen the heat-island effects of adjacent paved surfaces. Planted areas located adjacent to a building shall be a minimum of 7 feet in width.
- vi. Plant material that is hardy, non-invasive and locally native and tolerant to drought and urban conditions shall be selected for its ultimate growth at maturity, and for interest in shape, texture and color.
- vii. Parking Area Landscaping Standards set forth in Section 6.1 D. of these Regulations shall apply.
- viii. Outdoor Loading and service areas shall be adequate to safely and efficiently serve the facility, designed to minimize conflict points for pedestrians, and screened from view from public rights-of-way to the extent practicable.
- ix. Convenient pedestrian use and connections within the site and surrounding streets. These features shall be constructed of all-weather materials such as semi-pervious asphalt, brick, concrete, or paving blocks.
- x. Site Signage and Exterior Lighting
  - a) Each sign shall be designed as an integral architectural building or site element and coordinated with the design vocabulary of the building architecture.
  - b) The number, location and maximum dimensions of signs allowed in the LZ Zone shall be permitted by Site Plan approval by the Commission after consideration of the proposed signage relationship to the size, location, topography, or other unique conditions pertaining to the lot or building(s) thereon.
  - c) The provisions of Section 6.3., Subsections E. through H. of these Regulations shall apply.
  - d) In addition to the provisions of Section 6.11 of these Regulations, exterior lighting, where used, shall enhance the building design and site landscaping, and shall be restrained in design and excessive brightness.

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**4. Outdoor Civic Spaces**

Property owners in the LZ Zone are encouraged to create outdoor open spaces that benefit a greater number of the public. Such outdoor spaces can be small, integrated into the site or buildings, and serve dual purposes. Such areas may include, but are not limited to the following:

- Courtyards and Forecourts
- Private Parks
- Playgrounds
- Rooftop Gardens and Terraces
- Areas for visual and performing arts, or passive recreation.

**L. Decision Considerations**

In addition to the criteria set forth in Sections 8.2.A.3., 8.2.B.3., and 8.2.D.3 of these Regulations, the Commission shall consider whether the submitted Zone Change Application, the Site Plan Application, and the Special Permit Application meet the intent of the stated Purpose and Design Guidelines, and comply with the dimensional, Site Plan and Special Permit standards set forth in this Section.

**M. Expiration and Completion**

1. Any Site Plan approval under which no work has commenced within twenty-four (24) months from the date of Site Plan approval shall become null and void, unless the Commission approves prior to the expiration date a six (6) month extension of time based on good cause shown. The Commission shall not grant more than two (2) such six (6) month extensions.
2. All work in connection with a Site Plan shall be completed within the timeframe, as may be extended by the Commission, set forth in Section 8.2.A.6. of these Regulations.

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## ARTICLE 6 - BASIC STANDARDS

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### SECTION 6.1. LANDSCAPING

#### A. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. These provisions shall not apply to the construction or development of a single-family dwelling or a two-family dwelling unless part of a multi-family development except that tree removal, grading, and excavation activities incidental to or in preparation for landscaping, demolition, construction, or site development (including single-family dwellings and two-family dwellings) may be regulated under Section 6.4, Section 6.6, and/or Section 6.7 of these Regulations.

#### B. Overall Landscaping Standards

1. All portions of a property not required for buildings, structures, parking, driveways, or sidewalks shall be landscaped with ground cover, trees, and ever-green shrubs.
2. To the extent possible, existing trees, vegetation, and unique site features, such as stone walls, shall be retained and protected.
3. Existing healthy, mature trees expected to survive shall be fully credited against the requirements of these Regulations.
4. The required landscaped areas may include sidewalks, but there shall be a minimum of sixty (60) percent of the required landscaped area used for planting in any Retail Zone or any Business Zone.
5. In any Retail Zone or any Business Zone, planted areas adjacent to a building shall be a minimum of three (3) feet in width and all others a minimum of five (5) feet in width.
6. In accordance with Town Code Section 54-19, the property owner shall landscape and maintain any area between the front lot line and the edge of the street pavement.
7. In any Retail Zone or any Business Zone, at least one (1) shade tree having a caliper of not less than two (2) inches, measured at four (4) feet above the ground, shall be provided within the front landscaped area for each fifty (50) feet or fraction thereof of lot frontage and along the roads bordering the property lines.
8. Where physical characteristics of the lot or existing structures make it unfeasible to comply with the requirements for a front landscaped area or landscaped parking area in any Retail Zone or any Business Zone, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.

**C. Perimeter Landscaping Standards**

1. In any Retail Zone or any Business Zone, property lines which are adjacent to residential properties shall be screened by a decorative fence or wall and/or closely-planted evergreen trees and shrubs to provide visual screening.
2. In any Retail Zone or any Business Zone, perimeter landscaping, fencing or wall treatment shall be of such type, height, spacing and arrangement which, in the judgment of the Commission, shall effectively screen the activity on the subject lot from the neighboring residential area and provide protection from noise, headlight glare and visual intrusion to dwellings and residential yards.

**D. Parking Area Landscaping Standards**

1. In addition to the other provisions of this Section, parking areas which contain twenty (20) or more parking spaces shall have landscaped islands providing shade trees and shrubs.
2. At least ten (10) square feet of interior landscaping within the paved portion of the parking area shall be provided for each parking space.
3. There shall not be more than ten (10) parking spaces in a row without being broken with curbing and a landscaped area to provide relief from the expanse of pavement and to provide plant materials, which have a moderating effect on noise, air pollution and temperature.
4. A landscaped area shall also be provided at the ends of parking rows to separate parking spaces from the circulation aisles.
5. Spaces which cannot be used for parking, such as perimeter corners between parking stalls, shall be incorporated into the landscaped area rather than being paved.
6. At least one (1) shade tree of not less than a two-inch caliper, measured at four (4) feet above the ground, shall be provided within the parking islands and adjacent to the parking area for every ten (10) parking spaces.
7. Each landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least eight feet and shall be planted with ground cover, grass or shrubs, in addition to any shade tree requirements.
8. All landscaping, trees, and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles.
9. The location and selection of plant materials shall provide for easy identification of traffic barriers and islands without obstructing vision of other vehicles, pedestrians or traffic signage.
10. Landscaping plans shall be designed to accommodate storage areas for piling snow.

**E. Maintenance**

1. Landscaping, trees and plants required by these Regulations shall be planted and maintained in a healthy, growing condition according to accepted horticultural practices.
2. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.
3. Any screening fence, wall, or curbing required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

**F. Landscaping Materials**

Landscaping materials selected for use shall be acceptable to the Commission and native, non-invasive species are preferred.

**G. Bonding**

1. The Commission or the Zoning Inspector may require that a performance bond, in an acceptable form and an amount to be set by the Zoning Inspector, be provided to insure the faithful performance of the landscaping work to be undertaken.
2. Following the completion of landscaping for a project where a bond was required, the Zoning Inspector may require an as-built plan to be filed with the Commission, showing the relationship between the approved plan and the actual landscaping.

**H. Modification of Requirements**

1. The Commission may, by Special Permit, allow these standards to be reduced in special circumstances where other adequate landscape treatment is provided.
2. During construction, the Zoning Inspector may allow field substitutions of plant material provided the original intent of the landscape is maintained.



## **SECTION 6.2. PARKING AND LOADING**

### **A. Purpose**

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses.

### **B. Applicability**

1. Off-street motor vehicle parking facilities and off-street loading spaces, together with adequate exits and entrances thereto and interior aisles, shall be installed and permanently maintained as provided in this Section for each building erected, enlarged or altered and for any land or premises hereafter used, except that no off-street motor vehicle parking facilities or off-street loading spaces shall be required within the Retail A Zone.
2. On land owned or leased by the Town and located in any zone, the parking of motor vehicles is a permitted use, and any charge made for parking of motor vehicles thereon shall not constitute a business use in the interpretation of these Regulations.

### **C. Minimum Amount of Parking and Loading Facilities**

1. The minimum amount of parking and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses and when the requirements result in a fractional number, the minimum requirement shall be rounded up to the next whole number.
2. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use, unless otherwise indicated in the regulations.
3. Except as may be provided in Subsection 6.2.E, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.
4. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.
5. In the Business B Zone, any use (other than warehousing) which has more than twenty-five percent (25%) of its gross floor area in the form of storage facilities may have up to fifty percent (50%) of such storage area deducted from the total building gross floor area for the purpose of computing parking requirements provided:
  - a. such storage area shall be clearly identified on any application for a Zoning Permit,
  - b. such storage area shall be certified by the applicant as not housing any employee rest area, office area, work area or sales area,
  - c. use of such area for purposes other than storage shall constitute a violation of these Regulations, and
  - d. required loading space shall still be based upon the total building gross floor area.

**Residential Uses**

<b>Use</b>	<b>Minimum Parking Facilities</b>	<b>Minimum Loading Facilities</b>
Single-family dwelling	Two (2) spaces	None
Single-family dwelling with accessory dwelling unit	Two (2) spaces for the dwelling unit plus one space for the accessory dwelling unit	None
Single-family dwelling with home-based business	Two (2) spaces for the dwelling unit plus adequate parking for employees, clients, and visitors screened by landscaping from abutting residentially zoned parcels	None
Two-family dwelling	Two (2) spaces / unit Four (4) spaces total	None
Multi-family dwellings (20 units or less)	Two (2) spaces per unit <sup>1</sup>	None
Multi-family dwellings (> 20 units)	One and one half (1.5) spaces per unit <sup>1</sup>	None
Multi-family dwellings in mixed-use developments (10 units or less)	Two (2) spaces per unit	At least one (1) loading space per building <sup>2</sup>
Multi-family dwellings in mixed-use developments (> 10 units)	One and one half (1.5) spaces for studios and 1 bedroom units and two (2) spaces for 2 or more bedroom units	At least one (1) loading space per building <sup>2</sup>

**Retail, Business, Bank, or Office Uses**

<b>Use</b>	<b>Minimum Parking Spaces</b>	<b>Minimum Loading Spaces</b>
Located on any floor nearest in vertical height to the curb level of any adjacent street.	One space per 200 square feet of gross floor area on that floor	At least one (1) loading space per building <sup>2</sup>
Located on any other floor, (including basement or cellar).	One space per 270 square feet of gross floor area	

**Medically-Related Uses**

<b>Use</b>	<b>Minimum Parking Spaces</b>	<b>Minimum Loading Spaces</b>
Medical offices or clinics located within a Business or Retail Zone	One space per 150 square feet of gross floor area.	None

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Medical offices or clinics outside a Business or Retail Zone	Five (5) spaces per practitioner and screened from abutting residentially zoned parcels	None
Hospitals, sanatoriums or nursing homes	One (1) space per five (5) beds and at least one (1) space per two (2) employees and associated professional personnel	At least one loading space per building <sup>2</sup>

## Other Business Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Restaurants, nightclubs, or eating places	One space per 100 square feet of gross floor area.	At least one (1) loading space per building <sup>2</sup>
Hotels	One space per guest room	
Industrial, wholesale, or manufacturing establishments.	One space per 300 square feet of gross floor area	
Car washes	Usable off-street stacking space equal to one-third of the maximum hourly capacity of the facility plus off-street parking facilities as determined by the Commission	None

## Other Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Clubs	One space per three (3) members.	As determined by the Commission based on the requirements applicable to comparable uses <sup>2</sup>
Auditoriums, stadiums, theaters or other places of assemblage, together with churches	One space per five (5) seats based on maximum seating capacity.	
Railroad stations	One space per 100 square feet of total platform and station area	
Unlisted Uses	As determined by the Commission based on the requirements applicable to comparable uses.	

<sup>1</sup> The Commission may require additional guest or service provider parking as they deem appropriate.

<sup>2</sup> Additional off-street loading spaces may be required by the Commission if, in its opinion, such additional off-street loading spaces are necessary to adequately meet the needs of the location where they are to be provided.

**D. Handicapped Parking Facilities**

1. Where the installation of parking spaces is required by these Regulations, parking spaces for the physically handicapped shall be provided as follows:

<b>Total Number of Parking Spaces in Lot</b>	<b>Minimum Number of HC Spaces</b>	<b>Minimum Number of Van-Accessible Spaces (included in total HC spaces)</b>
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of spaces	12.5 percent of total number of HC spaces
1,001 plus	20 spaces plus 1 space for every 100 spaces over 1,000 spaces	

2. Such parking spaces shall be located:
- as close as possible to the nearest accessible ramp, walkway, and building entrance on an accessible route;
  - so that physically handicapped persons shall not be compelled to wheel or walk behind parked cars to reach the nearest accessible ramp, walkway, and building entrance.
3. A handicapped parking space shall be:
- no less than eight (8) feet wide with a crosshatched, painted access aisle no less than eight (8) feet wide if it is a van-accessible handicapped parking space, or
  - no less than ten (10) feet wide with an adjacent crosshatched, painted access aisle no less than five (5) feet wide if a handicapped parking space.
4. Two (2) adjacent handicapped parking spaces may share a common access aisle.
5. All handicapped accessible parking spaces shall be clearly designated with signs situated approximately 5 feet above grade and, wherever possible, with pavement markings. Signs shall display the international symbol of access and shall bear the words "Handicapped Parking Permit Required" and "Violators Will Be Fined." Accessible spaces for vans shall also bear the words "Van-Accessible."
6. Where these standards conflict with any applicable provisions of CGS 14-253a(h), the State Building Code, or the Americans with Disabilities Act (28 CFR Part 36) as they may be amended, the more stringent standard shall prevail.

**E. Reduction of Parking Facilities**

1. Permanent Shared Use Reduction - The Commission may, by Special Permit, allow a reduction of up to 25% of the required parking spaces, up to a maximum of five (5) spaces, within the Retail B, Business A, Business B, Business C and Business D Zones and up to 40% of the required parking spaces, within the Business B Zone, for the uses on one or more sites due to shared use of parking facilities when:
  - a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement, and
  - b. appropriate access and parking easements are executed between the adjacent properties, and
  - c. the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses, and
  - d. a traffic and parking study be submitted and a subsequent peer review of such study is conducted on any application requesting a reduction of five (5) or more parking spaces. The thorough peer review must definitively confirm that there is adequate parking on site and there will be no negative impacts on the street or surrounding properties.
2. Permanent Site Use Reduction - The Commission may, by Special Permit, allow a reduction of up to 25% of the required parking spaces, up to a maximum of five (5) spaces, within the Retail B, Business A, Business B, Business C and Business D Zones and up to 40% of the required parking spaces, within the Business B Zone, on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that:
  - a. the parking needs of the uses on the site occur at different hours of the day, and
  - b. adequate parking will be available for the current and potential future uses, and
  - c. a traffic and parking study be submitted and a subsequent peer review of such study is conducted on any application requesting a reduction of five (5) or more parking spaces. The thorough peer review must definitively confirm that there is adequate parking on site and there will be no negative impacts on the street or surrounding properties, and
  - d. if proposed within a mixed-use development there is adequate parking for both the commercial and residential tenants.
3. Temporary Installation Deferral - The Commission may, by Special Permit, defer the immediate installation of up to 25% of the required parking spaces where:
  - a. sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,
  - b. the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements,
  - c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such Installation is needed.

4. Curb-Cut Reduction Credit - The Commission may, by Special Permit, permanently grant a property a reduction of one (1) on-site parking space for each on-street public parking space added through the removal and or reduction of curb-cuts, provided the Commission makes affirmative findings that the proposed development will result in a significant community benefit such as:
  - consolidation of two or more parcels into a meaningful master plan,
  - excellence in design which enhances the pedestrian experience and overall streetscape (such as avoiding driveways interrupting the sidewalk), and/or
  - other meaningful public amenities.
5. Fee-in-lieu-of Parking
  - a. By a **2/3**'s vote, the Commission may, by Special Permit, allow for a permanent reduction of all or a portion of the parking spaces required, provided the applicant pays a fee-in-lieu-of the required parking spaces, pursuant to Section 8-2c of the Connecticut General Statutes. The Special Permit is applicable to any new construction or addition, or change in Use in the Retail B, Business A, Business B, Business C or Business D zones, which requires additional parking spaces pursuant to Section 6.2.C of these regulations.
  - b. Fees collected from such payments shall be placed into a fund to be used solely for the acquisition, development, expansion or capital repair of public parking facilities.
  - c. The fee shall be determined as follows:
    1. For any proposed new construction and/or addition, the fee for one (1) parking space shall be no less than \$17,500. Final price per space will be determined as follows:
 

**Number of Spaces x \$17,500**
    2. The price per space can be reduced to \$15,000 if the applicant attains LEED Silver Certification for the proposed construction. The price per space can be reduced to \$12,500 if the applicant attains LEED Gold Certification.  
  
The price reduction would be returned to the applicant upon written notification from the US Green Building Council or its equivalent that Certification had been granted.  
  
The Commission may also approve the same price reductions per space should the applicant seek accreditation from an alternative rating agency based on their equivalent rating to LEED standards.
    3. For any proposed change in Use that requires additional parking spaces per Section 6.2.C of these regulations, the final price per space will be determined as follows:
 

**Number of Spaces x \$10,000**
    4. The fees listed above will be reviewed by the Commission on an annual basis to determine whether they need to be adjusted based on such factors as materials costs, construction costs and/or inflation.
  - d. The fee shall be paid prior to the issuance of a Zoning Permit.
  - e. As part of this Special Permit Application, the applicant shall submit a Traffic Report, prepared by a qualified Traffic Engineer, to study the impacts that

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added development will have, if none or less than the required off-street parking is provided.

- f. No Special Permit under this section shall be approved unless the Commission finds and declares that the number of parking spaces which would be required in connection with such use of land pursuant to any applicable planning or zoning regulation:
  1. Could not be physically located on such parcel of land for which such use is proposed;
  2. Will not detract from the village feel and quality of life in the downtown; and
  3. The proposed development will be beneficial to the community and is consistent with the Plan of Conservation and Development and is in keeping with the Village District Design Guidelines.

### F. Location of Parking and Loading Facilities

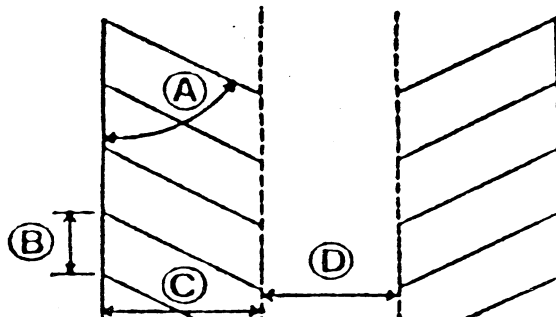
1. The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in any Retail Zone and any Business Zone shall be located on the same land as the use or building served thereby except that:
  - a. The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties.
  - b. The Commission may permit parking facilities to be on land within five hundred (500) feet of a building or use if it determines that it is impractical to provide parking facilities on the same land where the building or use is located, provided that any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.
2. Within any of the Retail or Business zones, off-street parking facilities shall be located to the rear of any proposed building. Any parking proposed to be located to the side of the building must demonstrate, to the satisfaction of the Commission, that some or all of the parking cannot be located at the rear of the building and that the parking will be screened to the extent possible.
3. The Commission may, through the granting of a Special Permit, allow parking in the front of the building, provided that the Commission finds that:
  - a. The proposed parking improves pedestrian safety, or
  - b. There are unique circumstances to this site that make parking in front of the building a necessity, or
  - c. The proposed use, which the Commission finds will benefit the community, requires parking in front of the building.
4. Within any of the Retail or Business zones, no parking shall be located within the required side or rear yard setbacks, unless the Commission finds that there is suitable screening to prevent any adverse impacts on neighboring properties.
5. Parking lots in any Retail Zone or any Business Zone shall be located at least five (5) feet from a building, except as may be required for loading facilities.
6. Parking structures, whether detached or attached, shall not be permitted, except in a Business or Retail Zone, where these Regulations allow parking to be provided underground, within the envelope of the building, or in a separate structure on the same site. The design of such structure shall be consistent with §6.12, Design Review and the Village District Design Guidelines.



7. Where the required parking spaces in any Retail Zone or any Business Zone are provided by garage or other covered space, the location of such garage or other covered space shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.
8. Underground parking:
  - a. may be provided in lieu of required surface facilities,
  - b. may be permitted as a substitute for, or in addition to, surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities,
  - c. may permit a larger above-ground structure or intensification in use of the site to an above-ground floor area exceeding the applicable floor ratio by up to fifteen percent (15%),
  - d. shall be hidden from view from abutting properties, and street-level views of underground parking access shall be minimized, and
  - e. shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.
9. No parking facility shall be established without adequate driveway and aisle access except that the Commission may, by Special Permit, allow tandem parking and may require a full-time parking attendant, provided such arrangement is approved by the Fire Marshal.

### G. Size of Parking and Loading Facilities

1. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:



A	Parking angle	30°	45°	60°	90°
B	Curb length	18'-0"	12'-9"	10'-5"	9'-0"
C	Stall depth	16'-6"	19'-10"	21'-0"	20'-0"
D	Vehicular aisle width – Two-way circulation	24'-0"	24'-0"	24'-0"	24'-0"
D	Vehicular aisle width – one-way circulation	11'-0"	13'-0"	18'-0"	24'-0"

2. Each off-street loading space shall be at least ten (10) by twenty-five (25) feet, with a height clearance of at least fourteen (14) feet.
3. All residential parking spaces shall have a minimum twenty (20) foot backup area.

4. In order to promote additional parking for mixed-use projects within Business Zones (Village Districts) the Commission may, allow the minimum stall depth to be reduced to not less than eighteen (18) feet from the standard indicated above, provided the Commission makes an affirmative finding that the dimensions provided for vehicular access, site circulation, and parking, are appropriate for the site and that the reduction in dimension may result in either additional landscape buffering features, aide in the use of LID features or allows additional pedestrian enhancements such as sidewalks, walkways or gathering spaces.

#### **H. Specifications for Parking and Loading Facilities**

1. Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate both the individual parking spaces and the uses served thereby.
2. Every parking facility shall be maintained by the owner of the premises.
3. Where required parking areas abut upon public streets or sidewalks, permanent barriers or bumpers shall be provided.
4. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Occupancy.

#### **I. Access Drives**

1. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
2. Driveways to the street in any Retail Zone or any Business Zone shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24) feet in width, and shall not exceed two (2) in number.
3. Lots containing less than one hundred fifty (150) feet of street frontage in any Retail Zone or any Business Zone shall be limited to one (1) driveway to the street, except where the nature of the business requires drive-through service, i.e., drive-in banks and gas stations.
4. Driveway access in any Retail Zone or any Business Zone shall be permitted to a street or parking facility on an adjacent lot and connections to adjacent parking lots shall, at the Commission's discretion, be made wherever practical.
5. Driveways to adjacent lots in any Retail Zone or any Business Zone shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24) feet in width, and shall not exceed two (2) in number.
6. Lots in any Retail Zone or any Business Zone with a side property line of less than two hundred (200) feet in length shall be limited to one (1) driveway connecting with an adjoining lot for each side.

#### **J. Existing Off-Street Parking and Loading Facilities**

1. Where, as of the effective date of this Section, off-street motor vehicle parking facilities and off-street loading spaces are provided conforming in whole or in part to the provisions of this Section, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth herein.

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2. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces or a new or changed use of the property requiring additional off-street parking facilities or off-street loading spaces under the provisions of this Section, such additional off-street parking facilities or off-street loading spaces shall be provided as required herein.

#### **K. Policing of Parking Spaces**

Nothing contained in this Section shall be construed to prohibit the owner or owners of the land on which such off-street parking facilities are located from policing the same and from forbidding the parking of motor vehicles thereon when the owner or user of such motor vehicle is not making use of the facilities, uses or buildings for which such parking area is provided.

## SECTION 6.3. SIGNS

### A. Purpose

This Section is intended to control the number, size, location, lighting, and type of signs in order to protect the public safety and general welfare.

### B. Applicability

No sign, billboard, signpost or structure displaying advertising or other matter shall which is visible and legible from a public street be erected, attached to, or maintained on property subject to these Regulations, except as permitted by the provisions of this Section.

### C. Signs Permitted In Residential Zones

#### 1. Permitted By Right

Type of Sign	Maximum Number	Maximum Size / Area
Lawn sign bearing the name of the property and/or the name of the occupant	One sign per lot	Twenty-four by six (24 x 6) inches
Real estate sign as defined in these Regulations	One sign per lot	Three (3) square feet
Sign identifying a minor home-occupation as defined in these Regulations	One sign per lot	One square foot
Detached security sign as defined in these Regulations	Two signs per lot	One square foot per sign
Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days after the election or referendum	Not Applicable	Not Applicable

#### 2. Permitted By Zoning Permit

Type of Sign	Maximum Number	Maximum Size / Area
Sign identifying a major home occupation as defined in these Regulations	One sign per lot	One square foot
Approved multi-family developments, churches, schools, public libraries, and commercial farming operations	One sign per street frontage	Four (4) square feet

#### 3. Permitted By Site Plan Approval

Type of Sign	Maximum Number	Maximum Size / Area
Other approved Special Permit uses	One sign per street frontage	Four (4) square feet
Any sign not meeting the specifications of Section 6.3.C.	As approved by the Commission after considering the size, location, use, or other unique conditions.	

## D. Signs Permitted In Business Zones

### 1. Permitted By Zoning Permit

Signs complying with the following may be authorized by the Zoning Inspector upon submission of a complete application with all required supporting materials:

<b>Sign Number</b>	One sign per business, except that: <ul style="list-style-type: none"> <li>• a second sign may be allowed on a corner lot</li> <li>• a secondary identification sign (&lt; 1 SF) may be allowed for the back entrance of a first-floor use</li> <li>• a secondary street level identification sign (&lt;1 SF) may be allowed for the front entrance of a second floor use</li> </ul>
<b>Sign Type</b>	Wall-mounted signs only. No additional signage is permitted on window glass.
<b>Sign Mounting</b>	On or against the wall of the structure
<b>Sign Location</b>	No portion shall be located more than four (4) feet above the top of the doors or windows on the ground floor on such side of the building  No sign shall extend above the eaves line on any building
<b>Maximum Dimensions If Rectangular</b>	20 inches vertical 15 feet horizontal
<b>Maximum Dimension If Circle Or Oval</b>	Four (4) feet
<b>Maximum Letter Height</b>	<ul style="list-style-type: none"> <li>• Single line of lettering 12" letters</li> <li>• Double line of lettering 8" letters, one (1) line; 4" letters, other line</li> </ul>
<b>Max. Area of All Signage <sup>1</sup></b>	25 square feet per lot <sup>2</sup>
<ol style="list-style-type: none"> <li>1. The maximum area limitation per lot is irrespective of the number of separate businesses conducted thereon.</li> <li>2. For signs with two (2) sides, only one (1) side shall count for measurement purposes.</li> </ol>	

### 2. Permitted By Site Plan Approval.

Any proposed sign(s) not meeting the above specifications may be approved by the Commission by Site Plan Approval. The Commission shall review the proposal, giving due regard to its relationship to the size, location, topography, occupancy or other unique conditions pertaining to the lot or building(s) thereon, and may authorize the Zoning Inspector to issue such permit where it is found to be warranted.

**E. Sign Illumination**

Signs which are visible from a public street or other public space may be illuminated, directly or indirectly, by white lights only. Light emitting diodes (LED's), CFL's and fluorescent bulbs must be in the color range of 2,700K-3,000K.

**F. Prohibited Signs**

1. No sign illumination shall involve the use of neon or any other method resulting in a similar appearance to neon, including, but not limited to, illumination through fiber optics or similar media. Light boxes are not permitted.
2. No signs or parts thereof, streamers, balloons, or other devices which flash, move or give the impression of movement in any fashion shall be permitted.
3. Construction signs, painter signs, landscape company signs and the like shall not be allowed in any Residence Zone.
4. In any Retail Zone or any Business Zone, no sign shall be located forward of the building or setback line.
5. Except for retractable canvas or cloth awnings, no sign or other device identifying a business or other use shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and:
  - a. no permit for any such sign or structure shall be issued,
  - b. any such legally existing sign may be maintained but shall not be increased in size of sign, size of lettering, or the extent it projects or is illuminated as the same exists at the effective date of these Regulations, except as ordered by the Zoning Inspector for reasons of public safety, and
  - c. each such sign shall be completely and totally removed at such time as the place of business which such sign advertises shall change in ownership or occupancy, subsequent to the effective date of these Regulations.
6. No sign shall contain a logo which is recognized as a company or entities trademark.
7. Sandwich Board and easel type signs.

**G. Fees**

The Commission may determine and fix fees to be charged and paid to the Town upon issuance of a permit for a business sign, the schedule of which fees shall be filed for public record in the office of the Town Clerk of the Town within a reasonable time after their adoption by the Commission.

**H. Applications**

1. No sign shall be erected, lettered or otherwise displayed in any Retail Zone or any Business Zone or on any parcel in a Residence Zone that contains a legally nonconforming business or commercial use unless a written application for a Sign Permit has been made and a permit issued by the Zoning Inspector.
2. Each sign application shall show the method of attaching the sign to the building or other support in detail, and the Zoning Inspector shall determine the adequacy and safety of said method before issuing the permit.

## **SECTION 6.4. GRADING, DRAINAGE, AND TREE REMOVAL**

### **A. Purposes**

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), excavation, site grading, and drainage changes associated with building demolition, building construction, and site development in order to:

- protect the public safety and general welfare;
- prevent adverse impacts to other property due to erosion, sedimentation, and increases in storm water runoff;
- prevent sedimentation of public and private streets;
- prevent sedimentation of public storm sewer and drainage systems;
- reduce the risk of flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and watercourses; and
- protect water quality by reducing the risk of sediment pollution of reservoirs.

### **B. Removal of Trees or Vegetative Ground Cover**

The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place; enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration; and improving infiltration rates.

Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

### **C. Applicability**

Within the Town of New Canaan, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

### **D. Other Approvals May Be Required**

Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required, such as for:

1. Regulated activities under the New Canaan Inland Wetlands & Watercourses Regulations;
2. Activities within a floodplain area;
3. Activities regulated by other local, state, or federal agencies.



### **E. Allowed Without Permit**

The following activities are allowed without a separate zoning permit, provided the proposed use of the property otherwise complies with these Regulations, and no off-site sedimentation, flooding, or erosion occurs. The Zoning Inspector may require a permit and compliance with Subsections H., I., and J. of this Section in the event that any off-site sedimentation, flooding, or erosion occurs as a result of these activities:

1. Farming.
2. Excavation or grading of less than 100 cubic yards of earth material;
3. Soil disturbance (including removal of trees and vegetative ground cover) of 5,000 square feet in area or less;
4. Excavation, grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, grading and/or soil disturbance is specified in such other approval.

### **F. Permitted by Zoning or Other Permit**

The following activities may be permitted by the Zoning Inspector provided: the proposed use of the property otherwise complies with these Regulations; the provisions of Subsections H., I., and J. of this Section are satisfied; and a zoning permit, a demolition permit, a building permit, or a septic permit has been issued for such activity and the proposed excavation, grading, and/or soil disturbance is specified in such permit:

1. Excavation or grading of 100 to 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of more than 5,000 square feet but less than 10,000 square feet in area;
3. Any excavation, grading or soil disturbance (including removal of trees and vegetative ground cover) in connection with and clearly essential to:
  - a. construction or alteration of a building or structure (including the area of the building or structure plus the surrounding twenty-five feet);
  - b. installation of driveways, utilities or amenities (e.g., septic systems, utility service lines, swimming pools, walls or fencing).

### **G. Permitted by Special Permit**

The following activities may be permitted provided the proposed use of the property otherwise complies with these Regulations, and the Commission issues a Special Permit for the activity:

1. Excavation or grading of more than 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of 10,000 square feet in area or more.

## H. Bonding and As-Built Plan

1. Prior to the commencing of any excavation or grading of more than 200 cubic yards of material per acre of lot area, and/or more than 5,000 square feet of soil disturbance (including removal of trees and vegetative ground cover), the Commission or the Zoning Inspector may require that a bond be provided in an acceptable form and in an amount to be set by the Commission or Zoning Inspector to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit.
2. Following the completion of excavation or grading for a project where a bond was required, the Zoning Inspector may require that the permit holder file a certified as-built plan with the Commission, showing the relationship between the approved plan and the actual grading.

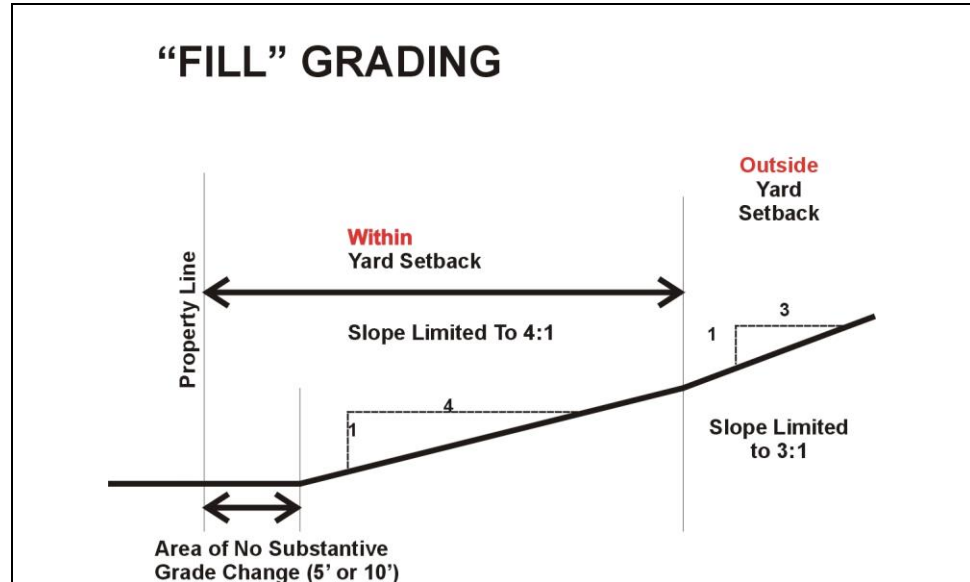
## I. Permit Standards and Conditions

1. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited.
2. All allowed or permitted excavation, grading, and soil disturbance activities shall be conducted with appropriate soil erosion and sediment control measures installed and maintained at all times until the site is fully stabilized. The Commission or the Zoning Inspector may require soil erosion and sediment control measures and project phasing as a condition to the issuance of any permit. Control measures may include (without limitation) silt fencing, hay bales, sediment barriers, mulch, temporary erosion control blankets, turf reinforcement mats, stone slope protection, or other soil stabilization measures set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) necessary to prevent off-site sedimentation, flooding, and erosion.
3. All earth materials to be stockpiled on site shall be contained within a sediment control barrier.
4. All earth materials to be transported onto or off the site shall be covered to minimize flying dust or rock.
5. Truck access/egress to and from the site shall be conducted as to minimize danger to off-site traffic, and nuisance to surrounding properties. The Commission or the Zoning Inspector may require that tracking pads or dust-less driveway aprons be utilized until the site is stabilized.
6. Grading shall not result in the creation of any stagnant water, sharp pits, depressions, soil erosion, drainage or sewerage problems or other conditions which would impair the use of the property or other property in accordance with the Regulations.
7. Except as provided in Section 6.4.I.9, unless modified by the Commission through granting of a Special Permit, finished grades shall blend with existing grades at the property line and no grade change of one (1.0) foot or more shall occur:
  - a. in the One-Half Acre and smaller lot area zones, within five (5) feet of a side or rear property line, or
  - b. in the One-Acre and larger lot area zones, within six (6) feet of a side or rear property line where a retaining wall is installed and ten (10) feet otherwise.

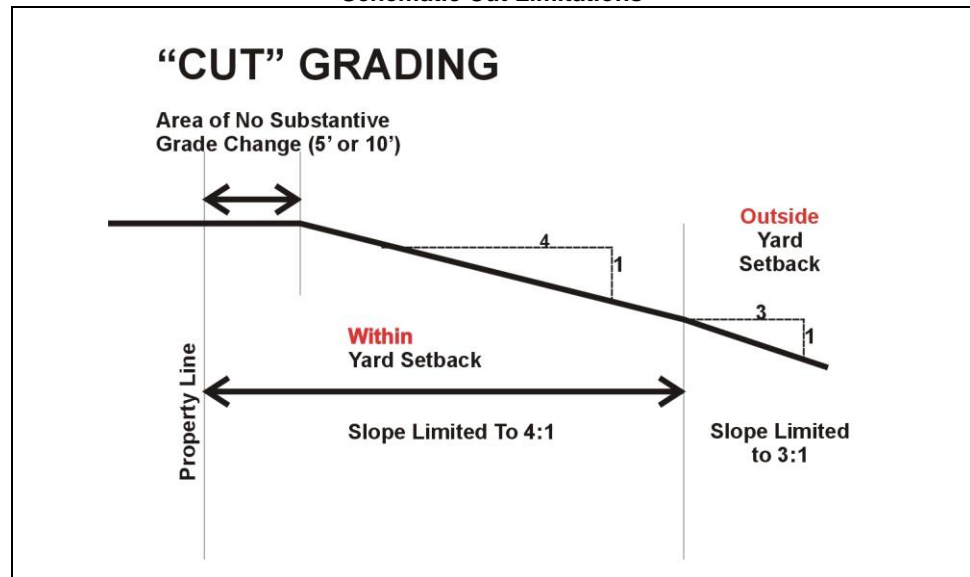
## Section 6.4

8. Except as provided in Subsection 6.4.1.9, unless modified by the Commission through granting of a Special Permit, no grading activity that increases the finished slope shall result in a finished slope in any filled or excavated area that exceeds:
  - a. a slope of four horizontal to one vertical (4:1) within the yard setback.
  - b. a slope of three horizontal to one vertical (3:1) elsewhere.

**Schematic Fill Limitations**



**Schematic Cut Limitations**



February 28, 2017

9. The Commission or the Zoning Inspector may allow grading activity in excess of the foregoing standards within the yard setback for one or more of the following reasons:
  - a. For the installation or construction of a berm, swale, level spreader, reverse slope bench or similar measures to better protect down-gradient parcels from storm water runoff;, or
  - b. For grading of a slope of up to three horizontal to one vertical (3:1) provided that the total grade change within the yard setback is no greater than would otherwise be permitted.

#### **J. Drainage Standards**

- a. Any construction or site development activity shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 22, 1999, as amended.
- b. Peak flow rates and runoff volumes shall be determined by using the Rational Method, the Time of Concentration Method, the Tabular Method or the Unit Hydrograph Method and a 25-year design storm.

## **SECTION 6.5. FENCES AND WALLS**

### **A. Purposes**

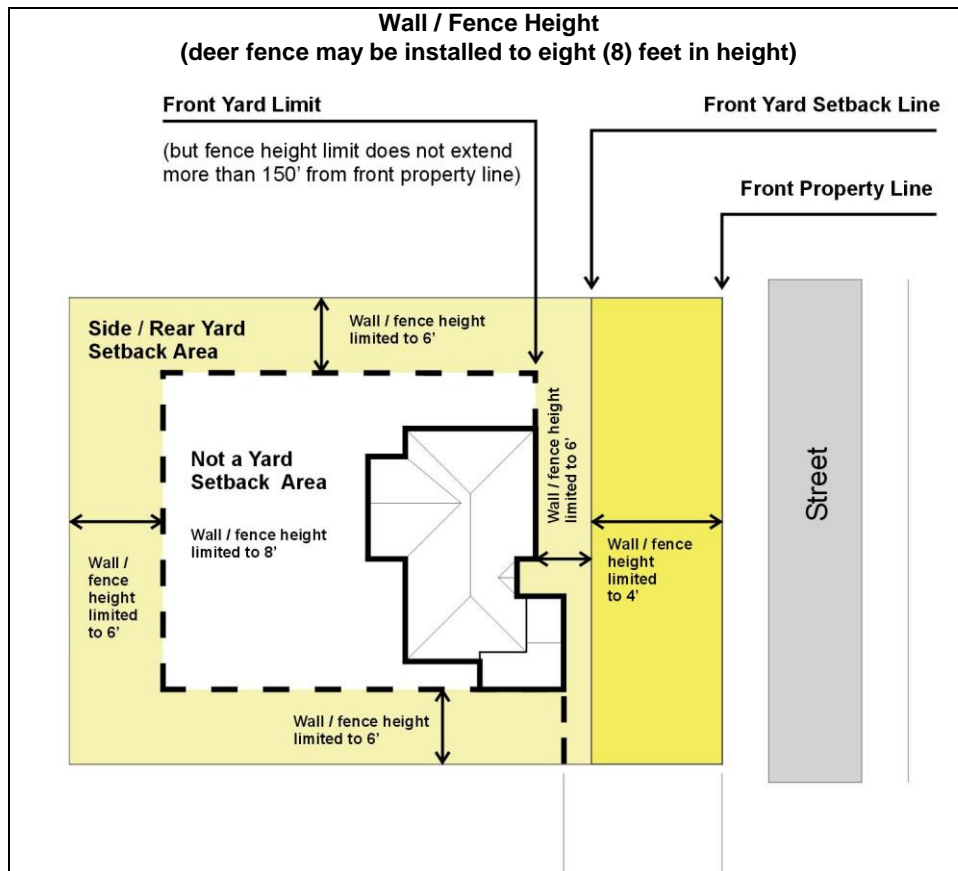
This Section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on the public safety and general welfare, or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within yard setbacks to the extent authorized by this Section.

### **B. Retaining Walls**

1. No retaining wall of any kind shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.
2. In Residence Zones and Special Zones, no retaining wall shall:
  - a. be located closer than eight (8) feet from any property line in the B Residence Zone,
  - b. ten (10) feet from any property line in any other Residential Zone or a Special Zone, or
  - c. exceed four (4) feet in height.
3. A series of retaining walls shall be separated by a distance at least twice the height of any other generally parallel retaining wall and the area between the retaining walls shall be planted or landscaped to mitigate the appearance of the retaining wall(s).
4. Unless modified by the Commission through granting of a Special Permit, no proposed retaining wall in any Business Zone shall exceed four (4) feet in height.
5. The construction of any proposed retaining wall shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 2, 1999, as amended.
6. A retaining wall four (4) feet or higher above ground level requires the issuance of a Zoning Permit and the plans shall address construction design and drainage within ten (10) feet of the wall.
7. After June 16, 2007, unless modified by the Commission through the granting of a Special Permit, a retaining wall may be combined with an open fence (such as a wrought iron fence or a fence where no more than fifty percent (50%) of the fence is opaque) provided that such fence is not more than forty-two inches (42") high.

### C. Fences and Freestanding Walls

1. No fence, post, column, freestanding wall, or portion thereof shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.
2. No fence and no fence and freestanding wall combination shall exceed the following height limitations:
  - a. Four (4) feet in height above finished grade when in the front yard and located between a front property line and a front yard setback line.
  - b. Six (6) feet in height above finished grade when in a front yard and located behind the front yard setback line.
  - c. Six (6) feet in height above finished grade between a side or rear property line and a side or rear yard setback line (when not in the front yard setback).
  - d. Eight (8) feet in height above finished grade when located behind the yard setback lines and not in the front yard.



## Section 6.5

3. In a front yard, no gate or associated columns/pillars shall exceed four (4) feet in height above finished grade; except that in the Two Acre and Four Acre Residential Zones, they may be erected to a maximum height of six (6) feet in height above finished grade, provided the gate is an open gate, such as wrought iron, where no more than fifty percent (50%) of the gate is opaque. If lighting is proposed on top of the columns, the top of the light fixture shall be no more than twenty-four (24) inches above the top of the column. Columns and pillars shall not exceed twenty-four (24) inches in diameter.
4. Notwithstanding the limitations of Subsection 6.5.C.2, unless permitted by the Commission through the granting of a Special Permit, deer fences may be installed to a height not to exceed eight (8) feet provided that:
  - a. a deer fence installed in a front yard shall be installed in a wooded area and/or shall be screened from the street by landscaping,
  - b. the deer fence and associated appurtenances shall be of a dark or other color to blend with the natural landscape, and
  - c. such fence shall be of open design such that it is not especially visible at a distance of fifty (50) feet.
5. Within the required minimum yard setbacks, the finished or more attractive side of any fence shall face the neighboring property or street.
6. A fence higher than six (6) feet above ground level, except for a deer fence in accordance with Section 6.5.C.3, requires the issuance of a Zoning Permit.
7. Unless modified by the Commission through the granting of a Special Permit, barbed wire shall not be allowed in a Residential zone or within eight (8) feet of ground level in any Retail Zone or any Business Zone, measured above the highest finished grade.
8. Razor wire or its equivalent shall not be permitted in any zone.



## **SECTION 6.6. IMPORT / EXPORT OF EARTH MATERIALS**

### **A. Purposes**

This Section is intended to control the importation and exportation of earth materials (such as loam, topsoil, humus, sand, gravel, clay, stone or quarry stone) in order to protect the public safety and general welfare while allowing for normal and customary construction practices.

### **B. Permitted by Right**

1. Importation and exportation of earth material for the purpose of site development in conjunction with construction or alteration of a building or structure is permitted provided such activity is conducted in accordance with:
  - a. the standards of this Section, and
  - b. plans submitted as part of the Zoning Permit and Building Permit issued for the construction or alteration of the building or structure.
2. Importation and exportation of earth material for the purposes of landscaping is permitted provided such activity involves less than 200 cubic yards of material per acre of lot area and the standards of this Section are complied with.

### **C. Permitted by the Zoning Inspector**

Importation and exportation of less than 1,000 cubic yards of earth material per acre of lot area is permitted for other purposes with approval of a Zoning Permit by the Zoning Inspector provided the standards of this Section are complied with.

### **D. Permitted by the Commission**

Unless permitted by Subsection 6.6.B or Subsection 6.6.C, the importation or exportation of earth material shall only occur with the approval of a Special Permit by the Commission.

## **SECTION 6.7. EROSION AND SEDIMENTATION CONTROL**

### **A. Purpose**

This Section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

### **B. Applicability**

1. Grading, tree removal, excavation, and similar activities resulting in disturbance of soil or removal of ground cover that is cumulatively more than one-half (1/2) acre in area shall require a soil erosion and sediment control plan certified by the Commission in accordance with the provisions of this Section.
2. Activities resulting in cumulative disturbance of less than one-half (1/2) acre shall not require a certified soil erosion and sediment control plan under this Section, but may be regulated under Section 6.1, Section 6.4, and/or Section 6.6 of these Regulations.

### **C. Exemptions**

1. Farming shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission.
2. The construction of a single family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission. However, development activities accessory to the construction of a single family dwelling, such as but not limited to tennis courts, swimming pools, driveways, septic systems, and cutting of trees, shall not be exempt and may be regulated pursuant to Section 6.1, Section 6.4 and/or Section 6.6 of these Regulations.

### **D. Minimum Acceptable Standards**

1. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
2. Plans for soil erosion and sediment control shall be developed in accordance with this Section, and shall include the information set forth in the plan checklist in the Appendix, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
3. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

**E. Issuance or Denial of Certification**

1. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Section or shall deny certification when the development proposal does not comply with the requirements and objectives of this Section.
2. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
3. Prior to certification, any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District (established under section 22a-315 of the Connecticut General Statutes and section 22a-315-11 of the Regulations of Connecticut State Agencies) which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.
4. The Commission may forward a copy of the development proposal to the Environmental Commission or other review agency or consultant for review and comment.

**F. Conditions Relating to Soil Erosion and Sediment Control**

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be required to be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 8.1.K of these Regulations.
2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
5. Failure to install or maintain control measures in an appropriate manner shall be grounds for enforcement action.

**G. Inspection**

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained.
2. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

## **SECTION 6.8. TRAFFIC MANAGEMENT**

### **A. Purpose**

This Section is intended to provide for the maintenance of public safety and avoidance of congestion on public streets by requiring an analysis of the traffic impacts of development activities and requiring mitigation measures, where appropriate.

### **B. Applicability**

A quantitative analysis of traffic to be generated by the proposed development and its probable impact on existing roads and intersections in the area shall be provided by the developer for:

1. any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more, or
2. any development which, in the Commission's judgment, could generate high levels of traffic.

### **C. Traffic Impact Analysis**

The traffic analysis shall be prepared by a qualified traffic engineer and shall include information on:

1. past and present roadway conditions including accidents,
2. existing roadway capacity,
3. existing and proposed sight lines,
4. existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.), and
5. existing and projected volume/capacity ratios based on facts and reasonable generation factors of the site, affected road networks, and intersections.

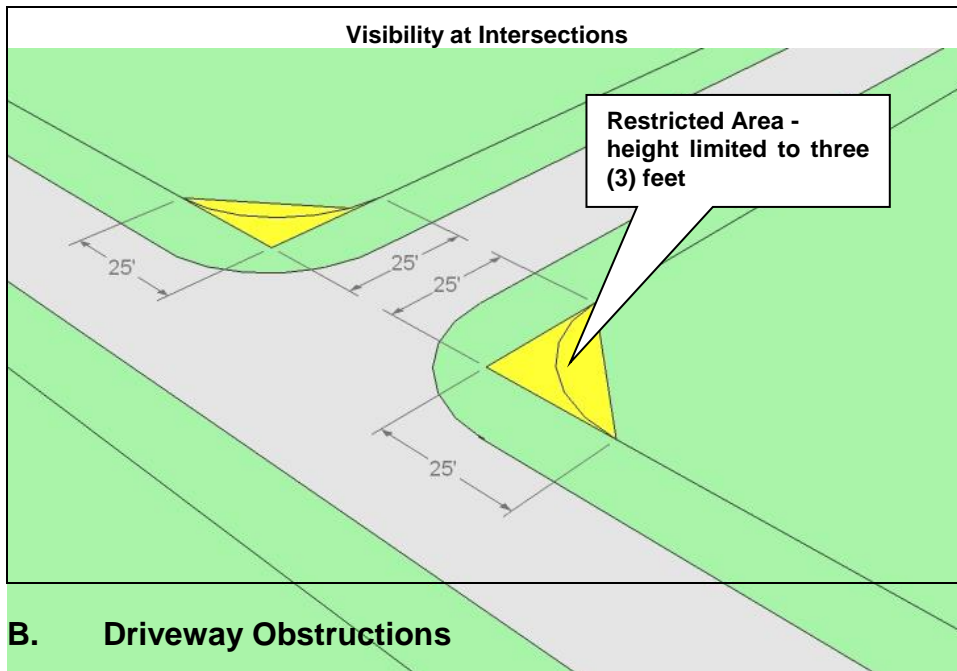
### **D. Review Considerations**

1. In analyzing the traffic impacts of development proposals, the Commission shall consider:
  - a. the effect of the proposed development on traffic conditions on abutting streets,
  - b. the patterns of vehicular circulation in relation to the adjoining street system,
  - c. the adequacy of traffic signalization, traffic channelization, left-turn lanes and roadway widths of adjoining streets,
  - d. the adequacy of vehicular stacking lanes and/or distances,
  - e. the adequacy of pedestrian drop-off areas and,
  - f. the adequacy of other traffic or transportation facilities to accommodate the proposed development.
2. A significant traffic impact shall be presumed where it is projected that the additional traffic resulting from a proposed development shall:
  - a. exceed a volume/capacity ratio of eight-tenths (0.8) on adjacent streets,
  - b. increase the peak hour volume by ten (10) percent or more, or
  - c. reduce the level of service to "D" or lower or further reduce the level of service when it is already at "D" or below.
3. The Commission shall not approve a proposed development with a significant traffic impact unless the proposal is revised to mitigate the adverse impacts.

## SECTION 6.9. OBSTRUCTIONS AT INTERSECTIONS

### A. Visibility at Intersections

On a corner lot or one not on a corner but abutting an accessway at its intersection with a street in any residential zone, no building, structure, fence, wall or obstruction to vision more than three (3) feet in height above the gutter elevation shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is twenty-five (25) feet distant from the point of intersection.



### B. Driveway Obstructions

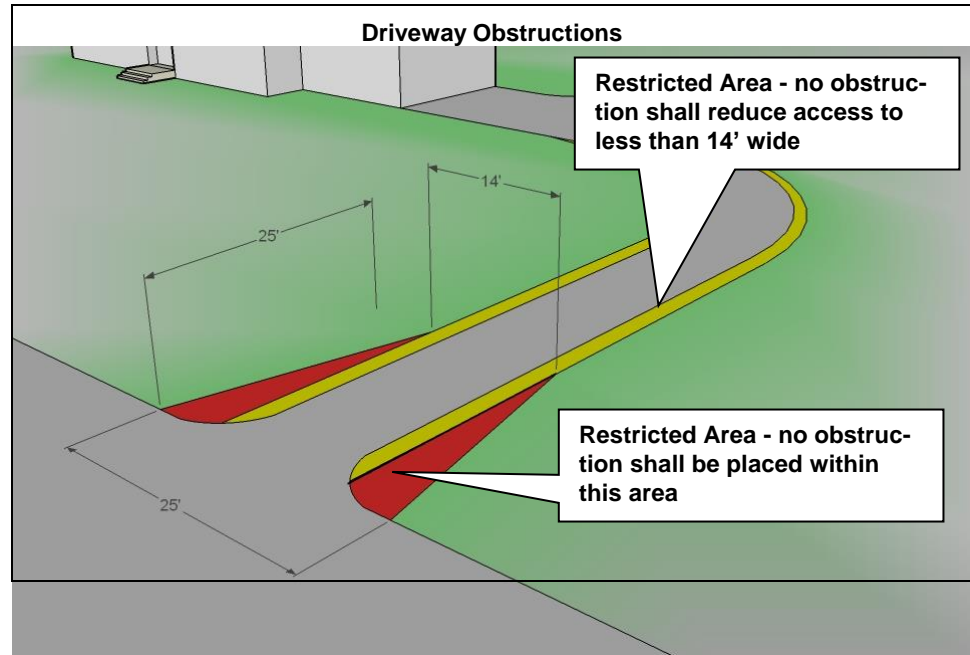
In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of New Canaan, all driveways (including alleys, private roads, and other accessways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveways:

1. No building, fence, wall, lamp post, telephone pole, mailbox, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than fourteen (14) feet wide.
2. No building, fence, wall, lamp post, telephone pole, mailbox or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed within the triangular areas on either side of the driveway at its intersection with the travel portion of the road, formed by connecting the outer points of a line measured twenty-five (25) feet on the road (centered on the driveway), and a parallel line fourteen (14) feet wide (centered on the driveway) at a distance of twenty-five (25) feet from the travel portion of the road.

## Section 6.9

3. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department.

If all buildings on the parcel are within fifty (50) feet from the traveled portion of the road and can be easily accessed from the road, the Commission or the Zoning Inspector may exempt the parcel from the requirements of this subsection.



**SECTION 6.10. SIDEWALKS**

Any subdivision or any site plan for commercial or multi-family development located in any zone other than the Four-Acre Residence Zone or the Two-Acre Residence Zone shall include new or reconstructed sidewalks at least four (4) feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.



## SECTION 6.11. OUTDOOR LIGHTING

### A. Purpose

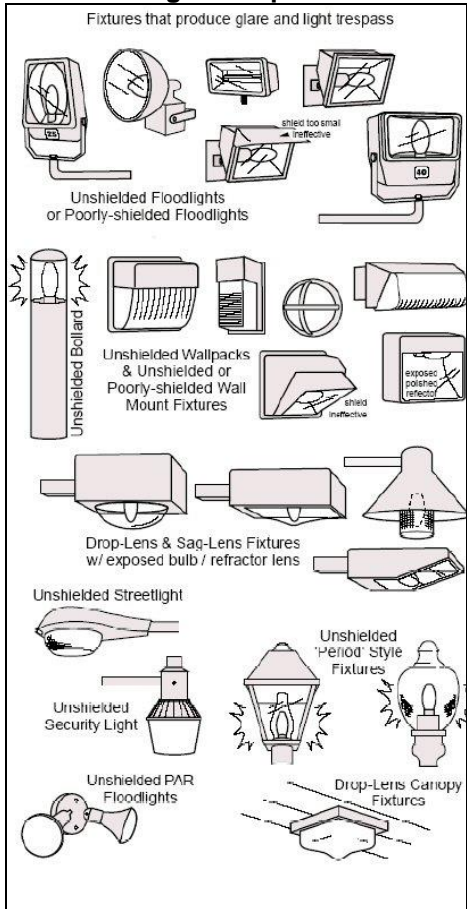
These Regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

### B. Standards

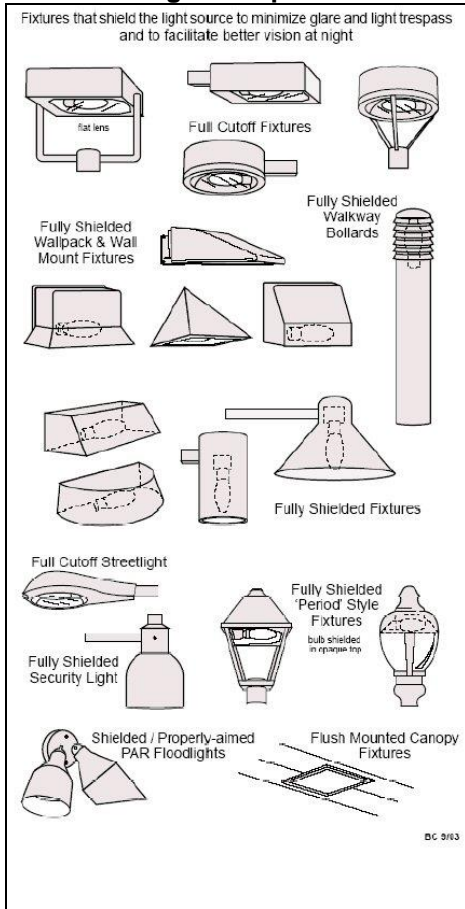
1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
  - a. prevent direct light trespass,
  - b. be shielded to the extent possible,
  - c. employ soft, transitional light levels which are consistent from area to area,
  - d. minimize contrast between light sources, lit areas and dark surroundings, and
  - e. be confined within the target area.
2. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above.
3. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
  - a. full cut-off type fixtures, or
  - b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
4. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
  - a. top downward (not upward or sideways), and
  - b. full cut off or fully shielded/recessed.
5. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
  - a. their beams fall within the primary playing area and immediate surroundings, and
  - b. no direct illumination is directed off the site.
6. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
7. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
8. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
9. 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 thirty (30) feet.

August 1, 2013
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**Fixtures Which Might  
Produce Glare or  
Light Trespass**



**Fixtures Which Might Not  
Produce Glare or  
Light Trespass**



**C. Exemptions and Modifications**

1. Traditional seasonal lighting is exempt from these Regulations.
2. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
3. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
  - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
  - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
  - c. 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,
  - d. where special lighting is indicated for historic buildings,
  - e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
  - f. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
4. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

## **SECTION 6.12. DESIGN REVIEW**

### **A. Purpose**

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

### **B. Applicability**

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Retail Zone or any Business Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D and the design guidelines in Subsection 6.12.E.
2. A principal use or activity permitted by Special Permit in any Residence Zone, except for a two-family house, a rooming house, a bed and breakfast, a group home, or an agricultural use, shall be reviewed in relation to the design guidelines in Subsection 6.12.D.
3. A Special Permit use or activity in a Multi-family Zone, an Apartment Zone, a Waveny Zone, or a Park, Recreation and Open Space Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D.

### **C. Procedure**

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any Design Review Committee shall not be binding upon the Commission.

### **D. Design Guidelines**

#### **1. Relationship of Buildings to Site and Adjoining Areas**

- a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
- b. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
- c. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
- d. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

## 2. Landscape and Site Treatment

- a. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
- b. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
- c. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
- d. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

## 3. Building Design

- a. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
- b. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
- c. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
- d. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
- e. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.

## 4. Signs and Lighting

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
- b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
- c. Lighting shall be restrained in design and excessive brightness avoided.

## E. Additional Village District Considerations

### 1. Design Guidelines

- a. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within the Village District.
- b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
- c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the Village District is encouraged.
- d. The exterior of structures or sites shall be consistent with:
  - i. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
  - ii. the distinctive characteristics of the district identified in the New Canaan Plan of Conservation and Development.
- e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
- h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

**2. Procedures**

- a. The Commission shall select and contract with one or more Village District consultants.
- b. Such Village District consultant shall be:
  - i. a registered architect or an architectural firm,
  - ii. a licensed landscape architect, or
  - iii. a planner who is a member of the American Institute of Certified Planners.
- c. Alternatively, an architectural design review board may be designated as the Village District consultant provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.
- d. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
- e. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
- f. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
- g. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
- h. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the New Canaan Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
- i. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.



## ARTICLE 7 - SPECIAL PROVISIONS

### SECTION 7.1. NONCONFORMING CONDITIONS

#### A. Nonconforming Uses

1. Any nonconforming use of buildings or land lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
2. No nonconforming use may be changed except to a conforming use or, with the approval of a Special Permit by the Commission, to another nonconforming use of a less objectionable character.
3. No nonconforming use shall, once changed to a more conforming use, be changed to a less conforming use.
4. No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed or replaced by the same or any other nonconforming use unless:
  - a. the owner or owners of the property containing said nonconforming use, prior to the expiration of said one-year period, shall have filed with the Commission a notarized statement of intent not to discontinue such nonconforming use and a copy thereof is filed on the Town Land Records, or
  - b. the building containing the nonconforming use is being restored, in accordance with Subsection 7.1.B.4, following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy.
5. No nonconforming use, and no portion of a building containing a nonconforming use, shall be extended or expanded unless such extension or expansion receives approval of a Special Permit by the Commission.
6. Alterations to a structure containing a nonconforming use may be made provided:
  - a. the alterations are structural in nature and do not materially alter the characteristics or exterior appearance of the structure, or
  - b. the alterations are solely cosmetic in nature and, in the opinion of the Commission, shall reduce any potential negative impacts of the nonconforming use, or
  - c. the structure has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy and shall be replaced in accordance with Subsection 7.1.B.4.

## B. Nonconforming Structures

1. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
2. A nonconforming structure in a single-family residential zone (A-zone and larger lot size zones) may only be enlarged provided such enlargement:
  - a. complies with applicable parts of these Regulations for the specific use and zone, or
  - b. receives a variance from the Zoning Board of Appeals.
3. A nonconforming structure in any business or commercial district, B Residence Zone, Apartment Zone or Multi-Family Zone may only be enlarged provided such enlargement:
  - a. complies with applicable parts of these Regulations for the specific use and zone, or
  - b. receives approval of a Special Permit by the Commission in accordance with the standards of Subsection 8.2.B.4.
4. Any nonconforming structure which has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy may be repaired, restored, rebuilt, or replaced to the same extent as it was immediately prior to said destruction provided:
  - a. such repair, restoration, rebuilding, or replacement:
    - i. does not extend nor expand the previously existing nonconforming structure unless approved by the Commission by granting of a Special Permit in accordance with the standards of Subsection 8.2.B.4,
    - ii. shall be initiated within six (6) months of the date of such destruction, and
    - iii. shall be completed within eighteen (18) months of the date of such destruction.
  - b. the Commission may, upon written application made to it, extend the time period for initiation and/or completion for an additional period, not to exceed six (6) months.
  - c. in the event of a failure to begin such repair, restoration, rebuilding, or replacement in accordance with the above time period, said right shall be lost, and such nonconforming structure shall not thereafter be restored or continued.
5. A nonconforming structure may only be otherwise repaired, restored, rebuilt, replaced, or altered if such alterations:
  - a. do not increase the non-conforming aspect of the structure, and
  - b. comply with other applicable parts of these Regulations for the specific use and zone, and do not result in the repair or replacement of more than fifty percent (50%) of the existing structure.

## C. Nonconforming Parcels

Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that such parcel has not, once becoming non-conforming, been in the same ownership as an abutting parcel. If such parcel has been in the same ownership as an abutting parcel, such parcels shall, for zoning purposes, be considered to be merged to create a conforming lot or a more conforming parcel.

**SECTION 7.2. TEMPORARY AND CONDITIONAL PERMITS**

1. The Commission may authorize the Zoning Inspector to issue a Zoning Permit on a temporary and conditional basis for principal or accessory uses or activities not conforming to these Regulations.
2. Any such temporary and conditional permit shall not be extended beyond what may be authorized by the Commission nor shall any such use or activity be converted or altered to a nonconforming use.

**SECTION 7.3. LAND IN TWO MUNICIPALITIES**

Where a parcel of land is located partially in New Canaan and partially in an adjoining town, no Zoning Permit shall be issued for the construction of a building on such parcel unless:

1. all of that part of the building used for human habitation is located entirely within one Town, and
2. all accessory buildings used for human habitation in connection therewith are located in the same Town.

## **SECTION 7.4. TRAILERS**

1. Temporary construction trailers shall obtain a Zoning Permit.
2. Trailers shall not be used for human habitation except for an emergency as determined by the Zoning Inspector and then only on a temporary basis.
3. Except as provided above, trailers shall not be used or employed for any use of any kind without approval of a Special Permit by the Commission.

**SECTION 7.5. SALE OF ALCOHOLIC LIQUOR**

No building, premises or land or any part thereof shall hereafter be used for the sale of alcoholic liquors as defined in the Liquor Control Act, except:

1. In a Waveny Zone,
2. In any Retail Zone or any Business Zone, or
3. By a club or hotel legally conducted in a Residence Zone.

## **SECTION 7.6. AFFORDABLE HOUSING**

### **A. Inclusionary Zoning Fee**

#### **1. Authority**

This Subsection is adopted under the authority of Section 8-2i of the Connecticut General Statutes.

#### **2. Applicability**

- a. All applications for a zoning permit for any new building construction or addition (excluding interior renovation) in any zone shall be accompanied by an inclusionary zoning fee of \$10.00 per \$1,000 of construction value, to be paid into a housing trust fund to be used for constructing, rehabilitating or repairing affordable housing.
- b. The money collected in the Housing Trust Fund shall only be disbursed by the Town of New Canaan to the New Canaan Housing Authority and/or other non-profit entities as authorized by the Town and Planning and Zoning Commission for the construction, rehabilitation or repair of affordable housing.
- c. Market rate units in an affordable development shall be assessed the inclusionary housing fee.

#### **3. Exemptions**

The following shall be exempt from this fee:

- a. Any application submitted on behalf of the United States of America, the State of Connecticut, the Town of New Canaan, the New Canaan Board of Education, the New Canaan Housing Authority, or any of their agencies.
- b. The affordable housing units included in any application for construction in an affordable housing development approved in accordance with the requirements of CGS 8-30g. The fee would still be applicable for the market rate units in any such affordable development.
- c. Any application for a dwelling unit(s) as affordable housing that complies with the affordability criteria and other requirements of CGS 8-30g in effect on the date of approval. The fee would still be applicable for the market rate units in any such affordable development.

### **B. Housing Affordability Plan Requirements**

For any affordable housing development, the following requirements shall apply:

1. After June 18, 2005, any proposed affordable housing development shall submit a Housing Affordability Plan) to the Commission in compliance with CGS 8-30g(b)(1). The development shall thereafter conform to the Housing Affordability Plan approved by the Commission.
2. Any affordable housing development approved prior to June 18, 2005 shall comply with the affordability criteria and other requirements of CGS 8-30g which were in effect on the date the application was applied for and subsequently approved.



3. Unless otherwise provided in the Housing Affordability Plan approved by the Commission, the Housing Affordability Plan will state:
  - a. Construction quality of affordable housing units shall be comparable to market-rate units within the development,
  - b. Affordable housing units shall be dispersed throughout the development,
  - c. Affordable housing units shall be built on a pro rata basis as construction proceeds,
  - d. Occupancy of affordable housing units shall be restricted to persons and families eligible under State law,
  - e. The Town of New Canaan shall be designated as the municipal agent monitoring the enforcement of the standards contained in the definition of an affordable housing development.

## C. Inclusionary Zoning

### 1. Authority & Purpose

This Subsection is adopted under the authority of Section 8-2i of the Connecticut General Statute and is intended to assist the Town of New Canaan in providing a diverse housing portfolio and to create income restricted dwellings at or below eighty percent (80%) of median income in an effort to move New Canaan towards the ten percent (10%) housing affordability requirement of CGS 8-30g.

### 2. Applicability

The inclusionary zoning requirements of this section apply to projects resulting in the creation of five (5) or more dwelling units in the Multi-Family Zone (Section 5.3), Apartment Zone (Section 5.4), or any of the Business Zones in Article 4.

The inclusionary zoning requirements will only apply to projects in the foregoing zoning districts that have access to public water and sewer.

### 3. Inclusionary Zoning Requirements

- a. Where a project results in the creation of at least five (5) dwelling units, fifteen percent (15%) of the units must be provided as affordable housing, at or below eighty percent (80%) median income, and deed restricted for a minimum of forty (40) years from the date of first occupancy. The affordable units may be counted in addition to the number of permitted dwellings allowed in the underlying zoning district. *See Inclusionary Zoning Calculations*
- b. When a calculation performed to determine the number of affordable housing units to be provided results in a number that is less than one (1), one (1) unit of affordable housing shall be provided.
- c. When a calculation performed to determine the number of affordable housing units to be provided includes a fraction greater than one (1), the fractional amount may be provided as a fee in lieu cash payment to the housing trust fund as per Section 7.6. C (4) (b). If the option to pay the fractional amount as a fee in lieu cash payment is not desired, the number of affordable housing

units to be constructed shall be rounded up to the next whole number.

- d. In general, projects subject to the inclusionary zoning requirements in Section 7.6 C (3) (a) shall comply with applicable zoning regulations of the underlying zoning district, including parking.
- e. Notwithstanding the provisions of (d), above, where a project provides fifteen percent (15%) of its units as affordable housing, on site, the Commission may allow a bonus to the total number of permitted number of dwellings (density) of up to fifteen percent (15%), so long as the overall affordability of the project remains above ten percent (10%). Total project density including all units shall not exceed one hundred thirty (130%) of the underlying zone when all the affordable units are provided on site. *See Inclusionary Zoning Calculations*
- f. If a project uses the bonus in (e), above, the Commission may allow additional modifications in order to accommodate the increased density on site:
  - i. Maximum Building Coverage

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	30%	40%
Apartment Zone	25%	35%

- ii. Minimum Landscaped Area

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	50%	40%
Apartment Zone	50%	40%

- iii. Maximum Floor Area Ratio

The maximum floor area ratios shall stay the same as the underlying zone. However, the square footage of the affordable units provided, on site, as part of the inclusionary zoning and the bonus units, if utilized under these Regulations, shall not be counted towards the floor area ratio as noted in Section 4.8.L of these Regulations.

## iv. Maximum Total Building Height

Zone (s)	Existing	Inclusionary Zoning Max. Modification
Multi-Family Zone	2.5 stories 40 feet	3.5 stories 50 feet
Apartment Zone	2.5 stories 40 feet	3.5 stories 50 feet
Retail A Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 45 feet
Retail B Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 50 feet
Business A Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 50 feet
Business B Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 50 feet
Business C Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 50 feet
Business D Zone	Lesser of 2.5 stories or 30 feet	3.5 stories 50 feet

Basement levels dedicated in their entirety to storage and/or non-living space (ex. Vehicular garage access and/or parking, utility, circulation, or other common storage, etc.) shall not be counted as a story in the calculation of height.

The Commission may require that any building height above 30 feet or two-and-one-half stories be set back from the façade of the building so as to maintain a cornice line along the street and/or not overwhelm the street.

## v. Parking

The Commission may modify the parking requirements of Section 6.2 C. Inclusive of all modifications, the number of parking spaces on site shall not be reduced by more than 25% of the required number. This includes, but is not limited to:

- For projects using 6.2 E (1) and (2), the Commission may allow a reduction of up to 25% and may exceed the maximum of five (5) spaces. All other standards of these sections remain the same.
- For projects within walking distance (0.25 miles) of a parking lot with daily spaces available to the public, the Commission may reduce the parking requirements based upon a traffic and parking study and a subsequent peer review of such study. The thorough peer review must definitely confirm that there is adequate parking on-site and/or within walking distance and there will be no negative impacts on the street or surrounding properties.
- The Commission may also allow the reduction of four (4) parking spaces for the provision of a car sharing vehicle and parking space on site. Such reduction shall not exceed ten percent (10%) of the required parking.

## vi. Building Lines

In the Retail and Business Zones modification of the Building Lines is permitted via Special Permit in Section 4.8.E of these Regulations. When all of the required affordable housing is provided on site, the Commission may allow for a modification to the Building Line as appropriate.

**4. Application Requirements**

Projects required to provide affordable housing units through the Inclusionary Zoning Requirements of Section 7.6 C (3) will follow the permit process required for residential dwelling units in the underlying zoning district.

Submitted with the appropriate permit application, the Applicant will also include the following:

- a. A "Housing Affordability Plan" in accordance with CGS 8-30g(b)(1) et seq. of the Regulations of Connecticut State Agencies will be submitted as part of the permit application. Such plan, unless otherwise approved by the Commission, shall include the requirements under Section 7.6 B (3).
- b. The Commission may accept payment of fee in lieu of construction for some, or all, of the required affordable housing units. If fee in lieu of payment is desired by the Applicant, the Applicant will submit to the Commission a written statement requesting such payment. If fee in lieu is accepted by the Commission:
  - i. It will take the form of a one-time cash contribution to the Housing Trust Fund referenced in Section 7.6 A equal to 300% of the state median income for a family of four per required affordable housing unit.
  - ii. The calculation of the number of affordable housing units required to be paid for by a fee in lieu cash contribution is the same as in Section 7.6 C (3).
  - iii. The fee in lieu shall be paid in full prior to the issuance of the first Zoning Permit.

## Section 7.6

### Inclusionary Zoning Calculations

#### 1. Calculating the Number of Units Allowed (without Density Bonus)

$X$  = Number of units allowed under existing density

$Y$  = Number of affordable units to be provided ( $0.15 * X$ )

$Z$  = Total number of units ( $X + Y$ )

Example: Existing zoning allows 20 multi-family units to be constructed on site. The number of affordable units to be provided is 3 ( $0.15 * 20$ ). The total number of units that can be built, inclusive of the affordable units is 23 ( $20 + 3$ ).

#### 2. Calculating the Number of Units Allowed with Density Bonus

$X$  = Number of units allowed under existing density

$Y$  = Number of affordable units to be provided ( $0.15 * X$ )

$B$  = 15% density bonus when 15% of units are provided as affordable ( $0.15 * X$ )

$Z$  = Total number of units ( $X + Y + B$ )

Example: Existing zoning allows 20 multi-family units to be constructed on site. The number of affordable units to be provided is 3 ( $0.15 * 20$ ). The density bonus allows an additional 3 units to be built ( $0.15 * 20$ ). The total number of units that can be built, inclusive of affordable and bonus units is 26 ( $20 + 3 + 3$ ).

#### 3. Calculating the Overall Affordability of a Project:

$X$  = Number of units allowed under existing density

$Y$  = Number of affordable units to be provided ( $0.15 * X$ )

$B$  = 15% density bonus when 15% of units are provided as affordable ( $0.15 * X$ )

$Z$  = Total number of units ( $X + Y + B$ )

$OA$  = Overall project affordability ( $Y / Z$ )

Example: The total number of units that can be built on a site inclusive of affordable and bonus units is 26. The number of affordable units being provided is 3 ( $0.15 * 20$ ). The overall affordability of the project is 11.5%. The overall affordability of the project is above 10%.

## **SECTION 7.7. PRESERVATION OF HISTORIC STRUCTURES**

### **A. Purpose**

In order to encourage the preservation of structures contributing to positive aspects of community character, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area, density or dimensional requirement (such as maximum building coverage or density calculation) to be exceeded in accordance with the following standards.<sup>2</sup>

### **B. Historic Structure Designation Criteria**

1. For purposes of this Section, structures may, upon application by the owner, be designated as historic structures by the Commission where said structures are seventy five (75) years old or older, and are found by the Commission to be directly associated with the history of the subject property and:
  - a. exemplify or reflect the broad cultural, political economic or social history of the nation, state or Town; or
  - b. are identified with historic personages or with important events in the national, state or local history; or
  - c. embody the distinguishing characteristics of an architectural type inherently valuable for study of a period, style, method of construction or of indigenous materials or craftsmanship; or
  - d. are representative of a notable work of a master builder, designer or architect who influenced his or her age; or
  - e. have yielded, or may be likely to yield, information important to history.
2. The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

### **C. Application Requirements**

1. Application for the Special Permit shall be made in the form prescribed by the Commission, consistent with all applicable provisions of these regulations particularly Subsection 8.2.B.4 and shall contain, at a minimum:
  - a. accurate exterior elevations or photographs of each side, of each historic structure proposed to be preserved,
  - b. a survey map and other documentation sufficient to establish the historic, cultural, or architectural significance of the historic structure and compliance with the standards set forth in Subsection 7.7.B and any other standards contained in these regulations as determined applicable by the Commission.

<sup>2</sup> When two conforming lots, each with an existing single family dwelling are merged and at least one of the original lots contains a single family dwelling and/or accessory dwelling unit which meet the criteria of historic structure(s) as set forth in this Section, continuation of the pre-existing uses as single family dwelling units shall be permitted without requiring a Special Permit. However, should the historic structure(s) be removed a new single family dwelling cannot be erected unless the parcel is resubdivided or permission to erect a new single-family dwelling is allowed in accordance with these regulations. Once the properties have been merged under this Section, the historic dwelling unit(s) shall not be relocated or modified in any way unless such modification or relocation is approved by the Commission or its agent.

## Section 7.7

2. The Commission shall determine, in its sole discretion, from factual evidence or expert opinion that:
  - a. the structure in question contributes to community character or possesses a degree of historic significance (which may be evidenced by its age, architectural uniqueness, or cultural value) which would represent a cultural benefit to the community if preserved, and,
  - b. the structure in question requires some measure of regulatory relief to allow for its preservation.

### **D. Considerations**

1. When considering an application or any action regarding a use or a structure under this Section the following shall apply:
  - a. the maximum variation allowable by the Commission, of any applicable regulation, shall be 75% of the regulation requirement, and
  - b. the Commission may solicit pertinent information from outside experts such as the Historical Society, architectural consultants, historians or any other person(s) it may find as qualified to comment and provide information on the subject application.
2. When reviewing Special Permits under this Section, the Commission shall, in addition to the Special Permit Criteria of Section 8.2.B.4, consider and determine in each case whether the proposal will:
  - a. have a positive or negative effect on the orderly growth and development of the area,
  - b. promote the general welfare of the residents of the Town,
  - c. adversely affect safety in the streets,
  - d. permit the retention of historic structures that would be in scale and compatible with surrounding structures,
  - e. allow for the preservation of historic structures having special historical, cultural and/or architectural merit, including in the Commission's sole discretion, but not limited to structures retaining historical integrity of those features related to history, architecture and/or construction methods, and
  - f. further the stated goals and policies of the current Plan of Conservation and Development.
3. After the required Public Hearing is held and findings are made, the Commission may, in its sole discretion, allow an area, density, or dimensional requirement to be reduced or exceeded, up to the maximum allowed by Subsection 7.7.D.1.a. Bonuses approved by the Commission shall be restricted to the minimum amount deemed necessary to encourage preservation of the historic structure.
4. Where a historic structure is preserved in connection with a first cut or subdivision application:
  - a. A suitable historic conservation easement shall be recorded on the New Canaan Land Records to ensure the continued maintenance of any such historic structure or property in accordance with the aforementioned standards; and,
  - b. The Commission may retain architectural review jurisdiction over the structure proposed on the newly established lot to ensure compatibility with the preserved, historic structure on the adjacent lot.



## E. Limitations

1. Once a Special Permit has been granted under this Section, the historic structure shall not be relocated or modified in any way unless such modification or relocation is approved by the Commission. If a modification is proposed as minor in nature, the Commission may delegate approval to the Zoning Inspector upon submission of appropriate information.
2. Any Special Permit granted under this Section shall prescribe the specific conditions to be observed and structural appearance to be maintained for the preserved structure. Any unauthorized deviation from these conditions shall constitute a nullification of the Special Permit approval. Upon such nullification, the property may be subject to any and all legal means available to the Commission to correct any unauthorized work at the property owners expense, or may be subject to any other enforcement action the Commission, through the Zoning Inspector, deems necessary. In addition, any permits issued subsequent to the granting of the Special Permit may be voided and the work associated with any such permit may be required to be removed.
3. Any proposed modifications to the structure or the use of the structure shall be made known to the Commission at the time of the Special Permit application. Any subsequent changes to the use or the structure shall only be accomplished as specified herein. Emergency repairs may be made by the owner as a result of fire or other similar type damage and the Zoning Inspector shall be notified not later than 72 hours after the repair or stabilization is initiated.
4. Any significant maintenance requirements to any structure covered by this regulation shall be done promptly by the owner. Failing this, the owner shall be notified that, if the maintenance requirements of the original Special Permit are not complied with, the Special Permit may be determined to be violated and may be nullified by the Commission.
5. Any change in use of any structure which has an approved Special Permit may only be authorized by application to, and approval by, the Commission. Said application shall contain all relevant information pertaining to the previously approved and proposed change of use for the historic structure. The Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit granted for the subject historic structure according to the standards referenced in this Section.

**SECTION 7.8. TELECOMMUNICATION FACILITIES****A. Purpose**

These regulations are intended to establish guidelines and standards for the siting of different types of antenna facilities in New Canaan in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse effects.

The Town of New Canaan recognizes that wireless communication services have become an important means of communication relied upon by residents and visitors. Wireless telecommunication services also have a public safety component since they can be used to summon police, fire and other emergency services, if or when needed. The Town intends to balance the public need or benefit resulting from wireless communications service in New Canaan while seeking the least obtrusive means of having such services available and minimizing possible negative impacts.

**B. Antennae Permitted Without Zoning Permit**

1. Residential Household Antenna - An antenna used solely for residential household television / radio reception provided any such antenna meets required setbacks and:
  - a. if attached to the principal building, does not extend more than ten feet (10') above the height of the building, or
  - b. if detached from the principal building, does not exceed the maximum total building height limitation for the zoning district in which it is located.
2. Residential Satellite Dish Antenna - A satellite dish antenna in a residential zone provided it is not visible from the street and:
  - a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
  - b. a building-mounted installation complies with yard setback and total building height standards for a principal structure.
  - c. a ground-mounted installation is located in the rear yard and complies with yard setback and total building height standards for an accessory structure.

**C. Antennae Permitted by Zoning or Other Permit (Staff)**

1. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone provided:
  - a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
  - b. the dish antenna is screened from public view.
2. Amateur Radio Antenna - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
  - a. a ground-mounted installation is located in the rear yard.
  - b. a building-mounted installation is affixed to the rear of the residential structure.

- c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
  - d. a suitable safety fence may be required to be erected to preclude unauthorized access.
3. Repair Of Existing Antennas And/Or Tower - Repair of existing antennas and/or towers, provided there are no changes in design, height or appearance.

#### **D. Antennae Permitted by Site Plan Approval (PZC)**

1. Other Residential / Commercial Antenna - An antenna of the type permitted by Subsection 7.8.B. or Subsection 7.8.C. that does not comply with the standards for such antenna specified therein.

#### **E. Antennae Permitted by Special Permit (PZC)**

For the following antennae and/or telecommunication facilities requiring a Special Permit from the Planning and Zoning Commission, the proposed facility shall be reviewed for consistency with:

- The purposes of this Section 7.8,
  - The Special Permit criteria contained in Section 8.2.B.4 of these Regulations, and
  - The Standards contained in Section 7.8.G of these Regulations.
1. Other Antennas on Existing Structures - Any other antenna which is not attached to a tower (such as antennae mounted on a building, water tank, or other structure not specifically constructed for the antennae installation).
2. New Public Safety Tower or Antenna - A new antenna and/or tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
3. New Tower or Antenna on Town-Owned Property - A new antenna and/or tower located on property owned, leased or otherwise controlled by the Town of New Canaan.
4. New Tower or Antenna - Any new antenna and/or tower not regulated by the Connecticut Siting Council or by the Public Utilities Regulatory Authority including but not limited to radio towers, meteorological towers, or similar towers.

## F. Antennae Regulated By State Authorities (State)

For telecommunication facilities regulated by the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA), the standards contained in Section 7.8.G of these Regulations shall be submitted to such regulatory agency and shall be considered part of the "location preferences or criteria" as that term is used in CGS Chapter 277a.

1. Connecticut Siting Council - As provided in Chapter 277a of the Connecticut General Statutes (CGS Section 16-50g et seq.) and the rulings of the Connecticut Siting Council, telecommunications towers owned or operated by the state, a public service company, certified telecommunications provider or used in a cellular system including:
  - a. Establishment of new towers (or built to support telecommunications antennae),
  - b. Co-location of new antennae on existing towers,
  - c. Modification of approved towers, and
  - d. Applications to attach small cells to a new structure, an electric transmission pole or other freestanding structure.

**Applicants to the Connecticut Siting Council are strongly encouraged to meet with the Planning and Zoning Commission within 30 days of the pre-application notice to a municipality as required by CGS Section 16-50l.(f)(1), to review technical reports concerning:**

- the need for the facility including a map indicating the area of need and the location of existing surrounding facilities,
- a description of the site selection process undertaken by the prospective applicant
- the proposed and any alternate sites under consideration and a listing of other sites or areas considered and rejected,
- the location of all schools and places of public assembly near the proposed facility,
- an analysis of the potential aesthetic impacts of the facility as well as efforts or measures to be taken to mitigate such aesthetic impacts, and
- the potential environmental effects of the proposed facility.

**Such meeting with the Commission shall not be in lieu of the public informational meeting as provided for by CGS Section 16-50l.(f)(1).**

2. Public Utilities Regulatory Authority – As provided in Chapter 283 of the Connecticut General Statutes (CGS Section 16-228 et seq.) and the rulings of the Public Utilities Regulatory Authority (PURA), the placement of small cell or similar (telecommunication) facilities on utility poles (including replacement or convenience poles) that are part of the electric distribution system.

## G. Standards

The following standards apply to applications submitted to the Commission under Section 7.8.E and to applications submitted to the CSC or PURA under Section 7.8.F.

### Location

1. Protect the Town's visual quality and minimize any adverse visual impacts of wireless communication facilities through proper design, siting, and screening.
2. Avoid locating wireless communication facilities in:
  - Special Flood Hazard areas.
  - Regulated wetland areas.
3. Avoid locating wireless communication facilities in locations which will have adverse visual impacts upon:
  - recognized historic places (properties listed in the National Register of Historic Places and/or the State Register of Historic Places),
  - designated historic districts (National Register Historic Districts, State Register Historic Districts, and/or local historic districts),
  - scenic resources designated in the Plan of Conservation and Development or elsewhere,
  - Areas shown on the:
    - i. Connecticut DEEP Natural Diversity Database, and/or
    - ii. Federal Listed Species and Natural Communities Maps.

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### Antenna Type

4. For new towers, New Canaan expresses its preference that the number of towers be minimized, especially visually prominent ground-mounted towers.
5. New Canaan expresses its preference for wireless communication facilities in the following order / hierarchy:

PREFERRED	
<b>Existing Utility Poles</b>	1. Small cell or other similar telecommunication facilities on existing utility distribution poles.
<b>Structure Mounted</b> (provided that such installation preserves the character and integrity of those structures)	2. Totally enclosed within: <ul style="list-style-type: none"> <li>• an existing structure.</li> <li>• a new steeple, chimney, or similar architecturally compatible structure.</li> </ul>
	3. Externally mounted on the wall of: <ul style="list-style-type: none"> <li>• an existing structure.</li> <li>• a new steeple, chimney, or similar architecturally compatible structure.</li> </ul>
	4. Mounted on or within a new purpose-built structure designed to fit New Canaan's overall character (such as a structure designed to look like a water tank, bell tower, clock tower, silo, barn, or similar).
	5. Externally mounted on the roof of: <ul style="list-style-type: none"> <li>• an existing structure.</li> <li>• a new steeple, chimney, or similar architecturally compatible structure.</li> </ul>
<b>Internal Mount on Tower</b>	6. New internally-mounted antennae on existing tower (monopole or flagpole). 7. New monopole or flagpole (up to 10 feet above tree height) containing internally-mounted antennae. 8. New monopole or flagpole (more than 10 feet above tree height) containing internally-mounted antennae.
NOT PREFERRED	
<b>Up-sized Utility Poles</b>	9. Small cell or other similar telecommunication facilities on utility poles that are substantially larger in size or scale compared to existing utility poles.

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<b>External Mount on Tower</b>	10. New antennae externally-mounted on existing pole (co-location). 11. New “monopine” with externally-mounted antennae, at least three “branches” per vertical foot (or equivalent), and less than 10 feet above tree height. 12. New “monopine” with externally-mounted antennae, with fewer than three “branches” per vertical foot (or equivalent), or extending more than 10 feet above tree height. 13. New monopole with externally-mounted antennae less than 10 feet above tree height). 14. New monopole with externally-mounted antennae extending more than 10 feet above tree height). 15. New lattice tower. 16. New guyed tower.
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### Design

6. For new installations, all wireless communication facilities and associated equipment and material shall be visually shielded, camouflaged, and/or minimized to be as visually unobtrusive as possible when viewed from nearby properties and public roadways.
  - The design of the equipment, buildings and related structures shall, to the extent possible, use materials, neutral colors, finish, textures, screening, and landscaping that will blend them into their location.
  - Any building mounted antenna shall not extend more than 10 feet above the highest point of the structure unless specifically approved by the Commission due to unusual circumstances.
  - Any building mounted antenna shall be completely screened or shall be designed and installed to be architecturally compatible with the structure in question.
7. New towers shall be located away from property lines and habitable buildings at least as far as the height of the tower, including any antennas or other appurtenances unless adequate information has been provided to demonstrate that a “yield point” or other approach has been designed into the tower to avoid a tower falling on adjacent properties or habitable buildings.
8. With regard to installations on utility poles:
  - Any replacement poles or convenience poles shall retain the general height and visual characteristics of the utility pole they are replacing.
  - All equipment shall be placed within one enclosure mounted in the least visually obvious location on the pole.
9. Lighting of any wireless communication facilities shall be clearly disclosed and shall not exceed what is clearly necessary for public safety. No towers shall be artificially lighted unless required by the FAA or other applicable authority and specifically authorized by the Commission.
10. Signage shall be clearly disclosed and should not exceed what is clearly necessary for public safety.

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11. Site development shall minimize impervious surfaces, avoid soil erosion and runoff problems, maintain natural buffers, and provide for security and safe access.
12. Towers shall be protected to prevent unauthorized climbing.

**Equipment Shelters**

13. For equipment shelters associated with telecommunications facilities:
  - the presence of wireless communication equipment shall be concealed within buildings that resemble sheds and other building types found in New Canaan.
  - Such buildings shall not exceed one story in height and shall not exceed the maximum height in feet for an accessory building as specified in Section 3.5.F.2 of these Regulations.
  - Such equipment and shelters shall be set back from property lines in accordance with the requirements in the zoning district for the minimum yard setbacks for principal buildings.
  - such equipment shelters shall, in the opinion of the Commission, be appropriately scaled (floor area, height) and designed for the setting and the number of carriers provided.
  - In unusual situations where the above is not practical or desirable, the Commission may allow the use of underground vaults or ground-mounted equipment shielded by extensive landscaping and/or fencing.
14. For building mounted antennae, equipment vaults shall be concealed or use screening appropriate to the building shall be used to shield equipment from view.
15. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.
16. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
17. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

**Operation / Maintenance of Towers / Antennae**

18. All antennae and equipment shall be operated in a manner consistent with FCC guidelines for radio frequency emissions and other requirements.
19. All antennae and equipment shall, under normal operating conditions, be consistent with the noise standards as stated in the Town of New Canaan Noise Ordinance, Chapter 6B of the Town of New Canaan Code.

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## H. Application Requirements / Requests

For applications filed with the Planning and Zoning Commission (PZC) under Section 7.8.E, the information identified below as relevant will generally be required unless modified or waived by the Commission. For applications filed with the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA), the information identified below as relevant is requested.

	PZC	CSC	PURA
<b>1. Carrier Identified –</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. A statement identifying which licensed carrier is either an applicant or a co-applicant on the application.			
<b>2. Emergency Service Needs Considered –</b>			
a. A statement identifying whether an authorized emergency services organization (police, fire and/or ambulance services) is either an applicant or a co-applicant on the application.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. If an authorized emergency services organizations is not a co-applicant, statements from police, fire and ambulance services indicating whether they have any emergency service communication needs which could be addressed by the proposed facility.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Regulatory Compliance–</b>			
a. A statement that all towers, antennas, and/or equipment will, at all times, be operated in accordance with relevant local, state, and federal regulations.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Documentation regarding noise emission from equipment and steps to be taken so that any equipment noise is inaudible at the property line.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. Coverage –</b>			
a. Coverage parameters used in the analysis of potential sites.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Information on all tower sites considered and the reasons for rejection of any site.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

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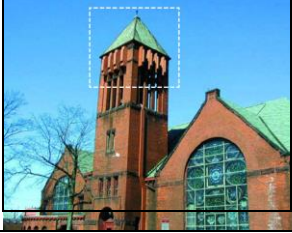

	PZC	CSC	PURA
<b>5. Visual Impact And Extent –</b>			
a. For a new tower, the boundaries of the tower’s viewshed (the area within which the tower can be seen based upon the topography surrounding the site).	☑	☑	
b. For a new tower, notice of a “balloon test” for the proposed height and site shall be published in a newspaper having a general circulation in New Canaan at least twice, at intervals of not less than two days, the first not more than 15 days or less than 10 days and the last not less than two days before the date set for the balloon test.	☑	☑	
c. Illustrations, dimensioned and to scale, of the proposed tower, antennas, equipment shelters, and any other construction or development attendant to the facility.	☑	☑	☑
d. Visual simulation of the proposed tower, antennae and equipment enclosure(s)	☑	☑	☑
e. A statement indicating whether utilities serving the facility will be overhead or underground.	☑	☑	
f. A statement indicating whether the site will require lighting per the FAA regulations and, if so, what type of lighting is proposed	☑	☑	
g. A statement as to whether any commercial logo or identification will be placed on any equipment so as to be visible from adjacent property or a public street.	☑	☑	☑
<b>6. Construction Plans –</b>			
a. For towers, site plans with two-foot contour intervals showing all proposed changes to the existing property, including vegetation removal, grading, structure and equipment location(s), temporary or permanent roads or driveways, existing and proposed drainage facilities, storm-water management, and other considerations.	☑	☑	
b. For utility pole installations, site plans showing all proposed changes within the street right-of-way or on nearby property including vegetation removal, grading, and other considerations.			☑
c. For towers, drawings of the tower and key dimensional parameters including any built-in “yield point” or other parameter.	☑	☑	
d. Drawings of any building, underground vault, fence, screening, or other enclosure for equipment	☑	☑	
e. For towers or for any ground based equipment or structures, landscaping drawings.	☑	☑	☑






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	PZC	CSC	PURA
<b>7. Other Requirements –</b>			
a. A statement shall be submitted indicating whether there are any deed restrictions or easements or other encumbrances that would affect the installation of wireless communication facilities.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. For applications to PURA, the applicant shall submit a statement indicating their willingness to schedule a public information meeting in New Canaan if requested by the Town.			<input checked="" type="checkbox"/>
<b>8. Operational Considerations –</b>			
a. A statement about whether the site will require lighting per the FAA regulations or be installed for any reason and, if so, what type of lighting is proposed.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. The applicant's program for annual reporting of the contact person.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. The applicant's proposal for documenting, upon request by the Town: <ul style="list-style-type: none"> <li>whether radio frequency emissions from the antennae and/or equipment exceed FCC guidelines and actions taken to correct any non-compliance.</li> <li>whether equipment at the site complies with noise limitations and actions taken to correct any non-compliance</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. For new towers, the applicant shall prepare and submit an affidavit acceptable to the Commission, for recording on the land records, declaring responsibility for the orderly removal of towers, antennas and associated equipment and restoration of the site at the operator's expense.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
e. A written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

**Taxonomy of Towers / Antennae**

<b>No Zoning Permit Required</b>	<b>Household Antenna</b> 	<b>Residential Dish</b> 	
	<b>Commercial Dish</b> 	<b>Amateur Radio</b> 	<b>Repair Of Existing</b> 
<b>Zoning Permit</b>			
<b>Site Plan Approval</b>	<b>Other Residential Antenna</b> 	<b>Other Commercial Dish</b> 	
	<b>Town-Owned / Public Safety</b> 	<b>On Existing Structure</b> 	<b>Not Regulated By CSC / PURA</b> 
<b>Special Permit</b>			

<b>Public Utility Reg- ulatory Authority</b>	<b>120 Ponus Ridge</b> 	<b>70 Pine Street</b> 	
	<b>95 Country Club Road</b> 	<b>208 Valley Road</b> 	<b>135 Main Street</b> 
<b>Connecticut Siting Council</b>			

June 18, 2018



**Jurisdiction Of Connecticut Siting Council**

**95 Country Club Road**



**208 Valley Road**



**135 Main Street**



**163 Lakeview Avenue**



**Jurisdiction Of Public Utility Regulatory Authority**

**120 Ponus Ridge**



**70 Pine Street**



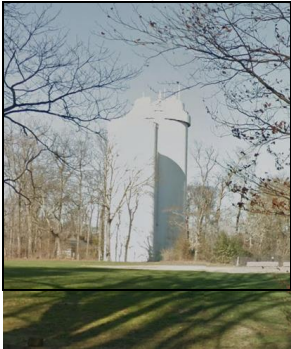
**Jurisdiction Of Town of New Canaan**

**77 Main Street**

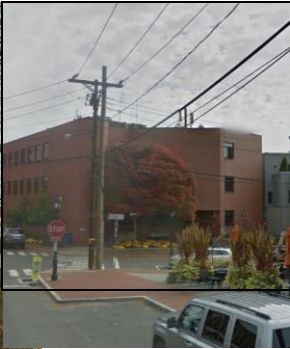


**Other**

**Waveny Park**



**39 Locust Street**



**258 Elm Street (local IP)**



## **ARTICLE 8 - PROCEDURES**

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### **SECTION 8.1. GENERAL PROCEDURES**

#### **A. Application Submittal Requirements**

1. Applications to the Commission or Board shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

#### **B. Date of Receipt**

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission or the Board shall be:

1. the day of the next regularly scheduled meeting of the Commission or the Board immediately following the day of submission of the application to the Planning and Zoning Office, or
2. thirty-five (35) days after submission, whichever is sooner.

#### **C. Incomplete Applications**

1. Each application shall be reviewed by the Planning and Zoning Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

#### **D. Sequence of Hearings**

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

**E. Consultations**

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Board may retain an architect, engineer, landscape architect, professional land use planner, and/or other consultant to review, comment, and guide its deliberations on any application. If the Commission or Board determines that such consultant(s) are necessary, the Zoning Inspector shall obtain estimates from such consultant(s). The Zoning Inspector shall collect 150% of the estimate from the applicant which shall be held in escrow until the technical reviews are completed. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered as an integral part of the application. The failure by the applicant to make this payment shall render the application incomplete.

**F. Notice by Newspaper**

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in New Canaan.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

**G. Notification of Property Owners**

1. When required by these Regulations, the applicant shall notify owners of property within one hundred (100) feet of the subject property (including owners of individual condominium units), whether inside or outside New Canaan, of a pending application by mailing a notice at least ten (10) days prior to the first scheduled hearing. In accordance with CGS 8-7d(d) as amended by PA 06-80, the Commission is exempt from this requirement.
2. At a minimum, such notice shall consist of:
  - a. a description of the proposed activity,
  - b. notification of the date, time, and place of the first scheduled hearing, and
  - c. a copy of the application form submitted to the Commission or the Board.
3. Notices to such property owners shall be sent either by "Certified United States Mail" or the applicant must provide a "Certificate of Mailing" except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. The latest records of the Town Assessor shall be utilized to determine the owner of each property and if such information is not readily available the fact shall be made known to the Zoning Inspector and the Commission or Board.
5. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
  - a. a copy of the complete package of information sent to abutters,
  - b. a list of the abutters to whom the notices were sent, and
  - c. proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service.

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## **H. Notification of Abutting Municipalities**

1. In accordance with CGS 8-7d(f), the Commission or Board shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
  - a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
  - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
  - c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
  - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

## **I. Notification of Water Companies**

1. In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Board concerning any project on any site that is within:
  - a. an aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c, or
  - b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission or the Board and on the New Canaan land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application shall be considered incomplete:
  - a. a copy of the complete package of information, and
  - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

## **J. Beneficiaries of a Trust**

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

August 1, 2013



**K. Bonds**

1. Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Zoning Inspector shall require evidence of compliance with the following standards before accepting any bond:
  - a. Cash deposited with the Town.
  - b. Certified check to the order of the Town when the amount of the check is fully insured by the FDIC.
  - c. Bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
  - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
    - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:
      - a) such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
      - b) the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
    - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit in the Appendix,
    - iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
  - e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. Any required bond shall not be released by the Commission until:
  - a. the release has been requested, in writing, by the applicant,
  - b. the Town Engineer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
  - c. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with submitted site plans.
3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 8.1.K.2.

## **SECTION 8.2. COMMISSION PROCEDURES**

### **A. Site Plan Application**

#### **1. Application Requirements**

- a. A Site Plan Application shall be submitted:
  - i. for any activity designated in the Regulations as requiring Site Plan Approval,
  - ii. in a Residential zone, for any construction, development, expansion, or major alteration of a multi-family use or non-residential use, or,
  - iii. in any Retail Zone or any Business Zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.
- b. A Site Plan Application shall be accompanied by five (5) full-size (24" by 36") and twelve (12) reduced-size (11" by 17") copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
- c. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
- d. If a Site Plan Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Environmental Commission not later than the day such application is filed with the Commission.
- e. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three dimensional physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may approve. The Commission may also require that the model include three dimensional representation of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

#### **2. Proceedings**

- a. The date of receipt for the Site Plan Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Site Plan Application may be denied in accordance with Subsection 8.1.C.
- c. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
  - i. may hold a public hearing on the application, and
  - ii. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zone Change Application):
  - i. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and
  - ii. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
- g. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five days after the date of receipt of such Site Plan Application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
- h. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Environmental Commission, the time period for a decision shall be extended to thirty-five days after the decision of such agency.
- i. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
- j. The applicant may, at any time prior to action by the Commission, withdraw such application.

### 3. Decision Considerations

- a. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
  - i. wait to render its decision until the Environmental Commission has submitted a report with its final decision, and
  - ii. give due consideration to any report of the Environmental Commission when making its decision.
- b. On a Site Plan Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.

- d. Before the Commission approves a Site Plan Application, it shall consider the following:
  - i. the nature, location, height, and design of buildings, structures (including walls and fences), and landscaping on the site,
  - ii. the nature, adequacy, and arrangement of driveways and parking facilities,
  - iii. the nature and arrangement of any site lighting and any loudspeakers or noise-making devices,
  - iv. the availability of adequate sewerage, water supply, drainage, and fire and police protection,
  - v. the proposed location and configuration of any signage, including any sign lighting and any signage for traffic control,
  - vi. the proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening,
  - vii. the preservation or enhancement of the character of the neighborhood,
  - viii. conformity with any other applicable laws, codes or ordinances, and
  - ix. the recommendations, if any, of all solicited departments, boards and commissions.
- e. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
- f. The Zoning Inspector may require that a bond be posted, in an amount and form acceptable to the Zoning Inspector, to ensure:
  - i. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit is issued for activities shown on the approved plan, and
  - ii. that all of the improvements shown on the approved plan are implemented before a Zoning Permit related to issuance of a Certificate of Occupancy is granted.
- g. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

#### 4. Action Documentation

- a. Whenever it grants or denies a Site Plan Application, the Commission shall state upon its record the reason(s) for its decision.
- b. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
- c. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.
- d. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
- e. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

**5. Following Approval**

- a. Following approval of a Site Plan Application, two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
  - i. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
  - ii. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
  - iii. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- b. Following signature by the Chairman, such plans shall be filed in the office of the Building Official before any Building Permits are issued for the activities shown on the approved plan.
- c. Proposed modifications to approved site plans shall be submitted to the Zoning Inspector for review and such proposed modifications may be:
  - i. approved by the Zoning Inspector if minor in nature, or
  - ii. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location, etc.).
- d. Within a Village District, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the then record owner.

**6. Expiration and Completion**

- a. Any Site Plan Application under which no work is commenced within twelve (12) months from the date of approval, shall expire unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.
- b. All work in connection with a site plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
- c. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.
- d. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

**B. Special Permit Application****1. Application Requirements**

- a. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.
- b. Each application for a Special Permit shall be accompanied by a Site Plan Application unless the Zoning Inspector finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan Application is not necessary for the Commission to evaluate the proposal.
- c. A Special Permit Application shall be accompanied by twelve (12) copies of the following information:
  - i. a detailed statement describing the existing and proposed use or uses,
  - ii. a detailed statement describing how the Special Permit criteria in Subsection 8.2.B.4 are satisfied, and
  - iii. any approval from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application, if such approval has been obtained at the time of application.
- d. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- e. If a Special Permit Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.

**2. Proceedings**

- a. The date of receipt of the Special Permit Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Special Permit Application may be denied in accordance with Subsection 8.1.C.
- c. The Commission shall hold a public hearing on the Special Permit Application and:
  - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
  - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G of these Regulations.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. The Commission shall process the Special Permit Application within the period of time permitted under CGS 8-7d:
  - i. the public hearing shall commence within sixty-five (65) days after receipt of the application,
  - ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
  - iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
  - iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- g. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
- h. The applicant may, at any time prior to action by the Commission, withdraw such application.
- i. The applicant shall bear the burden of demonstrating that any applicable Special Permit Criteria in these Regulations are satisfied.

### 3. Decision Considerations

- a. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
  - i. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
  - ii. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- b. On a Special Permit Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Special Permit Application, it shall determine that the application:
  - i. is in conformance with the applicable provisions of these Regulations,
  - ii. has, in the sole discretion of the Commission, satisfied all applicable Special Permit criteria in these Regulations, and
  - iii. is in harmony with the purposes and intent of these Regulations.
- d. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.
- e. In granting a Special Permit, the Commission may:
  - i. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
  - ii. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit by the Zoning Inspector, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
- f. Any condition or safeguard attached to the granting of a Special Permit:
  - i. shall remain with the property as long as the Special Permit use is still in operation, and
  - ii. shall continue in force and effect regardless of any change in ownership of the property.
- g. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.



#### 4. Special Permit Criteria

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

##### a. Suitable Location For Use

The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

##### b. Appropriate Improvements

- i. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the character and desirable development of the area or neighborhood in which the use is proposed to be located.
- ii. The location, nature and height of buildings, walls, and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- iii. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
- iv. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

##### c. Suitable Transportation Conditions

- i. The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
- ii. Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- iii. Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

**d. Adequate Public Utilities and Services**

- i. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.
- ii. The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

**e. Environmental Protection and Conservation**

Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

**f. Long Term Viability**

Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

**g. Plan of Conservation and Development**

The proposed use or activity does not conflict with the purposes of the Regulations set forth in Section 1.2, and promotes the goals, objectives, policies, or recommendations of the Plan of Conservation and Development, as amended.

**5. Action Documentation**

- a. Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision. The Commission shall state the merits or demerits of the proposal and why approving or disapproving the application will positively or negatively affect the Town of New Canaan or the area or neighborhood impacted.
- b. The decision to grant a Special Permit shall:
  - i. state the name of the owner of record,
  - ii. contain a description of the premises to which it relates,
  - iii. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied, and
  - iv. specify the nature of the Special Permit.
- c. The Commission shall send, by certified mail, a copy of any decision on a Special Permit Application to the applicant within fifteen (15) days after such decision is rendered.
- d. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.
- e. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**6. Following Approval**

- a. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS 8-3d.
- b. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
- c. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit at any time the operation is found to be in noncompliance with the original permit.
- d. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

## **C. Regulation Amendment Application**

### **1. Application Requirements**

- a. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.
- b. Any such application shall be accompanied by twelve (12) copies of the precise wording of the existing and proposed text and any other supporting information.
- c. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- d. A Regulation Amendment Application shall only be submitted by:
  - i. an owner of real property in New Canaan,
  - ii. residents or persons having an interest in land in Town, or
  - iii. by the Commission on its own initiative.
- e. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

### **2. Proceedings**

- a. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Regulation Amendment Application may be denied in accordance with Subsection 8.1.C.
- c. The Commission shall hold a public hearing on the Regulation Amendment Application and:
  - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.1.F. of these Regulations.
  - ii. may publish the full text of such proposed regulation in full in such notice.
- d. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
  - i. such notice shall be made by certified mail, return receipt requested.
  - ii. such notice shall be made not later than thirty (30) days before the public hearing.
  - iii. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
- e. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- f. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

- g. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- h. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d:
  - i. the public hearing shall commence within sixty-five (65) days after receipt of the application.
  - ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - v. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
- i. The applicant may, at any time prior to action by the Commission, withdraw such application.

### 3. Decision Considerations

- a. The Commission shall act upon the changes requested in such Regulation Amendment Application.
- b. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
- c. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
- d. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
- e. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
  - i. protecting the public health, safety, welfare, or property values, and
  - ii. attaining the purposes of these Regulations.
- f. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

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**4. Action Documentation**

- a. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.
- b. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
- c. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.
- d. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.
- e. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.
- f. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**5. Following Approval**

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

## **D. Zone Change Application**

### **1. Application Requirements**

- a. A Zone Change Application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.
- b. A Zone Change Application shall be:
  - i. signed by the affected property owner(s),
  - ii. initiated by petition, or
  - iii. commenced by the Commission on its own initiative.
- c. A Zone Change Application shall be accompanied by twelve (12) copies of a map signed and sealed by a land surveyor licensed in the State of Connecticut for review by the Commission and its designees that complies with the requirements in the Appendix of these Regulations.
- d. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

### **2. Proceedings**

- a. The date of receipt of the Zone Change Application shall be determined in accordance with Subsection 8.1.B.
- b. The Commission shall hold a public hearing on the Zone Change Application and:
  - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.1.F. of these Regulations.
  - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a Zone Change Application is located within five hundred (500) feet of the boundary of another municipality and:
  - i. such notice shall be made by certified mail, return receipt requested.
  - ii. such notice shall be made not later than thirty (30) days before the public hearing.
  - iii. the regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten days before the public hearing.

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- g. An incomplete Zone Change Application may be denied in accordance with Subsection 8.1.C.
- h. The Commission shall process the Zone Change Application within the period of time permitted under CGS 8-7d:
  - i. The public hearing shall commence within sixty-five (65) days after receipt of the application.
  - ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - v. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.
- i. The applicant may, at any time prior to action by the Commission, withdraw such application.

**3. Decision Considerations**

- a. The Commission shall act upon the Zone Change Application.
- b. On a Zone Change Application involving notice to adjoining municipalities under Subsection 8.1.H, notice to water companies under Subsection 8.1.I, or notice to a regional planning agency under Subsection 8.2.D.2.c, the Commission shall give due consideration to any report or testimony received.
- c. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
- d. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
  - i. is in accordance with the Plan of Conservation and Development,
  - ii. is suitable for the intended location,
  - iii. will aid in protecting the public health, safety, welfare, or property values, and
  - iv. will aid in attaining the purposes of these Regulations.
- e. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed with the Commission at or before a hearing, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.



**4. Action Documentation**

- a. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
  - i. the reason for its decision, and
  - ii. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
- b. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.
- c. The Commission shall send, by certified mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.
- d. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.
- e. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**5. Following Approval**

A Zone Change Application approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

### **E. Change in Use Application**

1. Unless waived by the Commission, a Change In Use application shall be submitted when a land or building use is proposed to be changed to a use that has different requirements in these Regulations for setbacks, parking, building coverage, or other requirements.
2. A Change In Use Application shall meet the same standards and be treated as a Site Plan Application unless the Regulations clearly indicate that it should be treated as a Zone Change Application, Special Permit Application, or similar application.

### **F. Concept Plan Submission**

1. If an application is of such size or nature that providing a Site Plan Application may produce an unreasonable hardship, the applicant may submit a Concept Plan for informal presentation to the Commission.
2. The Concept Plan shall provide information on the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information and shall provide sufficient information for the Commission to visualize how the finished use or development shall look and how it shall be built.
3. The Commission shall informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
4. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
5. Such review shall not be binding on the applicant or the Commission.
6. In accordance with PA 03-184, such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
7. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

### **G. Soil Erosion and Sediment Control Plan**

1. A Soil Erosion and Sediment Control Plan shall be submitted with or prior to any application for development requiring a Zoning Permit, Special Permit, Site Plan or Subdivision, when the disturbed area of any such development is more than one-half (1/2) acre.
2. Upon receipt of an application for approval of a Soil Erosion and Sediment Control Plan, the Commission or its agent shall refer the plan to the Environmental Commission for action by delivering a copy of the plan to the Wetlands Enforcement Agent.
3. The Commission shall incorporate any action taken by the Environmental Commission on the Soil Erosion and Sediment Control Plan into its decision.
4. The Zoning Inspector shall issue a Soil Erosion and Sediment Control Permit for a plan conforming to the approval granted by the Environmental Commission.

## **SECTION 8.3. ZONING BOARD OF APPEALS PROCEDURES**

### **A. General Provisions**

#### **1. Appointment**

There shall be a Zoning Board of Appeals appointed pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town of New Canaan.

#### **2. Powers and Duties**

The Board shall have the following powers and duties:

- a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Inspector.
- b. To determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
  - i. be in harmony with the general purpose and intent of these Regulations,
  - ii. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - iii. result in substantial justice being done and the public safety and welfare secured.
- c. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.
- d. The Board will not grant variances for the number of parking spaces required for any property in the Retail B, Business A, Business B or Business C Zones.

**3. Meetings**

- a. All hearings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
- b. The Board, in considering and determining matters brought to it, may hold meetings to review and deliberate after the public hearing duly held on such matter.
- c. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- d. The Board shall keep Minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
- e. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.
- f. If a regular member of the Board is absent, the member may designate an alternate from the panel of alternates to act in his or her place but if he or she fails to make such designation or if he or she is disqualified, the Chairman shall designate an alternate from such panel.
- g. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

**4. Conflict of Interest**

A member of the Board shall disqualify himself to act in a given case by reason of his relationship to any party involved or of financial interest in the matter before the Board.

**5. Jurisdiction**

No order, requirement or decision made by the Commission or by any administrative officer charged with the enforcement of any of these Regulations and made under the powers of the State of Connecticut by Chapter 126 of the General Statutes of Connecticut shall be subject to a review by the Board.

## **B. Appeal of Order**

### **1. Authority**

In accordance with CGS 8-7, an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Inspector.

### **2. Application Requirements**

- a. Any such appeal shall be taken by filing with the Commission or the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof.
- b. An appeal shall be taken within fifteen (15) days of the issuance of the order by the Zoning Inspector.
- c. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- d. The Board may fix a reasonable fee to be paid by the appellant in any appeal brought before the said Board and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
- e. The Board may require the filing of a survey prepared by a land surveyor if, in their opinion, such survey is relevant to the interpretation of the order, requirement or decision made by the Zoning Inspector.

### **3. Effect of Appeal**

- a. An appeal of an order, requirement or decision made by the Zoning Inspector which prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.
- b. An appeal from any other order, requirement or decision made by the Zoning Inspector shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Inspector certifies to the Board after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
- c. If the Commission or the Zoning Inspector certifies to the Board that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a Restraining Order granted by a court of record, on notice to the Commission or the Zoning Inspector and on due cause shown.

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**4. Proceedings**

- a. The date of receipt of the Appeal of Order shall be determined in accordance with Subsection 8.1.B.
- b. The Board shall hold a public hearing on the Appeal of Order and:
  - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
  - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. An incomplete Appeal of Order may be denied in accordance with Subsection 8.1.C.
- g. The Board shall process the Appeal of Order within the period of time permitted under CGS 8-7d:
  - i. The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
  - ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- h. The applicant may, at any time prior to action by the Board, withdraw such application.

**5. Decision Considerations**

- a. The Board shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
- b. The application of a regulation affirming a statute shall not be subject to an appeal of order.
- c. The Board shall make such order, requirement, or decision as in its opinion should be made in the premises.
- d. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from.
- e. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.

**6. Action Documentation**

- a. Whenever it grants or denies an Appeal of Order, the Board shall state the reason(s) for its decision upon the record.
- b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
- c. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.
- d. In any case in which such notice is not published within such fifteen-day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

**C. Variance****1. Authority**

In accordance with CGS 8-6, the Board shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

**2. Application Requirements**

- a. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans for review by the Board and its designees.
- b. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
- c. The Board may fix a reasonable fee to be paid by the applicant and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
- d. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.
- e. If a Variance Application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Environmental Commission not later than the day such application is filed with the Commission.

**3. Nature of Variance**

- a. Any variance granted by the Board shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
- b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.



**4. Proceedings**

- a. The date of receipt for the Variance Application shall be determined in accordance with Subsection 8.1.B.
- b. The Board shall hold a public hearing on the Variance Application and:
  - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
  - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. An incomplete Variance Application may be denied in accordance with Subsection 8.1.C.
- g. The Board shall process the Variance Application within the period of time permitted under CGS 8-7d:
  - i. The public hearing shall commence within sixty-five (65) days after receipt of the application.
  - ii. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - iii. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - iv. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- h. The applicant may, at any time prior to action by the Commission, withdraw such application.

### 5. Decision Considerations

- a. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.
- b. The application of a regulation affirming a statute shall not be subject to variance.
- c. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
  - i. solely with respect to the parcel of land that is the subject of the application,
  - ii. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
- d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
  - i. in harmony with the general purpose and intent of the Regulations.
  - ii. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
  - iii. so that substantial justice shall be done and the public safety and welfare secured.
- e. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

### 6. Additional Considerations for Use Variances

- a. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
- b. No use variance for a business use or an industrial use shall be granted in a Residence Zone.
- c. No use variance shall be granted for an industrial use in any Retail Zone or any Business Zone.
- d. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

**7. Action Documentation**

- a. Whenever it grants or denies a Variance Application, the Commission shall state upon its records:
  - i. the reason for its decision,
  - ii. the Regulation which is varied in its application, and
  - iii. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
- b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
- c. Such notice shall:
  - i. state the name of the owner of record,
  - ii. contain a description of the premises to which it relates,
  - iii. state the nature of the hardship claimed, and
  - iv. specify the nature of such variance including the Regulation which is varied in its application.
- d. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.
- e. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

**8. Following Approval**

- a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the provisions of CGS 8-3d.
- b. A variance shall only authorize the particular activity specified in the Commission's approval.

**SECTION 8.4. STAFF PROCEDURES****A. Zoning Permit****1. Application Requirements**

- a. An application for a Zoning Permit shall be made to the Zoning Inspector on a form provided for that purpose before:
  - i. any land, building, or structure is devoted to any new or changed use of premises within the category of business or residential uses,
  - ii. the erection or alteration of any building or structure is commenced in any zone,
  - iii. any other activity which requires a Zoning or other permit as required by these Regulations, or
  - iv. any Building Permit or Certificate of Occupancy is issued by the Building Official relating to any of the foregoing.
- b. Such application for a Zoning Permit shall be accompanied by:
  - i. a plot plan and other drawings and documentation showing the information required in the Appendix of these Regulations, and
  - ii. the appropriate fee as determined by the Commission.
- c. Any application for a Zoning Permit may be summarily rejected and may be considered void and of no effect if:
  - i. another application for a Zoning Permit as to the same land, building, structure, or use of all parts or portions thereof is still pending before the Zoning Inspector or the Commission,
  - ii. an appeal is pending before the Board or any legal proceeding is pending before any court of competent jurisdiction or pending in any other form of dispute resolution relating to a Zoning Permit or on an application for a Zoning Permit on the same land, building, structure or use thereof as to which such application is being made,
  - iii. a Zoning Permit is outstanding on the same land, building, structure or use, but neither Certificates of Compliance nor Occupancy, nor both, have been approved in conjunction therewith, or
  - iv. two (2) or more applications are filed simultaneously with the Zoning Inspector, whether similar or dissimilar, each application applying to the same land, building, structure or use thereof.

**2. Proceedings**

- a. A decision on a Zoning Permit Application shall be made as soon as feasible but in no event shall such decision take longer than thirty (30) days from the date of acceptance of a complete submittal.
- b. If the proposed new or changed use or if the proposed erection or alteration of any building or structure is found from the application to be in compliance with these Regulations, the Zoning Inspector shall issue a Zoning Permit setting forth the date on which the permit was issued and shall forward a copy thereof to the office of the Town Assessor.
- c. No Zoning Permit shall be issued for the erection, the interior or exterior enlargement of gross floor area or the external alteration of any building or structure in a Retail Zone or a Business Zone, unless a Site Plan Application therefore has been approved by the Commission in accordance with the provisions of these Regulations.
- d. Any application for a Zoning Permit shall be rejected if the Zoning Inspector finds that:
  - i. the application is incomplete and has notified the applicant in writing of the reason(s) why the application is incomplete, or
  - ii. the application is not in compliance with the Zoning Regulations and has notified the applicant in writing of the reason(s) why the application does not comply with the Zoning Regulations.
- e. An application for a Zoning Permit may be withdrawn by the applicant at any time prior to final action by filing a formal written request to that effect with the Zoning Inspector, except that there shall be no rebate of any portion of the fees which may have been paid by the applicant for a Zoning Permit application that is subsequently withdrawn.
- f. The Zoning Inspector is not authorized to approve, and shall not approve, any zoning permit for any property on which there exists a zoning violation, unless such zoning permit application will remedy such violation.

**3. Notice Provisions**

- a. In accordance with CGS Section 8-3(f), the Zoning Inspector shall inform the recipient of a Zoning Permit that notice of issuance of a zoning permit may be published by the recipient in a newspaper having substantial circulation in New Canaan in order to establish the appeal period per CGS 8-7.
- b. Any such notice to be published by the recipient shall contain:
  - i. a description of the building, use or structure,
  - ii. the location of the building, use or structure,
  - iii. the identity of the applicant, and
  - iv. a statement that an aggrieved person may appeal to the Board of Appeals in accordance with the provisions of CGS 8-7.

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**4. As-Built Plan Required**

- a. Unless waived by the Zoning Inspector due to clear compliance with the Zoning Regulations, an as-built plan shall be:
  - i. prepared by a licensed Land Surveyor demonstrating that the location of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued is in compliance with the Zoning Regulations and the approved site plan,
  - ii. filed with the Zoning Inspector by the holder of the Zoning Permit upon completion of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued.
- b. The Zoning Inspector may also request an interim as-built survey during construction to verify any height measurement of any proposed building, building wing or distinct portion in instances where the applicant has proposed to construct to or near the maximum height(s) allowed under the regulations. The interim height(s) shall be measured after the roof sheathing, but prior to other roofing materials are applied.

Should the applicant fail to provide this As-Built as requested, the applicant will be proceeding with construction at their own risk. If the final As-Built survey indicates the structure exceeds any of the maximum height(s) allowed under the regulations, this shall not constitute a hardship.

- c. For a tennis court, swimming pool or other construction or use not requiring a Certificate of Occupancy, no further work shall be permitted until a certified interim location survey shall have been submitted to the Zoning Inspector showing full compliance with the applicable Zoning Regulations for:
  - i. the location of forms or other construction devices prior to the pouring of concrete or placing of footings or non-concrete walls into the excavation; or
  - ii. the actual areas prepared to be surfaced for courts or other uses prior to the laying of surface material.

**5. Zoning Permit Expiration**

Any Zoning Permit issued by the Zoning Inspector under the provisions of these Regulations, but under which no work is commenced within twelve (12) months from the date of issuance, shall expire by limitation.

## **SECTION 8.5. ENFORCEMENT**

### **A. Enforcement Authority**

1. These Regulations shall be administered and enforced by the Commission.
2. The Commission shall appoint an administrative agent, with the title of Zoning Inspector, with full power to administer and enforce these Regulations on behalf of the Commission.
3. The Commission may designate one or more Assistant Zoning Inspectors to aid in the enforcement of these Regulations.
4. The Commission or an Inspector may file information with the prosecuting authority upon violation of any of these Regulations.

### **B. Inspections**

The Zoning Inspector and members of the Commission shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Zoning Permit.

### **C. Violations**

1. If the Zoning Inspector shall find a violation of these Regulations, he shall serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The Zoning Inspector shall have the authority to remove or to cause the removal of any sign erected on, attached to, maintained on or displayed on any property or public right-of-way in any zone where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.
3. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.

## APPENDIX

The following forms, checklists, and other materials are considered part of the Appendix of these Regulations. Such materials may be obtained from the Planning and Zoning Office at Town Hall.

### Schedules

Type	Description
<b>Schedules</b>	Comprehensive schedule of residential zoning Comprehensive schedule of commercial zoning

### Application / Permit Forms

Type	Description
<b>Application Forms</b>  (often with instructions)	Site Plan application form Special Permit application form Zone Change application form Regulation Change application form Zoning Board of Appeals application form Subdivision application form
<b>Permit Forms</b>  (often with instructions)	Zoning permit application form Sign permit application form Fill and excavation permit application form Lot line revision application form First cut application form Erosion / sedimentation control permit application form

### Checklists / Worksheets

Type	Description
<b>Checklists</b>	Site Plan checklist with instructions Subdivision application checklist
<b>Worksheets</b>	Building height worksheet with instructions Building coverage worksheet with instructions



## Technical Requirements

Type	Description
<b>Plan / Survey Requirements</b>	A-2 survey requirements As-built survey requirements Digital submission standards (future).
<b>Engineering Requirements</b>	Drainage calculation requirements
<b>Bonding Requirements</b>	Bonding requirements, with instructions Model letter of credit

## Other Materials

Type	Description
<b>Property Owner Notification</b>	Property owner notification instructions Property owner notification letter model
<b>Telecommunication Policy Preferences</b>	Telecommunication Policy Preferences
<b>Affordable Housing</b>	Housing affordability Plan Requirements
<b>Other materials</b>	Model application extension letter Public hearing request / extension forms Exempt structure certification letter model with instructions

# APPENDIX

## AMENDMENT

## AMENDMENT DATES

Section	Title	Hearing Date	Effective Date	Page Numbers (at application)	Page Numbers (currently)
	Adoption of Zoning		06/14/32		
	Major Modification of Zoning Districts		12/15/56		
	Comprehensive Reorganization / Redrafting	04/05/05 04/19/05	06/18/05		
	Review and Update	03/06/07 04/10/07 05/01/07	06/16/07		
4.5.C.10	New Car Sales <i>(note: now listed as 4.5.C.13)</i>	09/25/07	10/04/07	77	83
4.2.C, 4.3.C 4.4.C	Six-month Moratorium on Banks in Retail A and B Zones	06/24/08	07/03/08	71-78	75-80
4.2.C, 4.3.C, 4.4.C, 4.6.D	Determination on Where Banks can be Located Within Business Zones	09/30/08	10/09/08	71-78	75-85
3.4.B, 3.4.C	Square Footage Limitations on Accessory Structures	09/30/08 10/28/08	12/01/08	51-54	53-55
4.6.C, 4.6.D	To Correct Sections Regarding Banks	12/16/08	12/24/08	78	85
4.2.C, 4.2.D, 4.2.E, 4.3.C, 4.3.E, 4.4.E, 4.5.C, 4.5.E, 4.6.C, 4.6.D	Outdoor Dining on Municipal Sidewalks and Private Properties and Restaurants in Business B Zone	07/28/09	08/21/09	71-78	75-85
8.2.B	Special Permit Application	09/29/09	11/01/09	152-157	199-204
4.4.D, 5.4.C	Quasi-Public Libraries	07/26/11	08/19/11	76 & 92	80 & 104
4.3.D, 4.7.C, 4.7.E, 4.7.G, 4.7.I & 4.8.E	Modifications to the Retail B Zone, Area & Dimensional Requirements, Special Provisions for Business Zones. Note: (4.7 is now 4.8 & 4.8 is now 4.9)	10/25/11	01/01/12	75, 79-82 & 84	79, 88-92 & 96
6.2.E.1&2, 6.2.E.4 & 8.3.A.2 mod.	Modified §6.2.E (25% parking reduction). Added §6.2.E.4 (fee-in-lieu-of parking) & amended § 8.3.A.2 no longer allowing variances for required parking spaces.	12/20/11	02/01/12	104 -105, & 166	138-139 & 212
4.4.D	Wellness Centers	02/28/12	04/01/12	76	80
2.2 4.3.D	Definition of Wellness Centers Tiered or Decked Parking Structure, Ret B	04/24/12	05/01/12	37 & 75	39 & 79
3.7.E.2	Exceptions for Building Coverage Recreational Clubs	05/22/12 6/26/12	07/16/12	70	70
5.4.C	Two-Family Dwellings in Apartment Zone	08/28/12	09/21/12	92	104

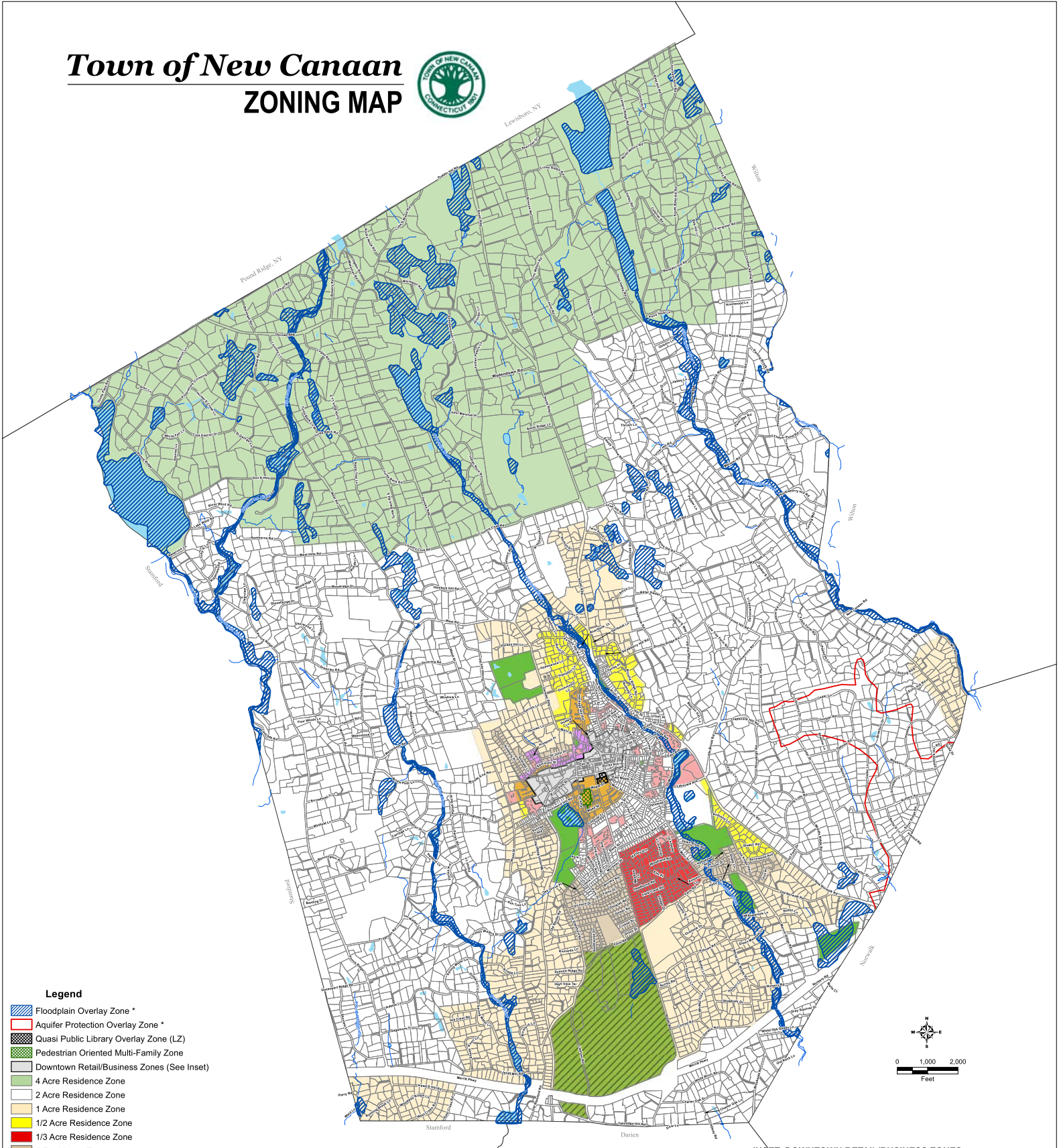
Section	Title	Hearing Date	Effective Date	Page Numbers (at application)	Page Numbers (currently)
2.2, 3.2.C, 3.3.A, 3.3.C, 3.4.B, 3.4.C, 3.7.B, 4.2.C, 4.2.D, 4.3.C, 4.4.C, 4.5.C, 4.5.D, 4.6.C, 4.6.D, 5.4.B, 6.3.E, 6.3.F, 6.11.B, 8.1.E, 8.1.G, 8.4.A	Comprehensive changes including definitional changes & changes to the business zones.	6/25/13	8/1/13	11,13, 15-19, 21, 23, 24, 29, 30, 36, 42, 45, 46, 49, 51, 53, 68, 72-79, 93, 112, 127, 146 & 177	16-19, 21, 23-24, 30-31, 44-46, 48-49, 52-55, 69-70, 75-76, 78,70, 82-85, 104, 146, 162-163, 192, 221
4.1	Moratorium regarding medical marijuana dispensaries and growing facilities.	10/22/13	10/24/13	71-72	73-74
2.2 & 3.5.F.5	Amendments to the definition of building coverage as it relates to porches, decks & patios. Revised the side yard height setback from P&Z to ZBA.	3/25/14	4/1/14	13,15,30, 31, 36 & 62	13, 15, 40-41, 62-64
4.7.G, 4.8.E & 6.2.G	Amendments to the Business B Zone for residential F.A.R. exceptions, building height & number of stories and for the maximum stall depth reduced to 18'. (now 4.8.G & 4.9.E)	11/24/14	12/15/14	82, 86, 109	90-91, 96, 141-142
5.7	Millport Housing Zone (New)	1/27/15	2/15/15	98-102	108-112
4.7	Added Business Zone D	3/31/15	4/15/15	79-81	86-87
3.7.C	Exceptions for Lot Width	6/23/15	7/15/15	68	70
4.7.D	Added Medical Office, up to 10,000 SF, by Special Permit	08/25/15	9/10/15	81	87
4.1	1 Year Extension of Moratorium regarding medical marijuana dispensaries and growing facilities.	9/29/15	10/24/15	71-72	73-74
7.7.A & 7.7.D	2 Text Amendments; 1) allowing density as addition criteria; and 2) a footnote added to 7.7.A exempting certain lot mergers.	12/15/15	1/8/16	145-146	176-177
4.8.D, 4.8.E & 4.9.E	Allow building line to be reduced by Special Permit, allowed side and rear setbacks in Business A Zone to = Retail A Zone and allowed residential units to be excluded from F.A.R. in Business A Zone as well.	3/29/16	4/15/16	82, 83 & 88	89, 96
3.2.C.1	Allow legally non-conforming two-family to be rebuilt under certain conditions.	6/28/16	7/10/16	42	44
4.5, 4.8.C, 4.8.D (new), 4.8.E, 4.8.F, 4.8.H, 4.8.I, 4.8.J, 4.8.K, 6.2.C, 6.2.E, 6.2.F	Rewrite of the Business B Zones. Changes to the Area and Dimensional Requirements Changes to residential parking standards, changes to parking reductions and fee-in-lieu.	7/26/16	8/8/16	77-78 82-86 108-110 112-114	82-84, 88-92, 134-136, 138-142
5.8	New Special Zone for the Pedestrian Oriented Multi-Family Zone (POMFZ).	11/29/16	12/30/16	n/a	113-118
6.5.C.2, 6.5.C.2.b, 6.5.C.3	Modified standards for fence, gates, pillar and lights heights.	1/31/17	2/28/17	136-137	153-154
4.5.C.14	To permit limited used car sales in Business B Zone.	5/30/17	6/1/17	78	83
2.2	Modified definition of Use, Principal.	7/25/17	8/25/17	37	39
3.2.C	Added language to permit more the one Principal Use by Special Permit.	7/25/17	8/25/17	42	44
2.2	Modified definition of Use, Principal.	1/16/18	2/26/18	37	39
3.2.C	Added language to permit more than one Principal Use by Special Permit.	1/16/18	2/26/18	42	44
4.8.H	Added language for mixed-use story calculation of height.	1/30/18	2/26/18	86	91
4.1	Extension of Medical Marijuana Dispensary or Production Facility for six (6) months.	1/30/18	2/26/18	72	73-74



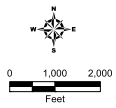
# Section 3

# Town of New Canaan

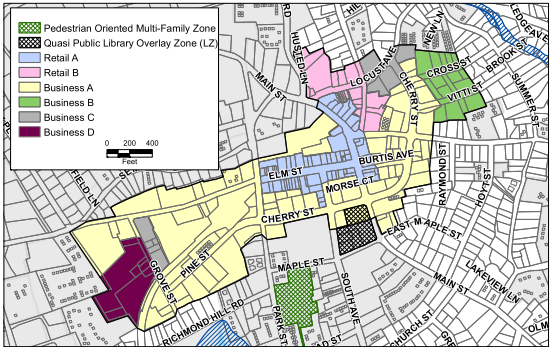
## ZONING MAP



- Legend**
- Floodplain Overlay Zone \*
  - Aquifer Protection Overlay Zone \*
  - Quasi Public Library Overlay Zone (LZ)
  - Pedestrian Oriented Multi-Family Zone
  - Downtown Retail/Business Zones (See Inset)
  - 4 Acre Residence Zone
  - 2 Acre Residence Zone
  - 1 Acre Residence Zone
  - 1/2 Acre Residence Zone
  - 1/3 Acre Residence Zone
  - A Residence Zone
  - B Residence Zone
  - Apartment Zone
  - Multi-Family Zone
  - Park, Recreation & Open Space Zone
  - Wavenny Zone



INSET: DOWNTOWN RETAIL/BUSINESS ZONES



**Effective Date: August 30, 2021**  
**Map Update: August 10, 2021**

\* Floodplain Overlay Zone based on FEMA 100-Year Floodplain data.  
Floodplain Overlay Zone & Aquifer Protection Overlay Zone are approximate.

Any dispute over zone designations or zoning boundaries is to be determined by the New Canaan Planning & Zoning Commission.

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# Section 4

**INLAND WETLANDS AND  
WATERCOURSES REGULATIONS**

**THE INLAND WETLANDS COMMISSION  
OF THE TOWN OF  
NEW CANAAN**

**This edition includes  
all amendments and revisions  
through January 1, 2013**

**\$25.00**



## **PREAMBLE<sup>1</sup>**

The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to the adequate supply of surface and underground water, to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life.

Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more.

The preservation and protection of the wetlands and watercourses from random, unnecessary and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state.

It is, therefore, the purpose of these regulations to protect the citizens of the state by making provision for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity, or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of the wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from danger of drought, overdraft, pollution, misuse and mismanagement by providing orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

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<sup>1</sup> Connecticut General Statutes section 22a-36

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## **SECTION 1**

### **TITLE, PURPOSE & AUTHORITY**

#### **SECTION 1.1      TITLE**

These regulations shall be known and may be cited as the “Inland Wetlands and Watercourses Regulations of the Town of New Canaan.”

#### **SECTION 1.2      PURPOSE**

The purpose of these regulations is to invoke and make effective in and for the Town of New Canaan the provisions of the “Inland Wetlands and Watercourses Act,” Sections 22a-36 through 22a-45, inclusive, Chapter 440 of the Connecticut General Statutes, as now or hereafter amended.

#### **SECTION 1.3      AUTHORITY**

These regulations, originally adopted by the Town of New Canaan on June 12, 1974 and effective June 29, 1974 and subsequently amended and modified, have been prepared by the Inland Wetlands Commission of the Town of New Canaan pursuant to the authority granted to the Town by the Connecticut General Statutes.

#### **SECTION 1.4      REPEAL**

Upon approval and adoption of these regulations by the Town of New Canaan in accordance with the terms of the Connecticut General Statutes, as amended, all prior regulations adopted by this Commission, and any predecessor thereto, shall be repealed and the within shall be substituted in lieu thereof.

#### **SECTION 1.5      EFFECTIVE DATE OF THESE REGULATIONS**

The effective date of this bound set of regulations (includes cover and contents pages and pages 1 through 64) is January 1, 2013.

## SECTION 2

### DEFINITIONS

#### **SECTION 2.1      DEFINITIONS**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

1. **“ACT”** means the Inland Wetlands and Watercourses Act, Section 22a-36 through 22a-45 inclusive, of the Connecticut General Statutes, as amended.
2. **“AGENCY”** or **“Inland Wetlands Commission”** means the Inland Wetlands Commission of the Town of New Canaan, which administers the Inland Wetlands and Watercourses Regulations of the Town of New Canaan.
3. **“AGENT”** with respect to the Commission, means a professional staff member of the Commission (also known as the Wetlands Agent, formerly known as the Environmental Agent), and with respect to the applicant, means any person authorized in writing to act on the applicant’s behalf.
4. **“APPLICANT”** means any “person” who has submitted an application to the Commission for a permit to conduct regulated activities pursuant to these regulations.
5. **“BOGS”** are watercourses distinguished by coniferous trees and shrubs underlain by peat deposits, poor or very poor drainage, and highly acidic conditions. (See Appendix C)
6. **“CLEAR CUTTING”** means the harvest or removal of timber in a fashion which removes substantially all trees two inches or greater in diameter three feet above grade in the area in question.
7. **“COMMISSION”** means the Inland Wetlands Commission of the Town of New Canaan (formerly known as the Environmental Commission).
8. **“COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION”** means the Commissioner of the State of Connecticut Department of Energy and Environmental Protection (DEEP).
9. **“CONTINUAL FLOW”** means a flow of water that persists for an extended period of time. This flow may be interrupted during periods of drought or during low flow periods of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
10. **“DAYS”** means consecutive calendar days, unless otherwise defined.
11. **“DEPOSIT”** includes, but shall not be limited to, fill, grade, dump, place, discharge, or emit.

12. **“DISCHARGE”** means emission of any water, substance, or material into waters of the state whether or not such substance causes pollution.
13. **“DISTURBED AREA”** means a land area wherein the ground cover is removed or destroyed leaving the land subject to accelerated erosion.
14. **“DISTURBING THE NATURAL AND INDIGENOUS CHARACTER OF THE LAND”** means an activity that will disturb the inland wetland or watercourse by reason of removal or deposition of material, or will cause the alteration or obstruction of water flow, or will result in the pollution of the inland wetland or watercourse.
15. **“DRAINAGE DITCH”** that has all the characteristics and meets the criteria for a watercourse or an intermittent watercourse shall be construed to be, as appropriate, a watercourse or an intermittent watercourse for the purpose of these regulations.
16. **“EROSION”** means the process of wearing away and removal of the earth’s surface by natural agents including weather, running water, waves, currents, ice or wind.
17. **“ESSENTIAL TO THE FARMING OPERATION”** means that the proposed activity is necessary and indispensable to sustain farming activities on the farm.
18. **“FARMING”** shall be consistent with the definition as noted in Section 1-1(q) of the Connecticut General Statutes, as amended.
19. **“FEASIBLE”** means able to be constructed or implemented consistent with sound engineering principles.
20. **“FLOODPLAIN”** means land adjacent to a river, stream, or other body of water that is subject to flooding, as further defined and regulated in the Floodplain Management Regulations of the Town of New Canaan. The floodplain includes the floodway and the flood fringe.
21. **“INTERMITTENT WATERCOURSE”** see Number 48 **“WATERCOURSES.”**
22. **“LANDSCAPING”** means the modification of the land surface by grading or by altering the ground cover or plant cover; the development and decorative planting of gardens and grounds; shaping and altering the surface of the land by removing or installing organic materials such as grass, flowers, herbs, plants, shrubs, trees, wood chips, mulch, etc., or by removing or installing hard features such as patterned walkways, walls, stone, gravel, etc. Any proposed landscaping within a regulated area shall be reviewed pursuant to Section 5.1.
23. **“LICENSE”** see Number 28 **“PERMIT.”**
24. **“MANAGEMENT PRACTICE”** means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of

waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

25. **“MARSHES”** are watercourses that are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered. (See Appendix C)
26. **“MATERIAL”** means any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, earth, land, gravel, clay, bog, mud, debris, sand, refuse or waste.
27. **“NURSERIES”** means places where plants are grown for sale, transplanting, or experimentation.
28. **“PERMIT”** means the whole or part of any document of approval or similar form of permission, which may be granted to or required of any person by these regulations. Permits were formerly known as Licenses.
29. **“PERMITTEE”** means the person to whom a permit has been issued.
30. **“PERSON”** means any person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, government agencies, or subdivisions thereof.
31. **“POLLUTION”** means any harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as to directly or indirectly come in contact with any wetlands or watercourse. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.
32. **“PRUDENT”** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be considered in deciding what is prudent and provided a mere showing of expense will not necessarily mean an alternative is imprudent.
33. **“REGULATED ACTIVITY”** means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater on the land within the following upland review areas is a regulated activity:



- a) Areas where any part of the regulated activity is within 50 feet of a designated wetland or within 50 feet of a designated watercourse; or
- b) Areas where any part of the regulated activity is within 100 feet of a public drinking water supply or nature preserve; or
- c) Areas where any part of the regulated activity is within 100 feet upgrade from a river or stream tributary to a public drinking water supply less than one half mile downstream; or
- d) Areas where any part of the regulated activity is within 100 feet (horizontal distance) upgrade from a river or stream, and located within a sloped embankment that is poorly drained, ledge rock, or steeper than 1:1 and slopes down to within 50 feet of the watercourse; or
- e) Areas where any part of the regulated activity is within 100 feet upgrade from a river or stream, a major aquifer or nature preserve, and located in fast draining soils with a percolation rate faster than one inch per minute; or
- f) Areas where the total area to be disturbed by any activity is cumulatively more than one half acre, and any disturbed area is upgrade from a wetland or watercourse larger than 5000 square feet situated at least in part on the same property and/or properties immediately adjacent thereto; or
- g) Areas where an animal shelter or animal run are located within 125 feet of a non-drinking water wetland or watercourse or within 250 feet of a surface drinking water wetland or watercourse; or
- h) Areas where any part of a septic system is located within 100 feet of a wetland or watercourse.

The Commission or its Agent may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or adversely affect wetlands or watercourses and is a regulated activity.

- 34. **“REGULATED AREA”** means any wetland or watercourse as defined in these regulations.
- 35. **“REGULATIONS”** means the Inland Wetlands and Watercourses Regulations of the Town of New Canaan, as from time to time amended.
- 36. **“REMOVE”** includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.
- 37. **“RENDERING UNCLEAN OR IMPURE”** means any alteration of the physical, chemical or biological properties of any of the waters of the Town of New Canaan, including but not limited to change in composition, color, odor, turbidity, temperature or taste.

38. **“SETBACK”** is that area, also known as an upland review area, adjoining wetlands and watercourses that may be necessary to provide protection from the adverse impacts of various land uses. Guidelines for minimum setbacks without special analysis are specified in Section 7.4.
39. **“SIGNIFICANT IMPACT”** means any activity, including, but not limited to, the following activities which may have a major effect:
- a) Any activity involving a deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed; or
  - b) Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system; or
  - c) Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; perform other functions; or
  - d) Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
  - e) Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
  - f) Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse; or
  - g) Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.
40. **“SOIL SCIENTIST”** means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management.
41. **“SURVEYOR”** means a person holding a certified land surveyor’s license from the State of Connecticut.
42. **“SUBMERGED LANDS”** means those lands which are inundated by water on a seasonal or more frequent basis.
43. **“SWAMPS”** are watercourses that are distinguished by the dominance of wetland trees and shrubs. (See Appendix C)
44. **“TOWN”** means the Town of New Canaan, Connecticut.
45. **“UPLAND REVIEW AREA”** is that area also known as the setback, adjoining wetlands and watercourses that may be necessary to provide protection from the adverse impacts of

various land uses. Guidelines for minimum upland review areas without special analysis are specified in Section 7.4.

46. **“VERNAL POOL”** means a small, shallow depression in the landscape that tends to fill with water during spring and late fall and become drier during the summer months. It shall be natural and lack a permanent outlet or any fish population. Further, the occurrence of one or more of the obligatory species which include the fairy shrimp, spotted salamander, Jefferson salamander, marbled salamander, wood frog, and eastern spadefoot toad is necessary to conclusively define the vernal pool.
47. **“WASTE”** means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any wetlands or watercourses of the Town.
48. **“WATERCOURSES”** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35, inclusive.

Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

- a) Evidence of scour or deposits of recent alluvium or detritus;
- b) The presence of standing or flowing water for a duration longer than a particular storm incident;
- c) The presence of hydrophytic vegetation.

49. **“WETLANDS”** means land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey of the United States Department of Agriculture Natural Resources Conservation Service, as may be amended from time to time. Known wetlands are generally shown, for information purposes only, on an area boundary map on file in the office of the Inland Wetlands Department. In each instance, however, the actual character of the soil type or types, tested in the field, shall determine whether the land in question is subject to regulation. Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

## **SECTION 3**

### **ADMINISTRATION**

#### **SECTION 3.1        ADMINISTRATION**

These regulations shall be administered and enforced by the Commission under such rules and procedure as it may from time to time adopt, such rules to be filed for public record in the office of the Town Clerk of the Town of New Canaan within 10 days after their adoption or amendment by the Commission.

#### **SECTION 3.2        ADMINISTRATIVE AGENT**

The Commission's Wetlands Agent shall have the full power to administer and enforce these regulations on behalf of the Commission.

#### **SECTION 3.3        FEES**

The Board of Selectmen of the Town of New Canaan may from time to time determine and fix the amount of fees to be charged and paid to the Wetlands Agent for use of the Town, upon the filing of applications and petitions, and upon the issuance of such permit under these regulations. Such fees shall be sufficient to cover reasonable cost of reviewing and acting on applications and petitions, including, but not limited to, the cost of certified mailings, publications of notices and decisions, and monitoring compliance with permit conditions or Commission orders. The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but is not limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Commission or its Agent shall estimate the complex application fee which shall be paid within ten days of applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than thirty days after publication of the Commission's decision. Upon discovery of permit violations, the Commission may also require an additional application fee to cover monitoring inspections. The schedule of fees shall be filed for public record in the office of the Town Clerk of the Town within 10 days after adoption by the Board of Selectmen of the Town of New Canaan. (Appendix A)

#### **SECTION 3.4        FORMS**

The Commission will adopt, and from time to time may revise or amend, forms for the permit application, the permit, administrative permit, certificate of compliance, and other forms and documents that may be required. Such action may be taken at any Commission meeting. Copies of such forms may be obtained at the office of the Inland Wetlands Department.

### **SECTION 3.5            CONFLICTS OF INTEREST**

No member or alternate member of the Commission shall participate in a hearing or decision of the Commission upon any matter upon which he or she is directly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered in the records of the Commission and replacement shall be made from alternate members to act as a member of the Commission in the hearing and determination of the particular matter or matters in which the disqualification arose. (See Connecticut General Statutes Section 22a-42(c) and New Canaan Town Code Section 17-5.)

### **SECTION 3.6            COPIES OF THE REGULATIONS**

Copies of these regulations shall be available at the office of the Inland Wetlands Department in the Town Hall of New Canaan (or at the temporary office at Irwin Park) or on the Town of New Canaan official website [www.newcanaan.info](http://www.newcanaan.info). The price of such copies shall be determined by the Commission.

## **SECTION 4**

### **BOUNDARIES**

#### **SECTION 4.1      BOUNDARIES OF WETLANDS**

Boundaries of wetlands shall conform with actual wetland soil conditions of the land as determined and located by soil scientists and mapped by licensed surveyors.

#### **SECTION 4.2      BOUNDARIES OF WATERCOURSES**

Boundaries of watercourses shall include all water surface areas within their shores and banks and all shoreline land areas to their annual high water marks.

#### **SECTION 4.3      AREA BOUNDARY MAPS**

The map of wetlands and watercourses entitled “Inland Wetlands and Watercourses Map, New Canaan, Connecticut” delineates the general location and boundaries of known inland wetlands and the general location of known watercourses. Copies of this map are available for inspection in the office of the Inland Wetlands Department or the office of the Town Clerk. Unmapped wetlands and watercourses that meet the definitions in Section 2 are within the Commission’s jurisdiction. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types, and location of watercourses. Such determination shall be made by field inspection and testing conducted by a soil scientist. The Commission may use aerial photography, remote sensing imagery, resource mapping, soil maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.

#### **SECTION 4.4      DISPUTES OVER BOUNDARIES & AREA DESIGNATION**

Any person may petition the Commission for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Commission may require such person to provide an accurate delineation of regulated areas in accordance with Section 16.5 of these regulations.

The Commission shall maintain a current inventory of regulated areas within the town. The Commission may amend its map as more accurate information becomes available.

All map amendments are subject to the public hearing process outlined in Section 16.7 of these regulations.

#### **SECTION 4.5            RULINGS ON PETITIONS FOR CHANGE**

In conformance with time constraints set forth in Section 16 the Commission shall grant or deny said petition for map amendment and shall notify the petitioner of its action in the same manner as provided in Section 13.3 of these regulations.

#### **SECTION 4.6            REVISIONS OF AREA BOUNDARY MAPS**

When a map amendment is granted, the Commission shall forthwith amend and reflect the boundary change on the map in Section 4.3. Such revised boundaries shall be valid only for so long as the soil types on the subject property and the site plan locations of all affected watercourses remain the same as indicated in all reports and technical data submitted with the exemption request.

## **SECTION 5**

### **PERMITTED USES AS OF RIGHT & NONREGULATED USES**

#### **SECTION 5.1      REVIEW BY COMMISSION OR AGENT**

The Commission or its Agent shall have the responsibility and power to determine if any proposed activity and/or use is permitted as of right pursuant to Section 5.2 or permitted as non-regulated pursuant to Section 5.3. Any person wishing to carry out uses permitted as of right (Section 5.2) or nonregulated uses (Section 5.3) must submit, prior to the commencement of such activity, a request to the Commission or its Agent to determine if the proposed activity does fall within the provisions of these subsections. Even where the Commission or its Agent determines that the proposed activity is within these provisions it may nevertheless set conditions to assure that the activity will not have a significant impact or major effect on a wetland or watercourse. When the Commission or its Agent makes such a determination it shall be submitted in writing to the person requesting such determination.

If the Commission or its Agent should determine that a proposed activity and/or use is not permitted as of right, or not permitted as non-regulated, the person proposing such regulated activity and/or use will be required to submit an application pursuant to these regulations.

#### **SECTION 5.2      USES PERMITTED AS OF RIGHT**

The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

1. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection (DEEP) for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of topsoil, peat, sand, gravel or similar materials from wetlands or watercourses for the purpose of sale;
2. A residential home (A) for which a building permit has been issued or (B) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
3. Boat anchorage or mooring not to include dredging or dock construction;



4. Uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;
5. Construction and operation, by water companies as defined in Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the General Statutes, of dams, reservoirs and other facilities necessary for the impounding, storage, and withdrawal of water in connection with public water supplies except as provided in Section 22a-401 through 22a-410 of the Connecticut General Statutes;
6. Maintenance relating to any drainage pipe which existed before June 29, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For the purposes of this paragraph, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place. Notwithstanding the provisions of Section 5.1, maintenance as described in this paragraph shall not require prior review by the Commission or Wetlands Agent;
7. Withdrawals of water for fire emergency purposes.

### **SECTION 5.3            OTHER USES PERMITTED**

The following uses and operations shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or the watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

1. Conservation of soil, vegetation, water, fish, shellfish and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices;
2. Outdoor recreation, including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, and fishing where otherwise legally permitted and regulated; and
3. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

## **SECTION 5.4            REGULATED ACTIVITY**

All activities in wetlands and watercourses involving filling, excavation, dredging, clear cutting, grading, or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with Section 7 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized Agent in accordance with Section 10.1 of these regulations.

Any dredging or any erection, placement, retention or maintenance of any structure, fill, obstruction or encroachment, or any work incidental to such activities, conducted by a state agency, which activity is regulated under Connecticut General Statutes Sections 22a-28 to 22a-35, inclusive, or Sections 22a-359b to 22a-363f, inclusive, shall not require any permit or approval under Sections 22a-36 to 22a-45, inclusive.

## **SECTION 5.5            PRE-EXISTING ACTIVITIES AND USES EXEMPTED**

Any regulated activity or use defined in Section 7 of these regulations which was legally existing as of June 29, 1974, the original effective date of these regulations, shall be exempt therefrom and permitted to continue provided that no new or additional regulated activity, requiring a permit under these regulations, is conducted after said original effective date without such permit.

## **SECTION 6**

### **STATE REGULATED ACTIVITIES**

#### **SECTION 6.1      ACTIVITIES REGULATED EXCLUSIVELY BY THE COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION**

The following activities shall be regulated by the State of Connecticut, Commissioner of Energy and Environmental Protection:

1. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Section 22a-39 or 22a-45a of the Connecticut General Statutes;
2. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended;
3. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued by the Commissioner of Energy and Environmental Protection under Section 22a-403 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or permit shall not be required to obtain a permit from a municipal wetlands agency for any action necessary to comply with said dam order or to carry out the activities authorized by said permit;
4. The Commissioner of Energy and Environmental Protection shall have exclusive jurisdiction over the discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under section 404 of the Federal Clean Water Act.

## **SECTION 7**

### **REGULATED & PERMITTED ACTIVITIES** **WITHIN REGULATED AREAS**

#### **SECTION 7.1 PERMIT REQUIRED**

Except for permitted operations and uses (see Section 5), regulated activities affecting inland wetlands or watercourses in the Town of New Canaan are prohibited except as they may be permitted by the Commission or by the Commissioner of Energy and Environmental Protection. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission or its duly authorized Agent.

#### **SECTION 7.2 REGULATED ACTIVITIES**

“**REGULATED ACTIVITY**” as further described in Section 7.4, includes activities within regulated areas and activities outside the wetlands and watercourses wherever such activities are likely to impact or affect wetlands or watercourses. (See Upland Review Areas – Section 7.4)

#### **SECTION 7.3 REGULATED AREAS**

Regulated areas include all wetlands or watercourses as defined in Section 2 or within boundaries as located and defined in Section 4.1 and 4.2 of these regulations. Approximate location of said boundaries are shown on Area Boundary Maps as defined in Section 4.3 of these regulations and maintained in the office of the Inland Wetlands Department and filed in the office of the Town Clerk of the Town of New Canaan, however these maps are to be considered only for reference purposes and actual wetlands boundaries shall be confirmed by a soil scientist at the applicant's expense.

#### **SECTION 7.4 UPLAND REVIEW AREAS**

The Commission may set conditions under which a regulated activity may be conducted in upland review areas to assure that the activity will have no significant impact or major effect on inland wetlands or watercourses. “Regulated activity” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of stormwater on the land within the following upland review areas is a regulated activity:

1. Areas where any part of the regulated activity is within 50 feet of a designated wetland or within 50 feet of a designated watercourse; or
2. Areas where any part of the regulated activity is within 100 feet of a public drinking water supply or nature preserve; or

3. Areas where any part of the regulated activity is within 100 feet upgrade from a river or stream tributary to a public drinking water supply less than one half mile downstream; or
4. Areas where any part of the regulated activity is within 100 feet (horizontal distance) upgrade from a river or stream, and located within a sloped embankment that is poorly drained, ledge rock, or steeper than 1:1 and slopes down to within 50 feet of the watercourse; or
5. Areas where any part of the regulated activity is within 100 feet upgrade from a river or stream, a major aquifer or nature preserve, and located in fast draining soils with a percolation rate faster than one inch per minute; or
6. Areas where the total area to be disturbed by any activity is cumulatively more than one half acre, and any disturbed area is upgrade from a wetland or watercourse larger than 5000 square feet situated at least in part on the same property and/or properties immediately adjacent thereto; or
7. Areas where an animal shelter or animal run are located within 125 feet of a non-drinking water wetland or watercourse or within 250 feet of a surface drinking water wetland or watercourse; or
8. Areas where any part of a septic system is located within 100 feet of a wetland or watercourse.

The Commission or its Agent may rule that any other activity located within such upland review areas or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses adversely and is a regulated activity.

## **SECTION 7.5            NON-PERMITTED ACTIVITIES**

Any person found to be conducting or maintaining a regulated activity without a permit or prior authorization from the Commission, or violating any other provision of these regulations, shall be subject to enforcement proceedings and penalties prescribed in Section 15 of these regulations and any other remedies provided by law. (See Appendix D)

## **SECTION 8**

### **APPLICATION REQUIREMENTS**

#### **SECTION 8.1      PRE-APPLICATION MEETING**

The Commission strongly recommends that the applicant hold a pre-application meeting with the Wetlands Agent to determine whether the proposed regulated activity involves a significant impact activity. It is also at such a pre-application meeting that an applicant and the Wetlands Agent can determine whether the application falls under Section 5 – Permitted Operations and Uses, or under Section 6 – State Regulated Activities.

#### **SECTION 8.2      WHERE APPLICATIONS ARE TO BE SUBMITTED**

Any person intending to conduct a regulated activity, or an activity which may involve a regulated activity, shall submit an application for a permit to the office of the Inland Wetlands Department at its office in the Town Hall (or at the temporary office at Irwin Park). Application forms may be obtained in the Inland Wetlands Department or on the town website. All applications shall contain the information described in this section and any other information the Commission may reasonably require for a fair and informed determination of the issues. The Commission or its Wetlands Agent may waive certain application requirements.

No application shall be deemed complete unless it shall be in such form and contain such information as the Commission deems necessary for a fair and informed determination of the issues. In addition no application shall be deemed complete until payment of all fees, including complex application fees are received. The Commission may ask for additional information and/or drawings at any time during a public meeting or public hearing prior to rendering a decision as set forth in Section 9.7 of these regulations.

#### **SECTION 8.3      FORM & CONTENT OF APPLICATIONS FOR ACTIVITIES REGULATED BY THE COMMISSION**

All applications for permits for uses or activities regulated by the Commission shall include the following information in writing or on maps or drawings, and 14 copies shall be submitted.

1. Applicant's name, home and business mailing addresses, telephone numbers, email addresses, and the applicant's legal interest in the land. If the applicant is a limited liability company or a corporation, the managing member's or responsible corporate officer's name, address, telephone number, and email address;
2. The land owner's name, mailing address and telephone number, and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
3. Photocopy of the deed description from the recorded deed and an A-2 survey of the premises as filed on the land records;

4. The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands and watercourses to be disturbed, soil type(s), and wetland vegetation;
5. The purpose and description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to:
  - a) prevent or minimize pollution or other environmental damage,
  - b) maintain or enhance existing environmental quality,
  - c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
6. Alternatives that would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen. All such alternatives shall be described in written form by the applicant, and at the Commission's request any alternatives shall be diagramed on a site plan or drawing;
7. A site plan showing existing and proposed conditions in relation to wetlands and watercourses and identify further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses. Vicinity sketch to scale showing geographical location of the property affected by the proposed activity;
8. Names and addresses of adjacent property owners and those within 100 feet of the subject property. In applications where all of the regulated activity is outside of wetlands and a request for administrative approval is submitted to and approved by the Agent of the Commission under Section 10.1 of these regulations, mailed notices to such property owners shall not be required, but the list shall still be submitted. In all other applications, the applicant shall, by certified mail, advise adjacent property owners and those within 100 feet of the property line of the subject property that an application has been filed for the proposed activity. When a condominium is an adjacent property or is within 100 feet of the property line of the subject property, notification may be sent to the condominium association in lieu of the individual unit owners. The applicant shall obtain proof of mailing in the form of stamped receipts for certified mail from the United States Postal Service and submit copies of such letters and stamped receipts for certified mail with the application;
9. Any other information that the Agent may deem necessary to understand what the applicant is proposing;
10. Authorization for the Commissioners and Agents of the Inland Wetlands Commission to inspect the property, at reasonable times, during the pendency of the application and for the life of the permit.

11. Submission of the appropriate filing fee based on fee schedule established in Appendix A of these regulations;
12. Submit a completed Department of Energy and Environmental Protection (DEEP) “Statewide Inland Wetland Activity Report Form”. The Agent shall revise or correct the information provided by the applicant and submit the form to the State of Connecticut Commission of Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies.
13. For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:
  - a) For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or in any order taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use.
  - b) For purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
  - c) No person shall file a permit application, other than for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction, not later than 60 days prior to the filing of the permit application.
  - d) In lieu of such notice pursuant to Subsection 8.3.13.c, the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.

#### **SECTION 8.4            ADDITIONAL INFORMATION REQUIRED FOR SIGNIFICANT IMPACT**

At the discretion of the Commission or its Agent, or when the proposed activity involves a significant impact, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, may be required:

1. Existing conditions site plan of the property(ies) on which the proposed activity is to be located, drawn by a licensed surveyor, professional engineer or landscape architect



registered in the State of Connecticut or other qualified professional acceptable to the Commission, showing existing conditions, boundaries of land ownership, the location of all wetlands and watercourses occurring on the premises, and wooded and open spaces. Such map shall be drawn to a scale not less than 10 feet to the inch or more than 100 feet to the inch on a drawing size not to exceed 36 inches long by 24 inches wide (D size). Such plan shall show the location of all existing structures, driveways and other significant man-made features on and immediately adjacent to the property;

2. Proposed conditions site plan of the property(ies), drawn by a licensed surveyor, professional engineer or landscape architect registered in the State of Connecticut or by such other qualified professional acceptable to the Commission, to the same scale or a scale acceptable to the Commission where greater detail is needed to fairly consider the application and to the same drawing size as the existing conditions site plan showing existing conditions unchanged and the proposed work on the property including clear identification of the ponds, watercourses and/or wetlands to be altered or affected by the proposed construction. The wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans. Information to be shown on the proposed site plan drawing shall include proposed contour lines (2 foot contours within 50 feet of wetlands and watercourses and 10 foot contours for the rest of the area. This requirement for contour information may be waived or modified by the Commission if it is determined such information is not necessary to properly evaluate the impact of the proposed activity), proposed final elevation of pond surfaces and watercourses, changes to existing structures and the location of proposed structures, driveways and other significant man-made features;
3. Where the total disturbed area is significant or otherwise meets the half acre requirement set forth in Section 7.4.6 of these regulations, the applicant shall provide plan drawings, to suitable scale, showing an outline of all proposed structures, cut and fill areas, retaining walls and man made embankments exceeding 30 degrees from the horizontal, drainage structures, and all soil erosion and sedimentation control measures to be taken during the term of the project;
4. Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
5. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service. The Agent or Commission shall require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans. Field delineation shall be flagged and numbered for inspection by the Agent and Commission members;
6. Description of the ecological communities and the functions of the wetlands and watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
7. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative that would cause less or no environmental impact to wetlands or

watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent;

8. The type and volume of materials to be deposited, removed or relocated on the property including potential contaminants, and the names, locations and numbers of various trees over 10" in diameter measured 36" above grade and **any** shrubs to be removed within the regulated area;
9. If the proposed activity upon the applicant's property may affect a watercourse lying within, partly within, or flowing through or adjacent to the applicant's property due to runoff, the applicant may be required to submit information relative to the present character including the comparison of existing and proposed discharges during a two, five, ten, twenty-five, and fifty year storm where downstream flooding is a consideration;
10. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, which prevent flooding, which prevent or reduce erosion and sedimentation and obstruction of drainage, which contribute to the addition of open spaces such as Land Conservancies, or which contribute to fire and safety protection;
11. Such other information as may be necessary and useful to the understanding of what the applicant proposes.

## **SECTION 8.5            CERTIFICATION**

The applicant shall certify whether:

1. Any portion of the property affected by a decision of the Commission or its Agent is located within 500 feet of the boundary of an adjoining municipality;
2. A significant portion of the traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
3. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; and/or
4. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

## **SECTION 8.6            POND MAINTENANCE**

The form and content of applications for pond maintenance where no significant change in the outline of the pond is anticipated but rather where cleaning or dredging is the sole purpose of the activity shall be as follows:

1. The applicant shall provide the information requested under Section 8.3;
2. The Wetlands Agent shall review with the applicant the extent of topographical information required on the drawings;
3. Information accompanying the application shall include existing pond depth and proposed pond depth, plans if any to control sediment build-up in the pond, method of dredging, the name of the contractor, the sequence and timing of steps in carrying out the dredging activities and other information deemed necessary by the Wetlands Agent.

## **SECTION 8.7            INCOMPLETE APPLICATIONS**

An application deemed incomplete by the Commission or its Agent shall either be withdrawn by the applicant, or denied by the Commission or its Agent for reasons specified in writing in said denial.

## **SECTION 8.8            FACTUAL AND BINDING INFORMATION**

All information submitted in the application shall be considered factual and binding. A knowing failure by the applicant or applicant's agent to provide full, complete and correct information shall be sufficient grounds for revocation of any permit granted under these regulations and the imposition of penalties.

## **SECTION 9**

### **APPLICATION PROCEDURE**

#### **SECTION 9.1 SUBMISSION AND ACCEPTANCE**

An application shall be submitted in such form and contain such information as prescribed in Section 8.3, and must be accompanied by all fees as required under Section 3.3 (see Appendix A). An application shall be accepted, and considered properly submitted, and dated when it complies with the provisions of this section.

All applications shall be open for public inspection in the office of the Inland Wetlands Department during regular business hours.

#### **SECTION 9.2 STATUTORY DATE OF RECEIPT**

The Date of Receipt of an application shall be the day of the next regularly scheduled meeting of the Commission following the day of submission or 35 days after submission, whichever is sooner.

#### **SECTION 9.3 FIRST CONSIDERATION**

An application shall be considered at the next regularly scheduled meeting of the Commission after the statutory Date of Receipt.

#### **SECTION 9.4 COORDINATION WITH ZONING**

If a zoning or subdivision application involves a regulated activity as defined in these regulations, the zoning applicant shall submit the wetlands application to the office of the Inland Wetlands Department no later than the day the zoning or subdivision application is filed.

#### **SECTION 9.5 NOTICE TO ADJACENT MUNICIPALITIES**

The applicant shall, on the same day of submission, give written notice of the application by certified mail, return receipt requested, to the inland wetlands agency of another municipality when any portion of a regulated activity is located within 500 feet of the boundary of such municipality, and provide the Commission with documentation of said notification.

The Commission shall in accordance with Connecticut General Statutes Sections 8-7d(f), and 22a-42b, notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:

1. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of said adjoining municipality;

2. A significant portion of traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
3. A significant portion of the sewer or water drainage from the project will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
4. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan. No hearing may be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this section.

## **SECTION 9.6 NOTICE TO WATER COMPANIES**

When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 25-32a of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health of the State of Connecticut in a format provided by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the Town of New Canaan and with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date the application is filed. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission or the Commission's Agent.

## **SECTION 9.7 ADDITIONAL INFORMATION**

At any time during the review period, the applicant shall provide such additional information as the Commission or the Wetlands Agent may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in Section 13.2 of these regulations.

## **SECTION 9.8 NO ACTIVITY WHILE APPLICATION IS PENDING**

Prior to the granting of a permit by the Commission and the filing of any required bond, no use or regulated activity of any kind, for which the application has been made, is authorized or permitted.

## **SECTION 9.9 SIMILAR APPLICATIONS**

The Commission shall have the discretion not to accept any subsequent application for a regulated activity in a regulated area while an application for the same or similar regulated activity in the same regulated area is still pending.

## **SECTION 9.10        WITHDRAWAL OF APPLICATION**

At any time prior to the final action by the Commission the applicant may withdraw the application by filing with the Commission a formal written notice to that effect.

## **SECTION 10**

### **ACTION BY DULY AUTHORIZED AGENT**

#### **SECTION 10.1 THE PERMIT**

The Commission may delegate to its duly authorized Agent the authority to approve, modify, transfer, or extend a permit for an activity that is not located in a wetland or watercourse when such Agent finds that the conduct of such activity would result in no greater than minimal impact on any wetlands or watercourses provided such agent has completed the comprehensive training program developed by the Commissioner of Energy and Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes.

Requests for such administrative approval shall be made to the Agent and shall contain the information listed under Section 8.3 of these regulations and any other information the Agent may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 9, 11.2, and 13 of these regulations, such Agent may approve or extend such activity at any time. The Agent may, within the guidelines established, issue an Administrative permit for the activity or work, and shall at the next regular meeting of the Commission file a report on the issuance of said permit.

Any person receiving such approval from the Agent shall have published by the Agency within ten days of the date of such approval, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town in which the activity is located or will have an effect. Any person may appeal such decision of the Agent to the Commission within fifteen days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is not earlier than three business days after receipt by the Commission or its Agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its Agent or require an application for a permit in accordance with Section 8 of these regulations.

## **SECTION 11**

### **PUBLIC MEETINGS AND HEARINGS**

#### **SECTION 11.1 PUBLIC MEETINGS**

Regularly scheduled meetings shall be those meetings that have been noticed annually to the Town Clerk, as may be amended from time to time. The Commission's regular meeting is usually on the third Monday of each month.

#### **SECTION 11.2 PUBLIC HEARINGS**

The Commission shall not hold a public hearing on an application unless the Commission determines that (A) the proposed activity may have a significant impact on wetlands or watercourses, or (B) receives, within 14 days of the Commission's receipt of an application, a petition signed by at least 25 persons who reside in the Town of New Canaan each of whom are eighteen years of age or older, or (C) the Commission finds that a public hearing regarding the application would be in the public interest. If the Commission determines that none of these criteria for a public hearing are met, it may issue a permit for the application. Any person may appear and be heard during a Commission public hearing.

#### **SECTION 11.3 NOTICES OF PUBLIC HEARING**

Notice of a public hearing shall be published by the Commission, at the applicant's expense, at least twice at intervals no less than two days apart, the first no more than 15 days nor fewer than 10 days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in New Canaan.

#### **SECTION 11.4 PUBLIC INFORMATION**

All applications, maps and documents relating to a public hearing shall be open for public inspection at the Office of the Inland Wetlands Department.

#### **SECTION 11.5 ADJOINING MUNICIPALITIES**

In the case of any application, which is subject to the notification provisions of Section 9.5 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality (ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.



## **SECTION 11.6      PUBLIC HEARING PROCEDURE**

All public hearings shall commence not later than 65 days after the date of receipt of an application. The hearing shall be completed within 35 days of commencement. Action shall be taken on applications within 35 days after completion of the public hearing. The applicant may consent to one or more extensions of the periods specified in this section, provided the total extension of all such periods shall not be for longer than 65 days, or the applicant may withdraw the application. Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date certain) where necessary for the full development of the information or for the full and adequate participation of all parties concerned.

## **SECTION 12**

### **CONSIDERATIONS FOR DECISION**

#### **SECTION 12.1      RENDERING A DECISION AFTER FINAL REVIEW**

The Commission, in making a final decision on an application for a permit, shall consider at least the following factors:

1. The application and its supporting documentation;
2. For an application for which a public hearing is held, public comments, evidence and testimony;
3. Any relevant reports from other commissions and/or state or local agencies, including the Soil and Water Conservation District and the Connecticut Department of Energy and Environmental Protection (DEEP);
4. Additional requested information;
5. All evidence offered at any public hearing. Other material not in the record shall not be considered by the Commission when making its decision;
6. Non-receipt of comments from other agencies or commissions within the prescribed period shall neither delay nor prejudice the decision of the Commission.

#### **SECTION 12.2      STANDARDS AND CRITERIA FOR DECISION**

For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “habitats” means areas or environments in which an organism or biological population normally lives or occurs. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:

1. A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of impact or effect on aquatic, plant, or animal life characteristics unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourse;
2. The environmental impact of the proposed regulated activity on wetlands or watercourses;
3. The applicant’s purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;

4. The relationship between the short-term and long term impacts of the proposed regulated activity on wetlands and watercourses and the maintenance and enhancement of long term productivity of such wetlands or watercourses;
5. Irreversible and irretrievable loss of wetland or watercourses which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to:
  - a) prevent or minimize pollution or other environmental damage,
  - b) maintain or enhance existing environmental quality, or
  - c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
6. The character and degree of injury to, or interference with, safety, health or reasonable use of property which is caused or threatened by the proposed regulated activity;
7. Impacts of the proposed activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses;
8. Measures which would mitigate the impact of any aspect of the proposed regulated activity. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands or watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sedimentation, to prevent erosion, to assimilate wastes, to facilitate drainage, to control pollution, to support recreational activities and open space, and to promote public health and safety;
9. The availability of preferable alternate locations on the parcel involved and the possibility of the availability of other reasonable locations not on the parcel involved;
10. The availability of technical improvements or safeguards which could feasibly be required;
11. The interference with the exercise of property rights of the applicant or others if the permit is or is not granted;
12. The possible impairment of public health, safety and welfare which may outweigh individual property rights or public benefit if the permit is granted, and including the balance between the need of the economic well-being of the Town and the use of land in the Town required or needed to protect the environment and ecology of the Town.

### **SECTION 12.3      FEASIBLE AND PRUDENT ALTERNATIVE**

In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in Section 12.1 and 12.2 above. The findings and the reasons therefore shall be stated in the record in writing.

In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which has less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate provided this shall not be construed to shift the burden from the applicant to prove that the applicant is entitled to the permit or to present alternatives to the proposed regulated activity.

In reaching its decision on application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

### **SECTION 12.4      CONSERVATION OR PRESERVATION RESTRICTIONS**

In the case of an application where the applicant has provided written notice pursuant to Subsection 8.3.13.c of these regulations, the holder of the restriction may provide proof to the Commission that granting the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Commission shall not grant the permit approval.

In the case of an application where the applicant fails to comply with the provisions of Subsections 8.3.13.c or 8.3.13.d of these regulations, (1) the party holding the conservation or preservation restriction, other than a state agency that holds such restriction, may, not later than 15 days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the rules and regulations of such agency relating to appeals. The Commission shall reverse the permit approval upon a finding that the requested land use violates the terms of such restriction; or (2) the state agency that holds such restriction may, not later than 30 days after receipt of actual notice of permit approval, file an appeal with the Commission, subject to the rules and regulations of such agency relating to appeals. The Commission shall immediately reverse such permit approval if the commissioner of the state agency that holds such restriction certifies that the land use authorized in such permit violates the terms of such conservation or preservation restriction.

Nothing in Subsections 8.3.13.c or 8.3.13.d of these regulations shall be construed to prohibit the filing of a permit application or to require such written notice when the activity that is the subject of such permit application will occur on a portion of property that is not restricted under the terms of such conservation or preservation restriction.

## **SECTION 13**

### **DECISION PROCESS AND PERMIT**

#### **SECTION 13.1 THE DECISION**

At the time of granting or denying a permit the Commission, or its duly authorized agent acting pursuant to Section 10 of these regulations, may in accordance with the factors set forth in Section 12 state upon the record its reasons for its decision. In the case of a public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with Section 12 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives. In granting a permit the Commission, or its duly authorized Agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of Sections 22a-36 to 22a-45, inclusive, of the General Statutes. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would:

1. Prevent or minimize pollution or other environmental damage;
2. Maintain or enhance existing environmental quality; or
3. In the following order of priority: restore, enhance, and create productive wetland and watercourse resources.

Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission or its Agent determines that such restrictions are necessary to carry out the policy of the Inland Wetlands and Watercourses Act.

#### **SECTION 13.2 WHEN COMMISSION MUST RENDER DECISION**

No later than 65 days after the receipt of the application, the Commission may hold a public hearing on such application. The hearing shall be completed within 35 days of its commencement. Action shall be taken on applications within 35 days after completion of the public hearing.

In the absence of a public hearing, action shall be taken on applications within 65 days from the receipt of the application. (Section 9.2) The applicant may consent to one or more extensions of the periods specified in this subsection provided the total extension of all such periods shall not be for longer than 65 days or may withdraw the application.

The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission must either be withdrawn by the applicant or denied by the Commission.

#### **SECTION 13.3 NOTIFICATION OF DECISION**

The Commission shall notify the applicant of its decision within 15 days of the date of the decision by certified mail, and cause notice of said decision to be published in a newspaper having a general circulation in the town(s) wherein the inland wetland or watercourse lies. Should such notice not

be published within said 15 day period, the applicant may provide for the publication of such notice within 10 days thereafter.

#### **SECTION 13.4        MODIFICATION OF APPLICATION GRANTED WITH CONDITIONS**

If a permit is granted with conditions and limitations, and the applicant disputes such conditions and limitations, he or she may modify, amend or correct the proposal. Rejection of a modified, amended or corrected proposal shall be equivalent to denial of the application for purposes of appeal.

#### **SECTION 13.5        RECOURSE AFTER DENIAL OF PERMIT**

In the event of denial with or without permission to modify, amend or correct, the applicant may submit a new application or may seek judicial review pursuant to Section 17 of these regulations.

If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impact, which resulted in the denial. Such submittal shall take the form of a new application.

#### **SECTION 13.6        FILING AND RECORDING**

Before any permit shall be valid and any use or activity is carried on thereunder, the permit shall be recorded by the Wetlands Agent on the Land Records of the Town of New Canaan, at the applicant's expense. The date on which the permit is filed on the Land Records shall be considered to be the official date of the granting of the permit.

#### **SECTION 13.7        ZONING OR SUBDIVISION APPROVAL**

If the activity authorized by the wetlands permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Section 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetlands permit may begin until such approval is obtained.

#### **SECTION 13.8        DECLARATORY RULING – EXEMPTIONS**

If the Commission or its Agent finds, on the basis of the evidence before it, that the proposed activity or use does not involve any regulated activity as defined in Sections 4 or 7, or involves only a permitted use as defined in Section 5, a letter of permission to proceed shall be granted forthwith. The Commission or its Agent shall state in writing its reasons for its findings. This permission shall be subject to limitations or revocation if it is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity.

## **SECTION 13.9      PERMIT VALIDITY**

Any permit issued under this section for the development of property for which an approval is required under Connecticut General Statutes chapter 124, 124b, 126 or 126a shall be valid until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued under these regulations for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years, and may be extended under Section 14 provided no such permit may be valid for more than ten years. Any permit issued prior to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not less than nine years after the date of such approval, and may be extended under Section 14 provided no such permit shall be valid for more than fourteen years.

If work under the permit is not completed within the period that the permit is valid and an extension as described under Section 14.2 has not been sought the permit shall terminate and be null and void. When a permit is terminated, the Commission or its Agent may review any partially completed activity and determine whether completion of the approved work is necessary to avoid adverse impact to a wetland or watercourse. Enforcement procedures (Section 15) may be initiated.

## **SECTION 13.10      BOND AND INSURANCE**

The applicant, upon approval of the permit, and at the discretion of the Commission or its Agent, may be required to file a performance bond or the equivalent thereof in an amount and with sureties and in a form approved by the Commission. The bond and sureties shall be conditioned on compliance with all provisions of these regulations and the term, conditions and limitations specified in the permit. The bond shall run to the Town of New Canaan and shall be in a form satisfactory to the Town's Attorney. Such bond shall:

1. Specify the time within which the terms and conditions of the permit shall be complied with;
2. Provide that the cash or its equivalent and the amount covered by the guarantee of the surety company securing the bond shall all become available immediately to the Town if the terms and conditions of the permit have not been fully met on the date set for completion thereof;
3. Provide that the bond shall remain in full force and effect until such time as the Commission shall make a formal finding that the work to be accomplished as required by the permit has been satisfactorily completed and shall so notify the applicant;
4. Provide that if the Commission shall make a finding that the work has not been accomplished within the time limit the bond shall be forfeited in its entirety and the funds shall be paid over to the Town of New Canaan.



## **SECTION 13.11      STATEMENT OF COMPLIANCE**

Upon completion of the activity for which the permit has been issued the applicant shall file with the Wetlands Agent a statement that the work has been completed and is in compliance with the conditions and limitations of the permit. Upon verification by the Wetlands Agent that all requirements set forth in permit have been fully complied with, a certificate shall be filed (at the Applicant's expense) by the Wetlands Agent on the Land Records of the Town of New Canaan to that effect.

## **SECTION 13.12      OTHER PROVISIONS**

The Commission shall state upon its record the reasons and basis for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

If the Commission relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

All permits issued by the Commission are subject to the standard conditions set forth in Appendix B and do not derogate any present or future rights or powers of the Commission or the Town of New Canaan, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

## **SECTION 14**

### **MODIFICATION, EXTENSION, AND TRANSFER OF PERMITS**

#### **SECTION 14.1      MODIFICATION OF PREVIOUSLY ISSUED PERMITS**

Any request to modify an existing permit shall be filed in writing with the Commission's Agent, together with the required fee. Modifications may be granted by the Commission's Agent without action by the Commission provided the purpose and activity remain the same as originally approved and the activity is modified in such a way that the impact to the wetlands and watercourses is no greater than under the original approval. In addition, the Agent may approve any modifications that qualify for approval under Section 10 of these regulations. The Agent may refer any request to the Commission. All requests to modify an existing permit shall contain the following information:

1. The request may incorporate by reference the documentation and record of the original application. The applicant may be required to submit modified plans or drawings;
2. The applicant shall state the reason why a modification is requested. The applicant shall describe any change in facts or circumstances, including any unforeseen natural or technical difficulties, involved with or affecting wetlands or watercourses or the property for which the permit was issued.

The Commission may on its own motion hold a Public Hearing upon any request for a modification of an existing permit if there has been a material change in the facts or circumstances affecting the wetlands or watercourses for which the permit was originally issued, and such hearing shall follow procedures established under Section 11 of these regulations. Alternatively, the Commission may require that a new application be filed under Section 8.3.

#### **SECTION 14.2      EXTENSION OF PREVIOUSLY ISSUED PERMITS**

Any request to extend the time for completion of permitted activities shall be filed in writing with the Commission's Agent, together with the required fee, prior to the expiration date of the permit. Any request shall state the reasons why the authorized activities were not initiated or completed within the time specified in the permit. The Commission, or its Agent for permits approved under Section 10 of these regulations, may accept an untimely request to extend the expiration date of a permit if the authorized activity is ongoing, and allow the continuation of work beyond the expiration date if, in the judgment of the Commission or its Agent, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity.

#### **SECTION 14.3      EXCEPTION TO PERMIT EXTENSION**

Any request to extend a permit shall be granted upon request of the permittee unless the Commission or its Agent finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the

regulated activity for which the permit was issued. Extensions are limited to the time periods set forth in Section 13.9.

#### **SECTION 14.4      TRANSFER OF PERMIT**

Any request to transfer a permit shall be filed in writing with the Commission's Agent, together with the required fee. Any such request shall include a copy of the permit as issued, together with the information required under Section 8.3.1 for the person to whom the permit is to be transferred. No permit may be transferred without written consent of the Commission or the Wetlands Agent. If the title to the premises shall change while construction work is not completed the Commission shall be notified.

## **SECTION 15**

### **ENFORCEMENT**

#### **SECTION 15.1 ENTRANCE ONTO PRIVATE PROPERTY**

In the performance of its duties under the Inland Wetlands and Watercourses Act, the Commission may, by itself, its members or its designated Agent, enter at all reasonable times upon any public or private property where regulated activity is occurring or proposed, or where consent is otherwise given, except within a private residence, for the purpose of inspection and investigation to ascertain possible violations of these regulations. The Wetlands Agent is authorized to obtain a search warrant if necessary.

#### **SECTION 15.2 METHODS OF ENFORCEMENT**

If the Commission or its duly authorized agent determines that any person is engaging in any regulated activity without a permit, or is exceeding the conditions and limitations as set forth in the application, or has obtained a permit through deception or through inaccurate information as to either the activity or its environmental impact, or has engaged or is engaging in any other violation of these regulations or of Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended, it may take any one or more of the following actions:

1. Issue a written order from the Commission or its Agent by certified mail, return receipt requested, to such person to cease immediately such activity and/or correct such condition(s). Such order shall be effective upon issuance, and shall remain in effect until the Commission revises or withdraws it. Within 10 days of the issuance of such order the Commission shall hold an Enforcement Hearing to provide the person an opportunity to be heard and show cause why the order shall not remain in effect. The Commission shall consider the facts presented at the hearing and within 10 days of the completion of the hearing notify the person by certified mail, return receipt requested, that the original order remains in effect, has been revised, or has been withdrawn. The issuance of such written order shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended (Section 15.4).
2. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including the application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of the decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the Town of New Canaan.
3. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and

prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in the issuance of the order provided in Subsection 15.2.1 above or other enforcement proceedings as provided by law.

4. In accordance with Section 22a-42g of the Connecticut General Statutes and the Town Ordinance from the Code of the Town of New Canaan Chapter 33A, (See Appendix D) as may be amended from time to time, the Wetlands Agent or the Assistant Wetlands Agent are authorized to issue citations to any person who commits a violation of these Regulations. The fine shall be \$1,000.00 per citation for activities in the wetlands or watercourses and \$500.00 per citation for activities within regulated areas or within other regulated areas near wetlands as defined in subsection 7.4 of these regulations. Appeals under this paragraph, may be taken to a hearing officer in accordance with the Citation Hearing Procedure (See Appendix E).
5. Bring an action in the Superior Court pursuant to Section 22a-44 of the Connecticut General Statutes, as may be amended from time to time.

### **SECTION 15.3       SUSPENSION OR REVOCATION OF PERMIT**

In the event that the Commission shall suspend or revoke a permit pursuant to Section 15.2 above, the permittee shall be notified of the Commission's action by certified mail, return receipt requested, within 15 days of the date of the action and the Commission shall cause notice of its suspension or revocation order to be published within 15 days of the date of the order in a newspaper having general circulation in the Town of New Canaan.

### **SECTION 15.4       CIVIL PENALTIES AND FINES**

Any person who commits, takes part in, or assists in any violation of these regulations may, as provided in Section 22a-44 of the Connecticut General Statutes, as may be amended from time to time, be subject to civil penalties and fines set and assessed by the court. Each violation of these regulations shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

### **SECTION 15.5       SUPERIOR COURT ACTION**

The Superior Court in an action brought by the State Commissioner, the Town of New Canaan, or any person shall have jurisdiction to restrain a continuing violation, to issue orders directing that the violation be corrected or removed and assess civil penalties pursuant to the Connecticut General Statutes. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the State Commissioner, the Town of New Canaan, or person which

brought such action. The money collected pursuant to this section shall be used to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible.

#### **SECTION 15.6      OTHER REMEDIES NOT EXCLUDED**

Nothing in these regulations shall be taken as limiting or excluding such other remedies as are available to the Commission for the protection of inland wetlands or watercourses, including, but not limited to, suits under Section 22a-14 through 22a-20 of the Connecticut General Statutes, as amended, for the protection of natural resources, and any legal equitable powers or remedies which may be granted by a court of competent jurisdiction.

## **SECTION 16**

### **AMENDMENTS TO REGULATIONS AND BOUNDARIES**

#### **SECTION 16.1      AMENDMENTS AND CHANGES**

These regulations and the Inland Wetlands and Watercourses Map for the Town of New Canaan may be amended, from time to time, by action of the Commission or in accordance with changes in the Connecticut General Statutes or regulations of the State Department of Energy and Environmental Protection (DEEP), or as new information regarding soils and inland wetlands and watercourses becomes available.

#### **SECTION 16.2      PERMITS – NO RETROACTIVE REGULATIONS**

An application filed with the Inland Wetlands Commission of New Canaan which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to upland review areas, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (a) to the establishment, amendment or change of inland boundaries of inland wetlands or watercourses or (b) to any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such receipt.

#### **SECTION 16.3      NOTICE TO STATE COMMISSIONER**

Copies of all proposed changes in these regulations, amendments thereto, except determinations of boundaries, and public notices thereof, shall be submitted to the State Commissioner at least 35 days prior to any public hearing thereon.

#### **SECTION 16.4      NOTICE OF AMENDMENTS HEARING ON REGULATIONS**

Notice of a time and the place of a public hearing held pursuant to Section 16.1 above shall be published in the form of a legal advertisement, appearing in a newspaper having a general circulation in New Canaan at least twice at intervals no less than two days apart; the first not more than 15 days nor less than 10 days, and the last not less than two days before such hearing. A copy of such proposed new regulations, amendments or changes shall be filed in the office of the Town Clerk for public inspection at least 10 days before such hearing, and may be published in full in said newspaper.

#### **SECTION 16.5      PETITIONS ON BOUNDARIES**

Petitions requesting changes or amendments to the “Inland Wetlands and Watercourses Map, New Canaan, Connecticut” shall contain at least the following information:

1. The applicant's name, address and telephone number;
2. The owner's name (if not the applicant, address, telephone number, and a written consent to the proposed action as set forth in the application;
3. Applicant's interest in the land;
4. Map(s) showing the geographical location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail;
5. The reason for the requested action;
6. The names and addresses of adjacent property owners;
7. Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of the wetland soils on the land and a map of the said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types;
8. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

#### **SECTION 16.6      ADDITIONAL INFORMATION**

The Commission may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

#### **SECTION 16.7      HEARINGS ON BOUNDARIES**

A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a general circulation in New Canaan at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days, and the last not less than two days, before such hearing. A copy of such proposed boundary changes shall be filed in the office of the Inland Wetlands Department for public inspection at least 10 days before such hearing.

#### **SECTION 16.8      TIME FOR BOUNDARY HEARINGS**

The Commission shall hold a public hearing on a petition to amend the Inland Wetlands and Watercourses Map within 65 days after the receipt of such petition. The hearing shall be



completed within 35 days after commencement. The Commission shall act upon the changes requested in such petition within 65 days after completion of such hearing. The petitioner may consent to one or more extensions of the periods specified in this section provided the total extension of all such periods shall not be longer than 65 days, or may withdraw such petition. The failure of the Commission to act within the time period specified, or any extension thereof shall not be deemed to constitute approval of the petition.

#### **SECTION 16.9        THE DECISION**

The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

#### **SECTION 16.10      EFFECTIVE DATE OF CHANGES**

Amendments and changes shall become effective 10 days after their adoption by the Commission. A copy of such amended regulation or boundary change shall be filed in the office of the Town Clerk of New Canaan.

## **SECTION 17**

### **APPEALS TO THE SUPERIOR COURT**

#### **SECTION 17.1 APPEALS**

The Commissioner of Energy and Environmental Protection, or any person owning or occupying land which abuts or lies within 90 feet of the wetland or watercourse involved or any person otherwise aggrieved by any regulation, order, or decision or action by the Commission pursuant to these regulations may, within 15 days after the publication of such regulation, order, decision or action appeal to the Superior Court in accordance with procedures set forth in Section 22a-43 of the General Statutes of the State of Connecticut, as amended. The Commissioner of Energy and Environmental Protection may appear as a party to any action brought by any other person within 30 days from the date such appeal is returned to the court.

#### **SECTION 17.2 NOTICE, REASONS AND PROCESS**

Notice of such appeal shall be served upon the New Canaan Inland Wetlands Commission and the Commissioner of Energy and Environmental Protection in the manner required by the Connecticut General Statutes, and shall state the reasons upon which it is predicated, and shall not stay proceedings on the regulation, order, decision or action. The court may on application and after notice grant a restraining order. Such appeal shall have precedence in the order of trial.

## **SECTION 18**

### **CONFLICTS AND SEVERANCE**

#### **SECTION 18.1      CONFLICTS**

Where there is a conflict between the provisions of these regulations and those of any other applicable statute, ordinance or regulation, the provision of the statute, ordinance or regulation which imposes the most stringent standards for the use of the wetland or watercourse shall govern. If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

#### **SECTION 18.2      INVALIDITY OF CERTAIN PARTS OF THE REGULATION**

The invalidity of any word, clause, sentence, part or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

## **SECTION 19**

### **OTHER PERMITS**

Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of New Canaan, including the Floodplain Management Regulations, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Energy and Environmental Protection (DEEP) and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

## **SECTION 20**

### **RECORDS RETENTION AND DISPOSAL**

The Commission and the Town Clerk for the Town of New Canaan shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth by the public records administrator of the Connecticut State Library.

## **SECTION 21**

### **APPENDIX A**

#### **TOWN OF NEW CANAAN INLAND WETLANDS COMMISSION FEE SCHEDULE**

Please note that the Inland Wetlands Commission fees listed below do not include Town Clerk Filing Fees. See "Other Fees" listed below. One check for all fees will be collected at the time of your application submittal. Make checks payable to the Town of New Canaan.

#### **REGULATED ACTIVITY APPLICATIONS**

##### **SINGLE-FAMILY RESIDENCE:**

##### **FILING FEE ----- \$ 800.00**

- Includes: preliminary review of plans with Wetlands Agent, site evaluation inspection and final compliance inspection. (Includes \$60.00 DEEP State Permit Fees).
- Additional site inspections that require corrective measures by the applicant. ----- **Per visit \$ 500.00**
- Modification, Transfer, Extension, Renewal of Permit. ----- **\$ 500.00**
- Public Hearing Fee as may apply.

##### **SUBDIVISIONS: CONDOMINIUMS, MULTI-FAMILY UNITS:**

##### **BASE FILING FEE ----- \$1000.00**

- Plus \$500.00 per lot or unit that encroaches on wetlands, watercourses, and/or setbacks from wetlands and watercourses. (Includes \$60.00 DEEP State Permit Fees).
- Additional site inspections that require corrective measures by the applicant. **Per visit/Per lot \$ 500.00**
- Modification, Transfer, Extension, Renewal of Permit. ----- **\$ 500.00**
- Public Hearing Fee as may apply.

##### **POND CLEANING AND/OR DREDGING:** (Includes \$60.00 DEEP State Permit Fees).

- Dredging <half acre. ----- **\$ 600.00**
- Dredging between half acre and one acre. ----- **\$ 800.00**
- Dredging >one acre. ----- **\$1000.00**
- Stream channel/embankment work. ----- **\$ 600.00**
- Public Hearing Fee as may apply.

##### **OTHER ACTIVITIES:** (Includes \$60.00 DEEP State Permit Fees)

- Tennis courts and swimming pools.
- Accessory buildings, decks, building additions and land alteration.
  - < half acre of disturbance. ----- **\$ 600.00**
  - Between half acre and one acre of disturbance. ----- **\$ 800.00**
  - > one acre of disturbance. ----- **\$1000.00**
- Public Hearing Fee as may apply.

##### **PUBLIC HEARING FEE: 50% OF INITIAL APPLICATION FEE - TBD PER APPLICATION.**

### **Section 5.1 Review**

- Office review and site visit. ----- \$ 200.00

### **OTHER:**

**Regulations.** ----- \$ 25.00

**Reproduction costs (copies \$.50/page; maps \$4.00/page).**

**Statement of Compliance - FINAL SITE INSPECTION.** ----- \$100.00

**SITE PLAN PREVIEW FOR SEPTIC PROPOSALS (from Health Department).** ----- \$100.00  
(Site visit included).

**FLOODPLAIN PERMIT APPLICATION.** ----- \$1000.00

### **CORRECTIVE ACTION PERMITS:**

This covers work performed without a permit or work exceeding the original permit that in either case would require a permit:

- Triple the fees required for a Regulated Activity permit.
- No Certificate of Compliance will be issued until all fees are paid.
- Federal, State and local Government Agencies are exempt from permit fees.

**Note: These fees were approved by the Board of Selectman at the September 18, 2012 meeting and are effective January 1, 2013. The fees may be amended from time to time. In the event that the State fees (including the Town Clerk Fees) are increased, these fees shall be increased by the same amount.**

### **COMPLEX APPLICATION FEE:**

The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review and report on issues requiring such experts. The Commission or its Agent shall estimate the complex application fee which shall be paid pursuant to Section 3.3 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after the publication of the Commission's decision.

### **OTHER FEES:**

**TOWN CLERK FILING FEES: \$53.00 for first page and \$5.00 for each additional page.  
(Wetland Permits are generally two pages. All other requests are generally one page.)**

.....  
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## **APPENDIX B**

### **STANDARD CONDITIONS OF THE PERMIT**

1. The permit shall be recorded on the Land Records of the Town of New Canaan, and is effective as of the filing date.
2. The permit shall be valid for five years unless otherwise specified by the Commission at the time of approval. If such work is not completed within said time period the permit shall terminate and be null and void. The Commission may grant an extension of time for a period not to exceed five years provided the permittee requests such extension in writing no less than 30 days prior to the expiration of the approved period; or if the work has commenced 30 days prior to the expiration of the approved completion period.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. Prior to the commencement of any work on the site the Contractor Compliance Agreement (Attached) must be signed and returned to the Commission's Office by the contractor who will perform the permitted activity.
5. The wetland boundaries shall be clearly marked for easy identification prior to the commencement of the permitted activity and the markings shall remain in place throughout the duration of the activity.
6. All activities for the prevention of soil erosion, such as silt fences and hay bales shall be under the direct supervision of a certified engineer, who shall employ the best management practices, consistent with the terms and conditions of this permit, to control stormwater discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the permittee weekly and after rains and all deficiencies must be remediated within twenty-four hours of finding them.
7. The permittee shall take all necessary steps to control storm water discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses.
8. The Commission's Agent shall be notified at least 48 hours in advance of the initiation of the permitted activity and completion of any part of the activity.
9. The permittee shall immediately inform the Wetlands Agent of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which develop in the course of or are caused by the work.
10. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse, either on or off the site, unless so specifically authorized by this permit.
11. The removal of any earth, loam, topsoil, humus, sand, gravel, clay, stone or quarry stone from the property shall be subject to Article 6 – Sections 6.4, 6.6, and 6.7 of the Zoning Regulations of the Town of New Canaan.
12. This permit shall not be assigned or transferred by the permittee or any party without the written consent of the Commission.



13. This permit does not obviate the permittee's obligation to obey all appropriate federal, state and local laws, or to obtain any federal, state or local permits.
14. This permit may be revoked or suspended if the permittee exceeds the conditions or limitations of this permit, or has secured this permit through deception or inaccurate information.
15. Upon completion of the permitted activity, the permittee shall file the attached Statement of Compliance with the Wetlands Agent along with the appropriate recording fee. A final field inspection will be conducted by the Agent to check for compliance. If all conditions of the permit have been satisfied, the Agent will file the Statement of Compliance on the Land Records of the Town of New Canaan.

# TOWN OF NEW CANAAN

CONNECTICUT 06840

INLAND WETLANDS COMMISSION

203-594-3036

## CONTRACTOR COMPLIANCE AGREEMENT

Wetlands Permit Number \_\_\_\_\_

(Please type or print in ink)

LOCATION OF ACTIVITY: \_\_\_\_\_

CONTRACTOR'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Work will commence on or about \_\_\_\_\_ (Date) and be completed within \_\_\_\_\_ months.

As the contractor engaged by \_\_\_\_\_, the owner of record, I will perform the regulated activities described in the Subject Permit and I will cause all subcontractors to abide by the terms and conditions of the Permit.

I have read the Permit and will comply with all required conditions.

\_\_\_\_\_  
Signature (Date)

**Note:** Completed forms shall be hand-delivered to: Wetlands Agent,  
Inland Wetlands Department  
848 Weed Street  
New Canaan, CT 06840

or, mailed to: Wetlands Agent  
Inland Wetlands Department  
Town Hall  
77 Main Street  
New Canaan, CT 06840

This form must be on file in the Wetlands Agent's office prior to the commencement of any work.

## **APPENDIX C**

### **PLANT LIST**

**Taken from a publication titled “Inland Wetlands Plants of Connecticut” The Connecticut Arboretum Bulletin No. 19, Connecticut College , New London, Connecticut, May 1973.**

#### **TYPICAL PLANTS OF BOGS**

Larch (*Larix Laricina*), southern white cedar (*Chamaecyparis thyoides*), black spruce (*Picea mariana*), water-willow (*Decodon verticillatus*), sundew (*Drosera rotundifolia*), pitcher-plant (*Sarracenia purpurea*), leather-leaf (*Chamaedaphne calyculata*), sweet gale (*Myrica gale*), bog laurel (*Kalmia polifolia*), bog rosemary (*Andromeda glaucophylla*), cranberry (*Vaccinium oxycoccos*)

#### **TYPICAL PLANTS OF MARSHES**

Bur-reed (*Sparganium americanum*), cat-tails (*Typha latifolia*), arrowhead (*Sagittaria latifolia*), pickerelweed (*Pontederia cordata*), arrow-arum (*Pellandra virginica*), wool grass (*Scripus cyperinus*), bulrushes (*Scirpus atrovirens*, *S. validus*, and *S. americanus*), umbrella-sedge (*Cyperus strigosus*), tussock sedge (*Carex stricta*), spike-rush (*Eleocharis*), purple loosestrife (*Lythrum salicaria*), soft rush (*Juncus effusus*), rush (*Juncus acuminatus*), yellow pond-lily (*Najas advena*), water-lily (*Nymphaea odorata*), reed (*Phragmites communis*), wild rice (*Zizania aquatica*).

#### **TYPICAL PLANTS OF SWAMPS**

Red or swamp maple (*Acer rubrum*), silver maple (*Acer saccharinum*), poison sumac (*Rhus vernix*), black ash (*Fraxinus nigra*), large pussy-willow (*Salix discolor*), silky willow (*Salix sericea*), black willow (*Salix nigra*), black gum (*Nyssa sylvatica*), alders (*Alnus rugosa* and *A. serrulata*), highbush blueberry (*Vaccinium corymbosum*), maleberry (*Lyonia ligustrina*), sweet pepperbush (*Clethra alatifolia*), clammy azalia (*Rhododendron viscosum*), black alder (*Ilex verticillata*), spice bush (*Lindera benzoin*), buttonbush (*Cephalanthus occidentalis*), marsh-marigold (*Caltha palustris*), skunk-cabbage (*Symplocarpus foetidus*).

#### **OTHER REFERENCES**

“Freshwater Wetlands, A Guide to Common Indicator Plants of the Northeast” Dennis W. Magee, University of Massachusetts Press, 1981

## **APPENDIX D**

### **INLAND WETLANDS & WATERCOURSES**

#### **Chapter 33A**

### **INLAND WETLANDS AND WATERCOURSES**

#### **ARTICLE 1**

##### **Fines**

**§33A-1. Purpose.**

**§33A-2 Statutory authority.**

**§33A-3. Definitions.**

**§33A-4. Issuance of citation.**

**§33A-5. Failure to pay fine.**

**§33A-6. Establishment of fine.**

**§33A-7. Construal of provisions.**

**§33A-8. Current violations.**

**§33A-9. Disbursement of fines.**

**[HISTORY: Adopted by the New Canaan Town Council  
as indicated in article histories. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Citation hearing procedure—See Ch. 11.**

**Environmental commission—See Ch. 16.**

33A01

5-25-2001

## ARTICLE 1

**Fines****[Adopted 12-13-2000, effective 4-1-2001]****§33A-1. Purpose.**

The purpose of this chapter is to establish a means by which the Town of New Canaan may more effectively enforce the Inland Wetlands and Watercourses Regulations of the Town of New Canaan, with the implementation of fines for violations and continued nonconformances.

**§33A-2. Statutory authority.**

This chapter, pursuant to Connecticut General Statutes, Section 22a-42g, was adopted by the New Canaan Town Council on December 13, 2000, to be effective April 1, 2001.

**§33A-3. Definitions.**

The following words, terms and phrases used in this chapter shall have the following meanings:

AGENT—The employee of the Town of New Canaan responsible for the supervision of the Inland Wetlands and Watercourses Regulations and who implements the policies of the Environmental Commission.

COMMISSION—The New Canaan Environmental Commission, acting as the inland wetlands agency under Section 22a-42 of the Connecticut General Statutes.

PERSON—Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

REGULATIONS—The Inland Wetlands and Watercourses Regulations of the Town of New Canaan.

33A02

5-25-2001

**§33A-4. Issuance of citation.**

- A. The Environmental Agent and the Assistant Environmental Agent are hereby authorized to issue citations to any person who commits a violation of the town's Inland Wetlands and Watercourses Regulations. In such

instances, each citation will apply jointly and severally to the owner of the property in question and his/her agents, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense, for which a separate citation may be issued.

- B. Any such citation may be delivered either by hand delivery or by certified mail to the person named in such citation. The Environmental Agent or Assistant Environmental Agent issuing a citation shall retain a copy of the citation. In addition, a copy of the initial citation shall be reported to The Connecticut Department of Environmental Protection, pursuant to Sections 22a-39-14 of the Connecticut State Regulations.
- C. The citation shall inform such person:
  - (1) Of the allegations against him or her and the amount of the fines;
  - (2) That the person has a period of 30 days from the date of the citation (i.e., the date of hand delivery or the date the citation was mailed) to make an uncontested payment of the fines;
  - (3) That payments shall be made payable to the Treasurer of the Town of New Canaan at Town Hall.

**§33A-5. Failure to pay fine.**

If the person cited does not pay the fine within 30 days from the date of the citation, then at any time within 12 months from the expiration of the thirty-day period, the Environmental Agent or Assistant Environmental Agent shall send a notice to the person cited, by hand delivery or certified mail, informing such person:

33A03

5-25-2001

§33A-5

NEW CANAAN CODE

§33A-7

- A. Of the allegations against him or her and the amount of the fines;
- B. That the person cited may contest liability before a hearing officer by delivering, in person or by mail, within 30 days from the date of the notice, a written demand for a hearing, pursuant to Chapter 11, Citation Hearing Procedure;
- C. That if the person cited does not demand such a hearing, an assessment and judgment shall be rendered against him or her; and
- D. That such judgment may issue without further notice.

**§33A-6. Establishment of fine.**

- A. The fine shall be \$1,000 per citation for activities in the wetlands or watercourses and \$500 per citation for activities within regulated areas or buffer/setback areas that otherwise impact the wetlands or watercourses. No such fine may be levied against the State of Connecticut or any employee of the state acting within the scope of his/her employment.
- B. At its discretion, the Environmental Commission may seek additional penalties and remedies in accordance with Section 15 of the Inland Wetlands and Watercourses Regulations (as the same may be amended from time to time).

**§33A-7. Construal of provisions.**

The provision of this chapter shall not be construed to limit or alter the authority, duty and responsibility of the New Canaan Environmental Commission as granted and established under Connecticut's Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, New Canaan's Inland Wetlands and Watercourses Regulations, and other legislation that may apply.

33A04

5-25-2001

§33A-8 INLAND WETLANDS & WATERCOURSES      §33A-9

**§33A-8. Current violations.**

Violations or nonconformance to the Inland Wetlands and Watercourses Regulations in existence at the effective date of this chapter shall be deemed violations under this chapter, and may be issued fine(s) accordingly.

**§33A-9. Disbursement of fines.**

Any fine collected by the Town of New Canaan pursuant to this chapter shall be deposited into the General Fund of New Canaan.

33A05

5-25-2001



## **APPENDIX E**

§11-1 CITATION HEARING PROCEDURE §11-1

### **Chapter 11**

#### **Chapter Hearing Procedure**

**§11-1. Statutory authority; purpose.**

**§11-2. Appointment of hearing officers.**

**§11-3. Admission of liability by payment of fine.**

**§11-4. Failure to request hearing.**

**§11-5. Notice of hearing.**

**§11-6. Filing of initial citation.**

**§11-7. Conduct of hearing.**

**§11-8. Notice of assessment.**

**§11-9. Appeals.**

**[HISTORY: Adopted by the New Canaan Town Council 12-13-200, effective 4-1-2001.<sup>1</sup> Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Numbering of buildings-See Ch.8.**

**Inland wetlands and watercourses-See Ch. 33A.**

**§11-1. Statutory authority; purpose.**

In accordance with Section 7-152c of the Connecticut General Statutes, as the same may be amended from time to time, there is hereby established a citation hearing procedure, for use in contesting citations issued in accordance with town ordinances where such hearing procedures apply.

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<sup>1</sup>Editor's Note: Former Ch. 11, Conservation Commission, adopted 9-13-1966, effective 10-4-1966, was repealed 5-14-1980. See now Ch. 16, Environmental Commission.

**§11-2. Appointment of hearing officers.**

The First Selectman shall appoint one or more citation hearing officers, other than police officers or Town of New Canaan employees or persons who issue citations, to conduct the hearings authorized by this chapter.

**§11-3. Admission of liability by payment of fine.**

- A. If any person who is sent notice pursuant to a town ordinance wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fine admitted to, in person or by mail to the Town of New Canaan. Checks should be payable to the Treasurer of the Town of New Canaan.
- B. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

**§11-4. Failure to request hearing.**

Any person who does not deliver or mail written demand for a hearing within 30 days of the notice provided for in the subject town ordinance shall be deemed to have admitted liability, and the person issuing the citation shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine provided for by the subject ordinance, and shall follow the procedures set forth in §11-8 of this chapter.

**§11-5. Notice of hearing.**

Any person who requests a hearing shall be given written notice by certified mail of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided that the hearing officer shall grant postponement or

continuance for any reasonable request by any interested party for good cause shown.

**§11-6.Filing of initial citation.**

An original or certified copy of the initial citation issued by the issuing official shall be filed and retained by the Town of New Canaan and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

**§11-7.Conduct of hearing.**

- A. The presence of the issuing official shall be required at the hearing. A person wishing to contest his/her liability shall appear at the hearing and may present evidence in his/her behalf.
- B. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality.
- C. If the person that demanded a hearing fails to appear, the hearing officer may enter an assessment by default against him/her upon finding of proper notice and liability under this chapter.
- D. The hearing officer may accept from such person copies of investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary.
- E. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.
- F. The hearing officer shall announce his/her decision at the end of the hearing. If the hearing officer determines that the person is not liable, he/she shall dismiss the

matter and enter his/her determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this chapter.

**§11-8. Notice of assessment.**

If such assessment is not paid on the date of entry, the hearing officer shall send, by first class mail, a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court facility designated by the Chief Court Administrator, together with the statutory entry fee. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may be issued without further notice to such person.

**§11-9. Appeals.**

A person against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Connecticut General Statutes Section 52-259, in the Superior Court, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

# Section 5



**HOMELAND TOWERS, LLC  
&  
NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

**TECHNICAL REPORT TO THE TOWN OF NEW CANAAN  
PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY**

**1837 Ponus Ridge Road, New Canaan, Connecticut**

**NEW CINGULAR  
WIRELESS PCS, LLC  
84 DEER FIELD LANE  
MERIDEN, CT 06450**

**HOMELAND TOWERS, LLC  
9 HARMONY STREET  
DANBURY, CT 06810**

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## **Introduction**

Homeland Towers, LLC (“Homeland Towers”) and New Cingular Wireless PCS, LLC (“AT&T”) respectfully submit this Technical Report to the Town of New Canaan pursuant to Section 16-50l of the Connecticut General Statutes. AT&T has contracted with Homeland Towers to assist in the search and development of various facilities in Connecticut for infrastructure to provide reliable wireless services, including one search ring in northwestern New Canaan. Homeland Towers was the successful bidder of the Town’s 2016 request for proposal to build wireless infrastructure within the Town. As part of its coordination with AT&T and the Town, Homeland Towers leased a portion of an approximately 5.16-acre parcel of land owned by 1837 LLC and located at 1837 Ponus Ridge Road (the “Parcel”). Homeland Towers has entered into a long-term ground lease with the property owner and would construct, own and operate a wireless telecommunications tower facility on the Parcel. AT&T’s agreement with Homeland Towers includes a long-term lease obligation for AT&T’s use of the proposed tower facility. Verizon also intends to use the proposed Facility.

The tower component as proposed is a 110’ tall monopole designed to resemble a pine tree (“monopine”) with faux branches extending an additional 5’ above the top of the pole, for use by AT&T as well as other FCC licensed wireless carriers to provide reliable wireless services in northwest New Canaan and portions of northeast Stamford. Various Town departments will also use the proposed facility for emergency communication needs. The purpose of this Technical Report is to provide the Town with information concerning the need for a new tower in this area of the State (Section 1), the site search history and selection process (Section 2), the facility design (Section 3), and current status of environmental assessments for the project including various information (Section 4) and a Visibility Analysis (Section 5). This information is provided for purposes of technical consultation with the Town and as provided for in Section 16-50l of the Connecticut General Statutes.



## **SECTION 1**

## **SECTION 1**

### **Statement of Public Need**

The proposed tower Facility will provide reliable wireless communications services to the northwestern portion of New Canaan and the northeastern part of Stamford. The facility is needed by AT&T in conjunction with other existing and proposed facilities, including the recently constructed monopine facility on Soundview Lane, to provide reliable services to the public that are not currently provided in these parts of New Canaan and Stamford. In addition to providing reliable wireless service to these areas, AT&T will also provide FirstNet services, which is the first broadband network dedicated to America's police, firefighters and emergency medical services (EMS). AT&T was selected by the First Responder Network Authority ("FirstNet") to build and manage the only broadband network dedicated to unify emergency communications to give first responders the technology they need to communicate and collaborate across agencies and jurisdictions. Thus, rather than relying on commercial networks that can become congested in an emergency, the FirstNet system will allow immediate and dedicated access to a communications network by first responders.<sup>1</sup> AT&T seeks to provide wireless service to key traffic corridors through residential areas of New Canaan and Stamford. The proposed tower facility will bring the required coverage to significant portions of Ponus Ridge Road, Dan's Highway, High Ridge Road (Route 137) as well as other roads and areas near the proposed tower location. Attached is a Radio Frequency Engineering Report with coverage plots depicting the "Current Coverage" provided by AT&T's existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed facility together with existing coverage from adjacent sites. Additional statistics regarding the overall area, population and roadway miles of expanded coverage in the community are included in the attached Radio Frequency Engineering Report.

Also attached are Verizon maps demonstrating Verizon's need to provide wireless service in this area. Verizon intends to intervene in the Siting Council proceeding for the proposed Facility.

The proposed Facility will be used by the Town of New Canaan for emergency communications. As noted in the attached letters, the Town of New Canaan Fire Department, the Town of New Canaan Office of Emergency Management and the Town of New Canaan Police Department all need the proposed Facility to provide reliable emergency communication services to the community. This need is supported by the Town of New Canaan Community Emergency Response Team.

Finally, the need for reliable wireless services in the northwest portion of New Canaan is confirmed in New Canaan's independent wireless market study commissioned in 2014<sup>2</sup>, which determined that AT&T and other carriers experience gaps in service west of Route 124. Since

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<sup>1</sup> See [http://about.att.com/sites/first\\_net\\_powered\\_by\\_att](http://about.att.com/sites/first_net_powered_by_att) for more information about FirstNet.

<sup>2</sup> Wireless Market Study for the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014.

that study was completed, no new telecommunications infrastructure was constructed in this part of the Town and as such, gaps in this area of New Canaan remain.

New Canaan's 2012 cell phone survey<sup>3</sup> also demonstrates that residents experience poor wireless service in the northern and western parts of Town and the majority of residents support the construction of tower facilities to provide reliable wireless service.

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<sup>3</sup> New Canaan Cell Phone Survey, results through October 25, 2012.

# Radio Frequency Analysis Report

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CT1458  
1837 Ponus Ridge Road, New Canaan, CT



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November 18, 2021



C Squared Systems, LLC  
65 Dartmouth Drive, A3  
Auburn, NH 03032

Phone: (603) 644-2800  
Fax: (603) 644-2801  
Support@csquaredsystems.com

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## 1. Overview

C Squared Systems was retained by New Cingular Wireless PCS, LLC (“AT&T”) to evaluate the proposed wireless communications facility at 1837 Ponus Ridge Road, New Canaan, CT at 106 feet AGL.

AT&T is licensed by the FCC to provide wireless communications services throughout the State of Connecticut including the Town of New Canaan where the proposed facility would be located.

This report addresses AT&T’s need for the proposed wireless facility and confirms that there are no other suitable existing structures available that could address the coverage gaps in their wireless communications network.

The coverage analysis completed by C Squared Systems confirms: AT&T has a gap in reliable service in northwest New Canaan, and that the Proposed Facility provides AT&T with coverage in that service gap. Included as attachments in this report are coverage maps detailing the existing network and expected coverage from the proposed facility, pertinent site information, terrain and network layout maps.

## 2. Technology Advances & Design Evolution

AT&T provides digital voice and data services using 3rd Generation (3G) UMTS technology in the 800 MHz and 1900 MHz frequency band, and advanced 4th Generation (4G) services over LTE technology in the 700 MHz and 1900 MHz frequency bands as allocated by the FCC. These data networks are used by mobile devices for fast web browsing, media streaming, and other applications that require broadband connections. The mobile devices that benefit from these advanced data networks are not limited to basic handheld phones, but also include devices such as smartphones, PDA’s, tablets, and laptop air-cards. 4G LTE services and devices have enabled AT&T customers to have even faster connections to people, information, and entertainment.

AT&T will also deploy FirstNet services from this facility. FirstNet is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. First responders across the country currently rely on more than 10,000 separate radio networks which oftentimes do not interoperate with one another. By deploying a nationwide broadband public safety network built specifically to meet the communications needs of first responders, the FirstNet network will provide a solution to the decades-long interoperability and communications challenges first responders have experienced, and which was highlighted by the 9/11 Commission’s 2004 Final Report.

FirstNet selected AT&T to build, manage and operate the National Public Safety Broadband Network (“NPSBN”) using FirstNet’s Band 14 spectrum (Call Sign WQQE234, 20 MHz of the 700 MHz spectrum), together with AT&T’s own wireless network. Using a combination of new and existing wireless facilities, AT&T provides prioritized, preemptive wireless services for first responders across Connecticut, New England and nationwide, while also improving 4G LTE coverage for AT&T customers.

It is important to note that with AT&T’s migration from 3G to 4G services come changes in the base station infrastructure and resultant changes in the operating thresholds required by the LTE network. In the past, AT&T has presented receive signal thresholds of -74 dBm for their in-building coverage threshold and -82 dBm for their in-vehicle coverage threshold. Those thresholds were based on network requirements to support 2G/3G data speeds and past usage demand. Today, customers expect low latency and faster data speeds as evidenced by increasing data usage trends and customer demand.

AT&T's 4G LTE technology is designed to thresholds of -83 dBm and -93 dBm for their 700 MHz LTE and -86 dBm and -96 dBm for their 1900 MHz LTE.<sup>1</sup> The stronger thresholds (-83 dBm and -86 dBm) yield greater throughputs and improved customer experience. The -93 dBm and -96 dBm thresholds are the minimum acceptable levels required to meet customer expectations for 4G service.

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<sup>1</sup> The threshold range differences between the 700 MHz and 1900 MHz frequency bands directly correlates to the type of branch diversity receivers deployed in AT&T's receiver design.

### 3. Coverage Objective

There is a significant coverage deficiency in the existing AT&T wireless communications network along Ponus Ridge Road, Dan's Highway, High Ridge Road (Route 137) as well as other roads in the area and in the vicinity of the proposed location, referred to herein as the "targeted area". A deficiency in coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. Seamless reliable coverage provides users with the ability to successfully originate, receive, and maintain quality calls and data applications throughout a service area. Appropriate overlapping coverage is required for users to be able to move throughout the service area and reliably "hand-off" between cells to maintain uninterrupted connections.

Due to terrain characteristics and the distance between the targeted area and the existing sites, AT&T's options to provide services in this area are quite limited (maps of the terrain in this area and the distance to neighboring AT&T sites from the proposed site are included as Attachments 1 & 2, respectively.). AT&T's network requires deployment of antennas throughout the area to be covered. These antennas are connected to receivers and transmitters that operate in a limited geographic area known as a "cell." AT&T's wireless network, including their wireless handsets and devices, operate by transmitting and receiving low power radio frequency signals to and from these cell sites. The signals are transferred to and from the landline telephone network and routed to their destinations by sophisticated electronic equipment. The size of the area served by each cell site is dependent on several factors, including the number of antennas used, the height at which the antennas are deployed, the topography of the land, vegetative cover and natural or man-made obstructions in the area. As customers move throughout the service area, the transmission from the portable devices is automatically transferred to the AT&T facility with the best connection to the device, without interruption in service provided that there is overlapping coverage from the cells.

In order to define the extent of the coverage gap to be filled, both propagation modeling and real-world drive testing has been conducted in the area of New Canaan. Propagation modeling uses PC software to determine the network coverage based on the specific technical parameters of each site including, but not limited to, location, ground elevation, antenna models, antenna heights, and also databases of terrain and ground cover in the area. Drive testing consists of traveling along area roadways in a vehicle equipped with a sophisticated setup of test devices and receivers that collect a variety of network performance metrics. The data are then processed and mapped in conjunction with the propagation modeling to determine the coverage gaps.

Analysis of the propagation modeling and drive testing in New Canaan reveal that AT&T's network is unreliable throughout much of the area due to gaps in coverage, and that there is a service deficiency as a result. In order to fill in these coverage gaps and improve the network reliability to New Canaan, a new facility is needed in the area.



Included in this report are Attachments 1 through 5, which are explained below to help describe AT&T's 4G network deployment in and around New Canaan, and the need for the proposed facility.

- Attachment 1: "*CT1458 Area Terrain Map*" details the terrain features around the area of deficient service being targeted by the proposed site in New Canaan. These terrain features play a key role in determining site designs and dictating the unique coverage achieved from a given location. This map is included to provide a visual representation of the ridges and valleys that must be considered when siting a wireless facility. The darker green, blue and purple shades correspond to lower elevations, whereas the orange, red and white shades indicate higher elevations.
- Attachment 2: "*CT1458 Neighbor Site Data*" provides site specific information of existing neighboring sites used to perform the coverage analysis provided in Attachments 1 and 4.
- Attachment 3: "*CT1458 Existing 700 MHz LTE Coverage for the Current AT&T Network*" depicts 700 MHz LTE coverage from existing sites and demonstrates that there are currently gaps in 700 MHz LTE coverage effecting service within the targeted area. The coverage shown is where the signal strengths are: > -83 dBm (minimum level required reliable, high quality service and performance at 700 MHz) and, > -93 dBm (minimum required for adequate level of service at 700 MHz). In an effort to provide the required levels of coverage to these areas, AT&T is proposing to install a wireless facility at the Soundview Lane location.
- Attachment 4: "*CT1458 Existing 700 MHz LTE Coverage with Proposed Site*" shows how this proposed site would fill in the existing coverage gaps and improve AT&T's 700 MHz LTE network.
- Attachment 5: Connecticut DOT Average Annual Daily Traffic Data – New Canaan shows the available vehicular traffic volume data for the subject area from the Connecticut Department of Transportation. These data show as many as 1,200 vehicles per day passing through Ponus Ridge Road in the vicinity of the proposed facility.

Table 1 below lists the coverage statistics compiled for the AT&T's 700 MHz 4G LTE network with the deployment of the Proposed Site.

	<b>Incremental Coverage from Proposed Site (700 MHz)</b>	
<b>Population:<sup>2</sup></b>	( $\geq$ -83 dBm)	476
	( $\geq$ -93 dBm)	1,690
<b>Business Pops: <sup>3</sup></b>	( $\geq$ -83 dBm)	48
	( $\geq$ -93 dBm)	127
<b>Area (mi<sup>2</sup>):</b>	( $\geq$ -83 dBm)	1.47
	( $\geq$ -93 dBm)	3.72
<b>Roadway (mi):</b>	Main (-93 dBm):	1.9
	Secondary (-93 dBm):	16.3
	<b>Total (-93 dBm):</b>	<b>18.2</b>

Table 1: Coverage Statistics

<sup>2</sup> Population figures are based upon 2010 US Census Block Data

<sup>3</sup> Employee population counts are based upon the 2011 U.S. Census Bureau LEHD database.

## 4. Conclusion

AT&T has identified an area of deficient coverage affecting a significant portion of New Canaan CT, including key traffic corridors through the residential and business/retail areas of the Town. The proposed New Canaan facility will bring the needed fill-in coverage to significant portions of Ponus Ridge Road, Dan's Highway, High Ridge Road (Route 137) as well as other roads in the area and to the vicinity of the proposed location.

No existing structures were identified and available that would be able to satisfy the coverage requirements needed for this area.

As discussed in this report and depicted in the attached plots, the proposed interim AT&T site will provide a substantial portion of the coverage being lost to the "Targeted Area" while maintaining effective connectivity to the rest of AT&T's existing network and, facilitate the transparent migration from its 3G to 4G network.

## 5. Statement of Certification

I certify to the best of my knowledge that the statements in this report are true and accurate.



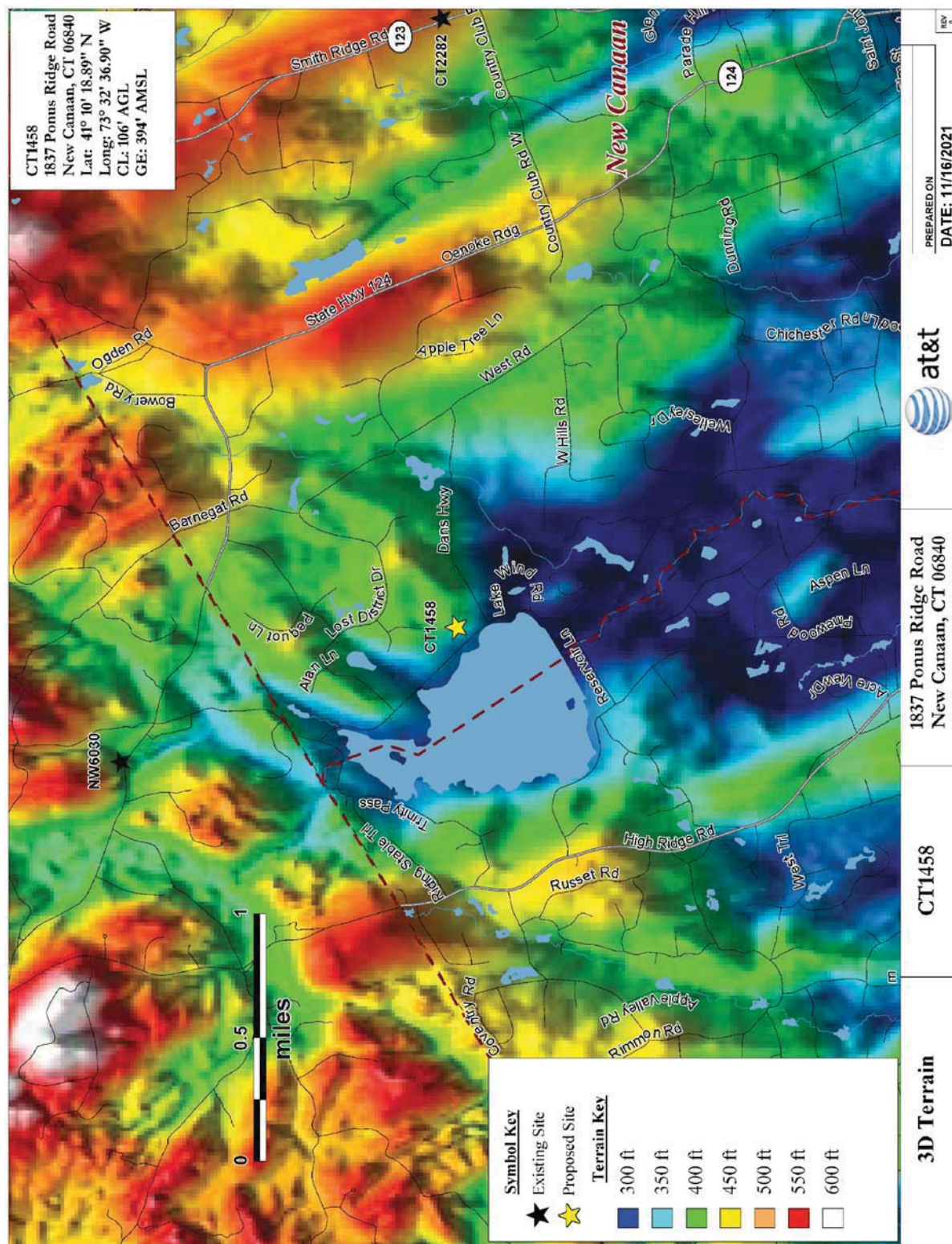
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Martin J. Lavin  
C Squared Systems, LLC

November 18, 2021

Date

## 6. Attachments

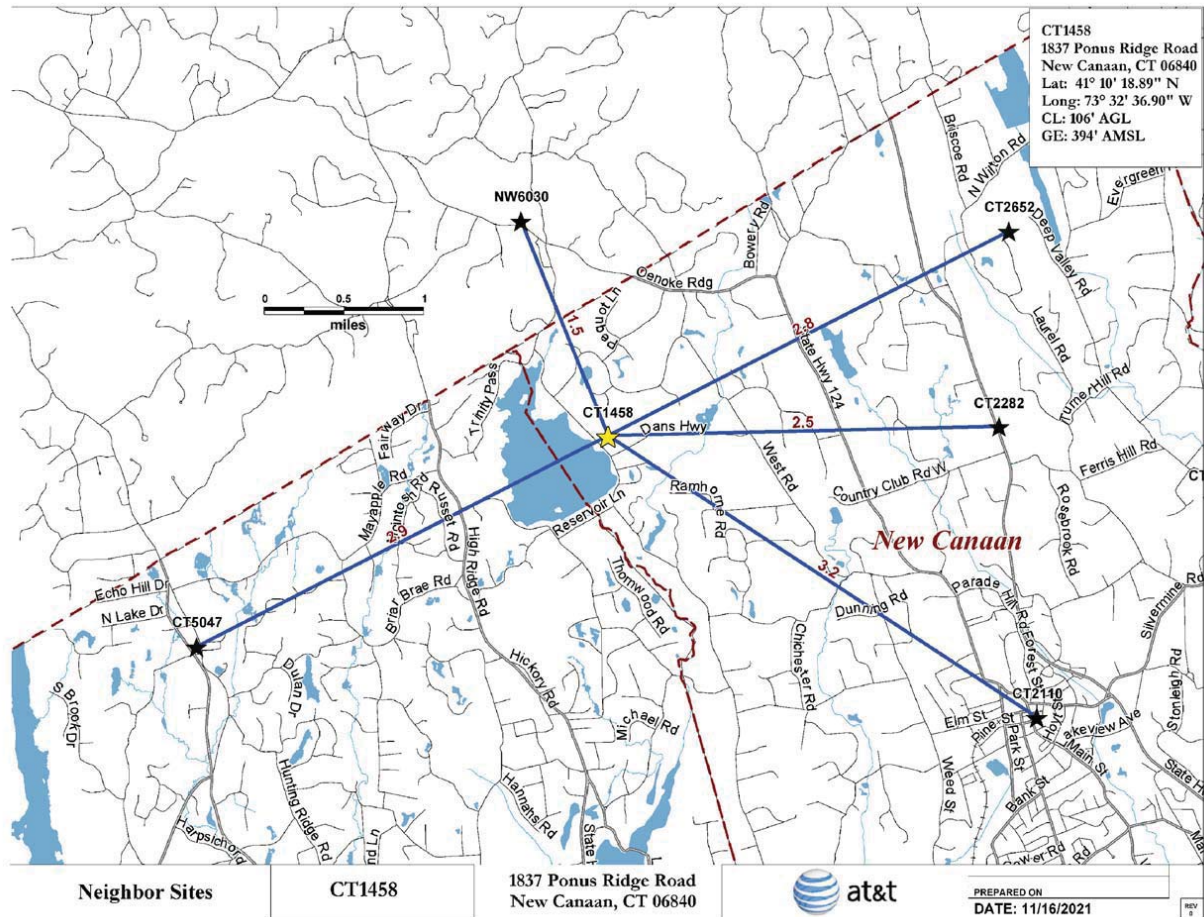


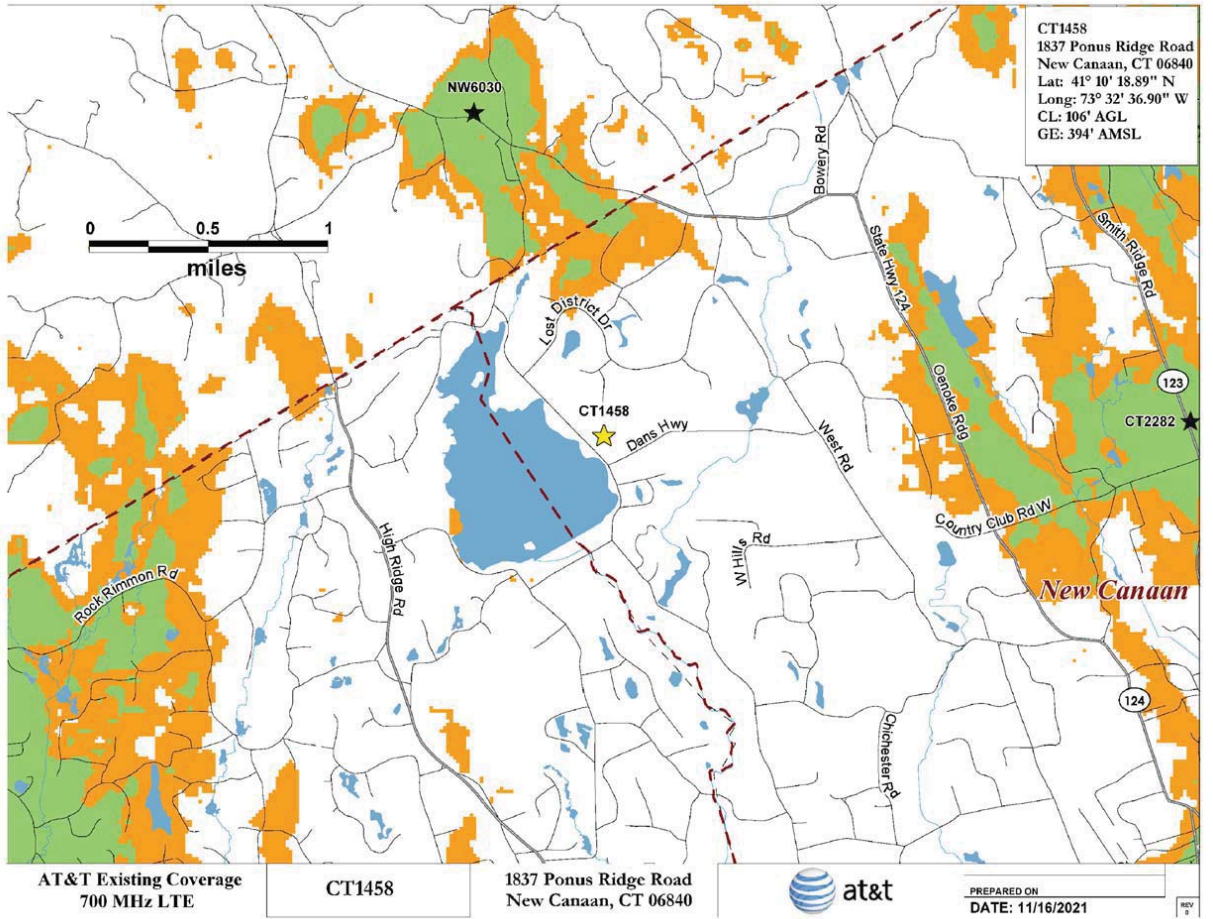
Attachment 1: CT1458 - Area Terrain Map

Site Name	Address	City/State	Latitude	Longitude	Antenna Height (ft AGL)	Ground Elevation	Distance (miles)
CT2282	95 Country Club Road	New Canaan	41.1729	-73.4963	89	495	2.5
CT2652	183 Soundview Lane	New Canaan	41.1907	-73.4952	81	502	2.8
NW6030	89 Westchester Ave	Pound Ridge	41.1916	-73.5540	85	394	1.5
CT5047	366 Old Long Ridge Road	Stamford	41.1528	-73.5931	148	423	2.9
CT2110	135 Main Street	New Canaan	41.1464	-73.4917	44	272	3.2

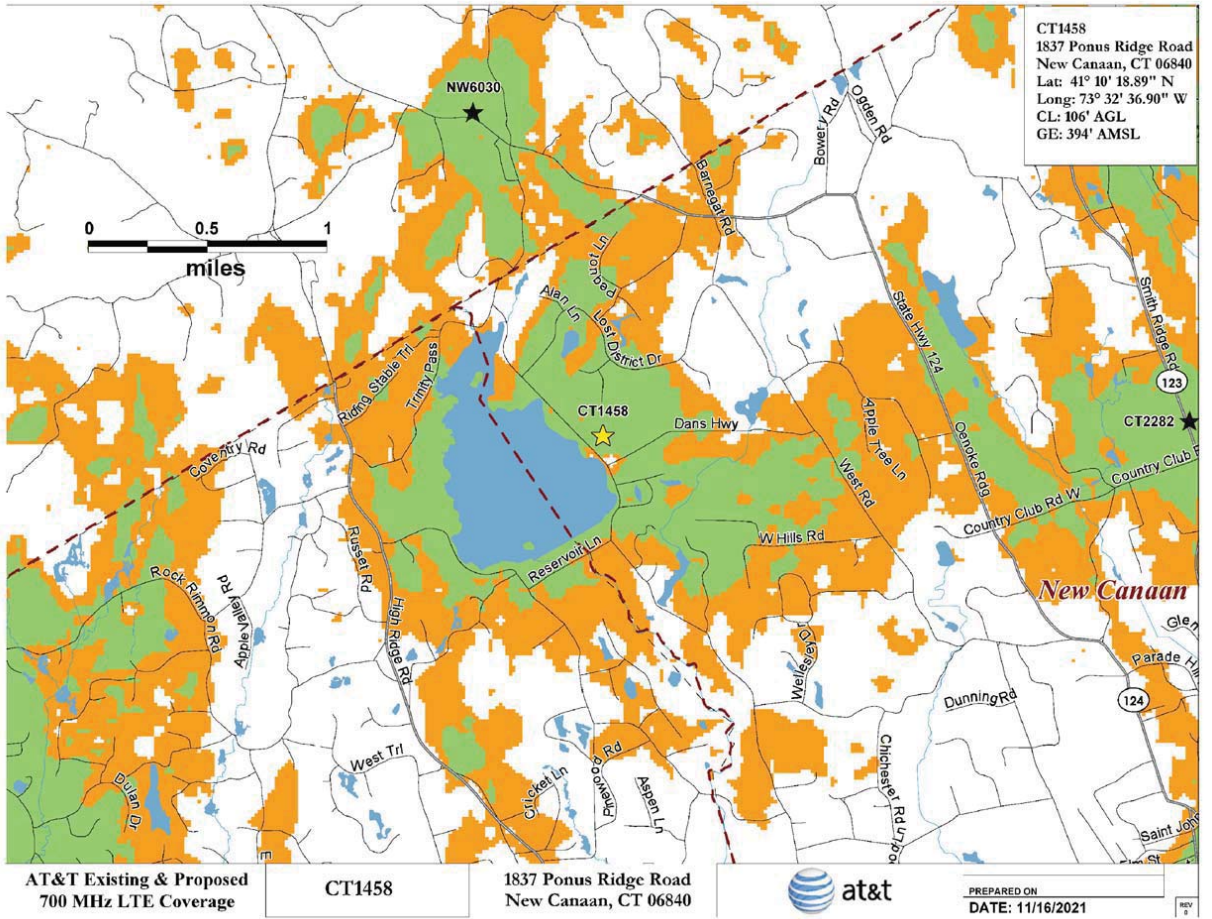


Attachment 2: CT1458 - Neighbor Site Data



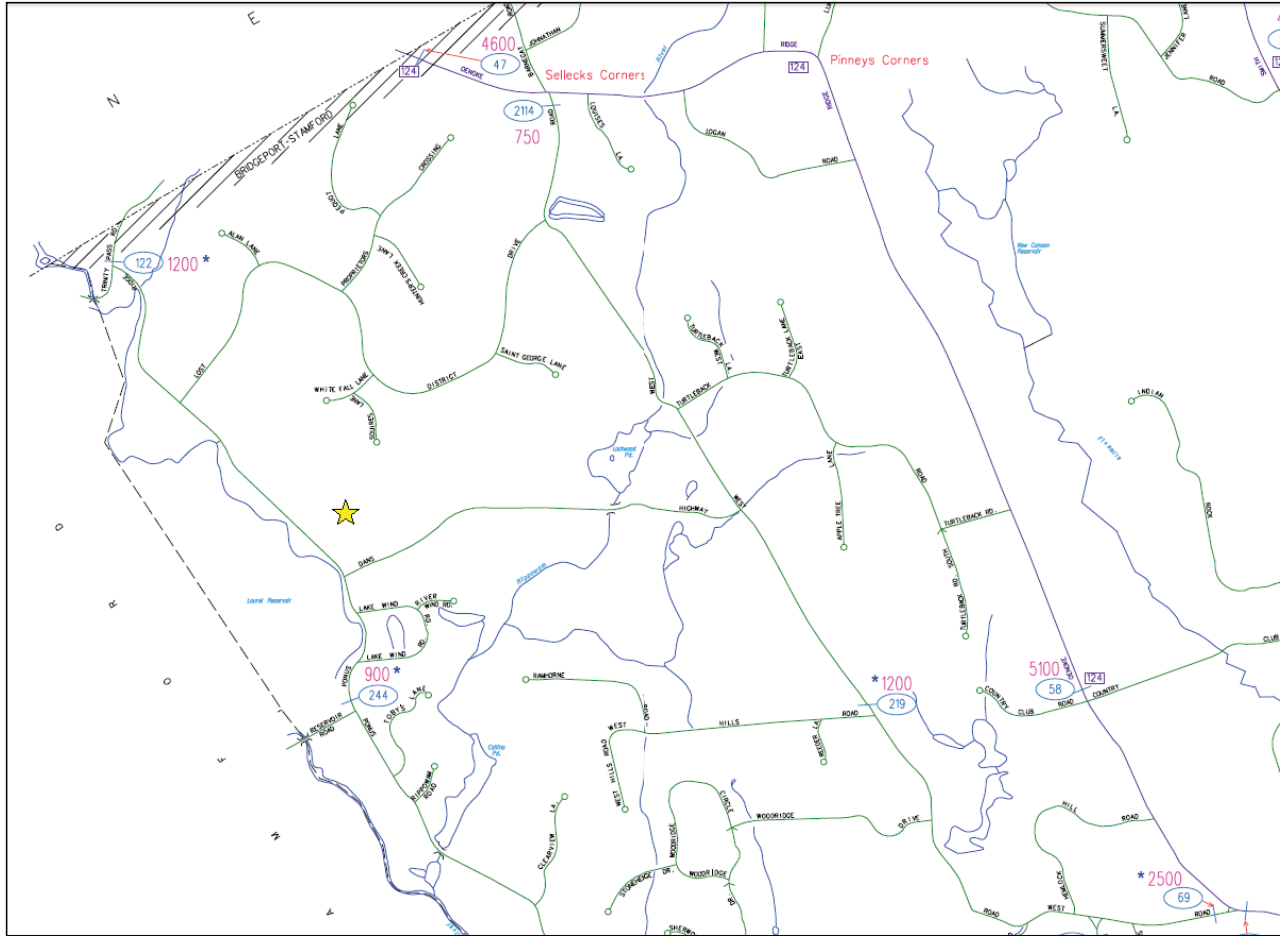


Attachment 3: CT1458 - Existing 700 MHz LTE Coverage for the Current AT&T Network

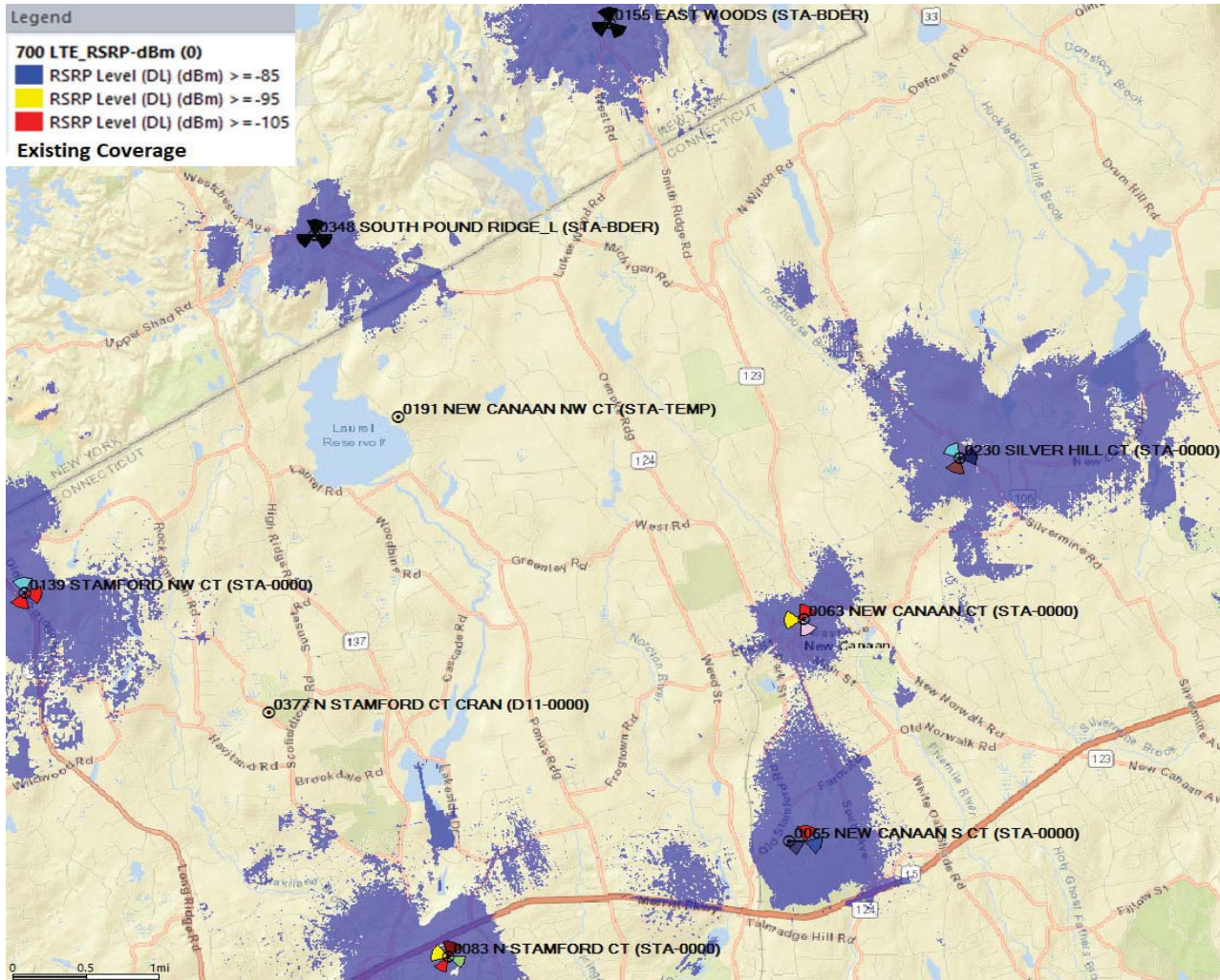


Attachment 4: CT1458 - Existing 700 MHz LTE Coverage with Proposed Site” for the AT&T Network

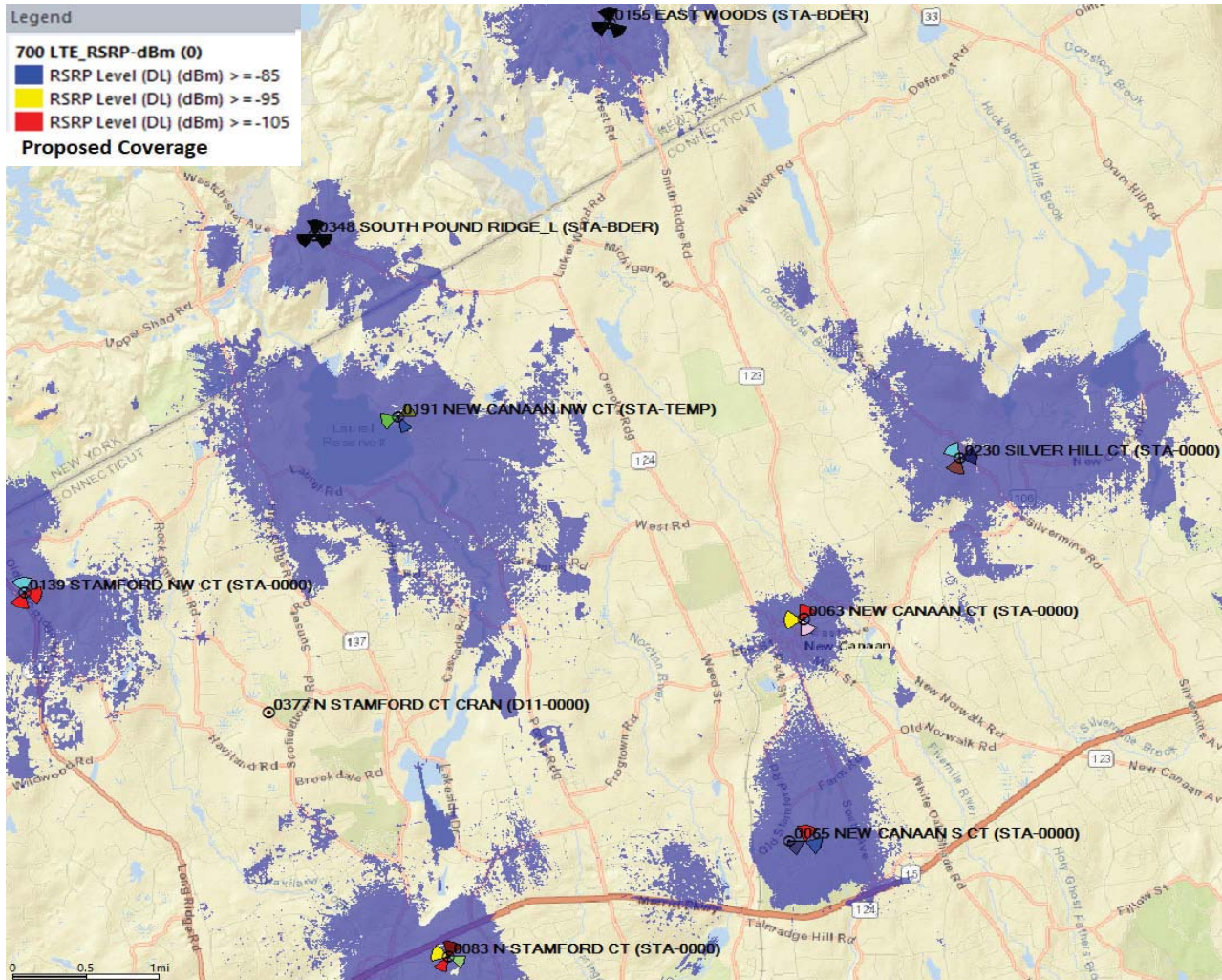


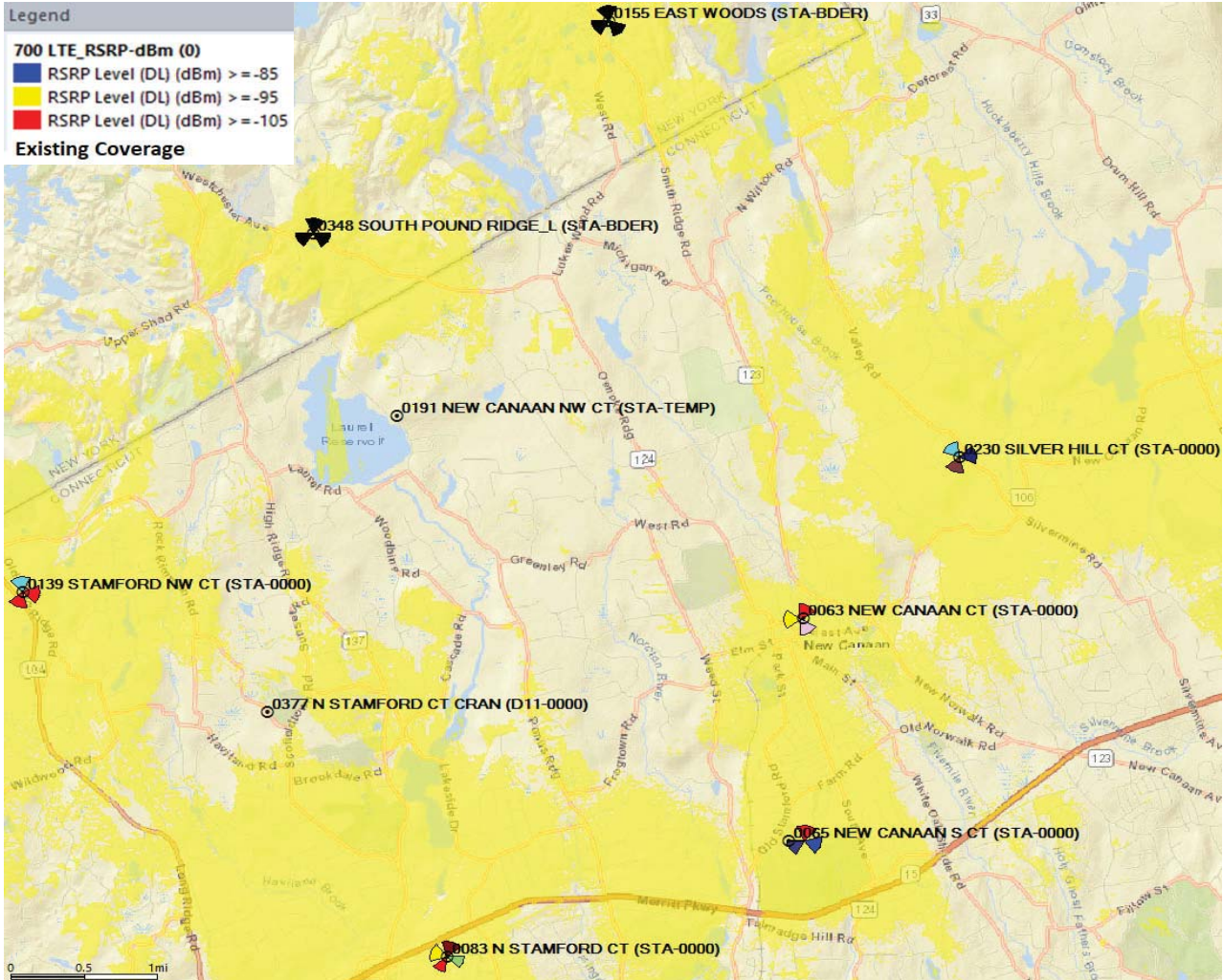


Attachment 5: Connecticut DOT Average Annual Daily Traffic Data – New Canaan

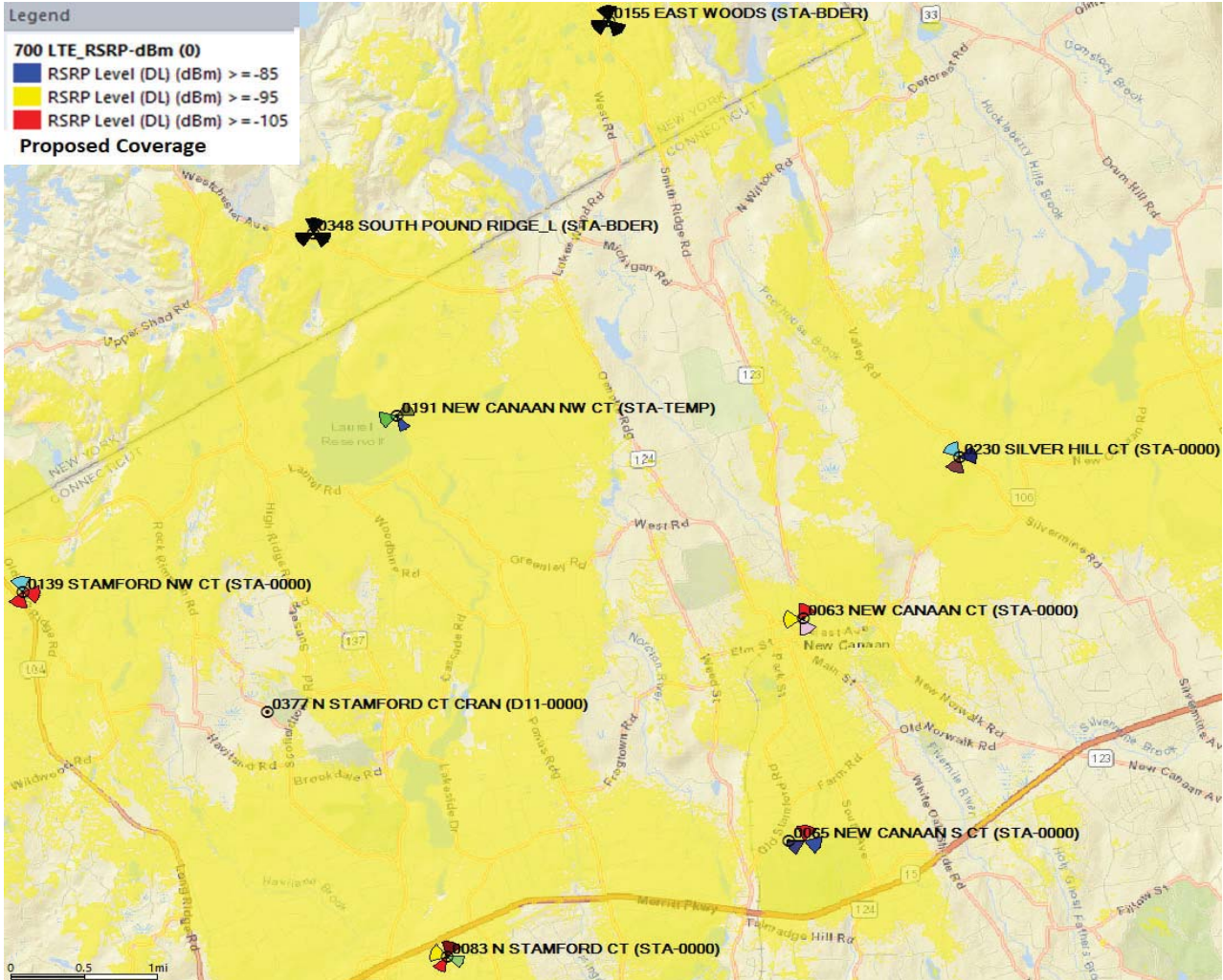


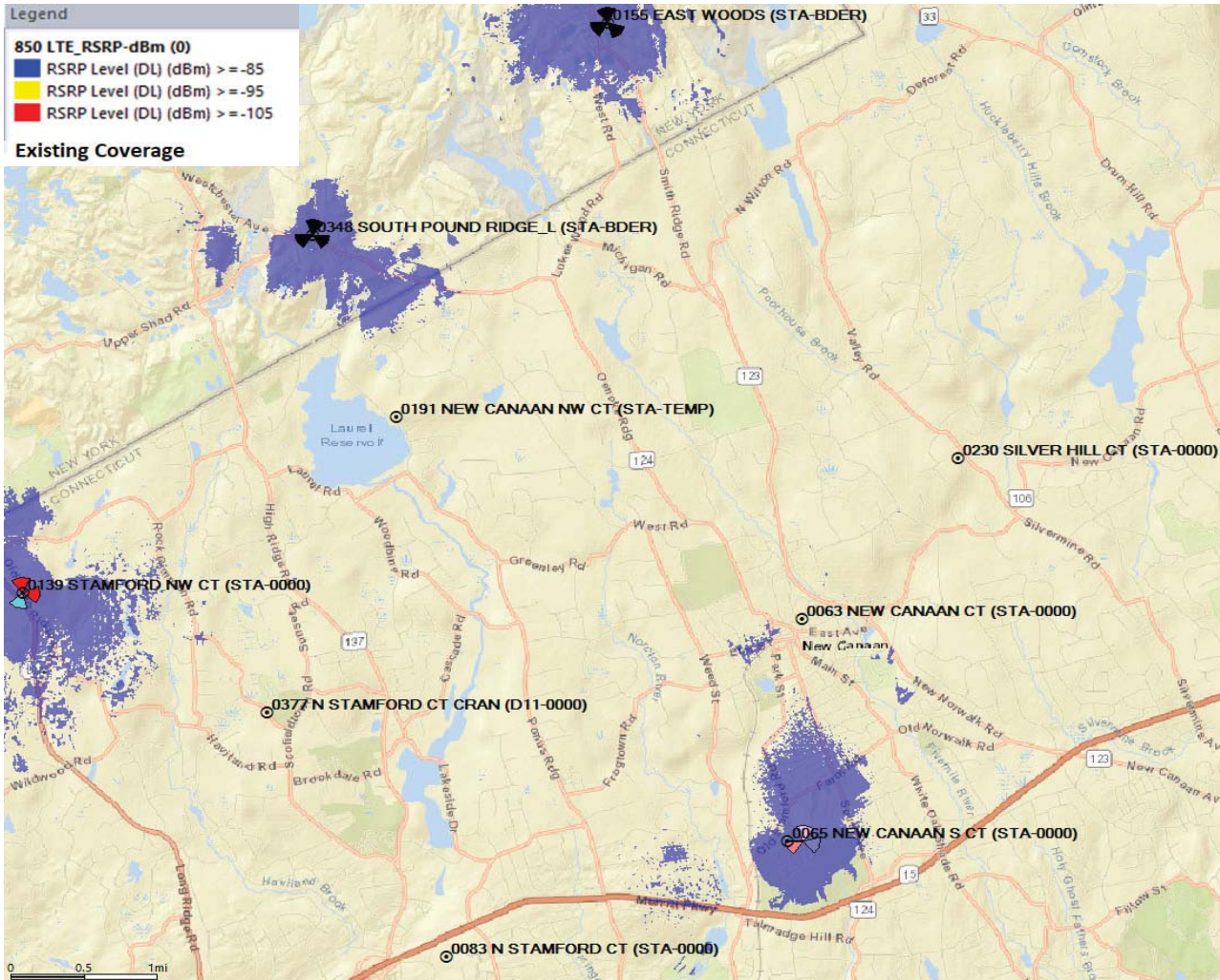




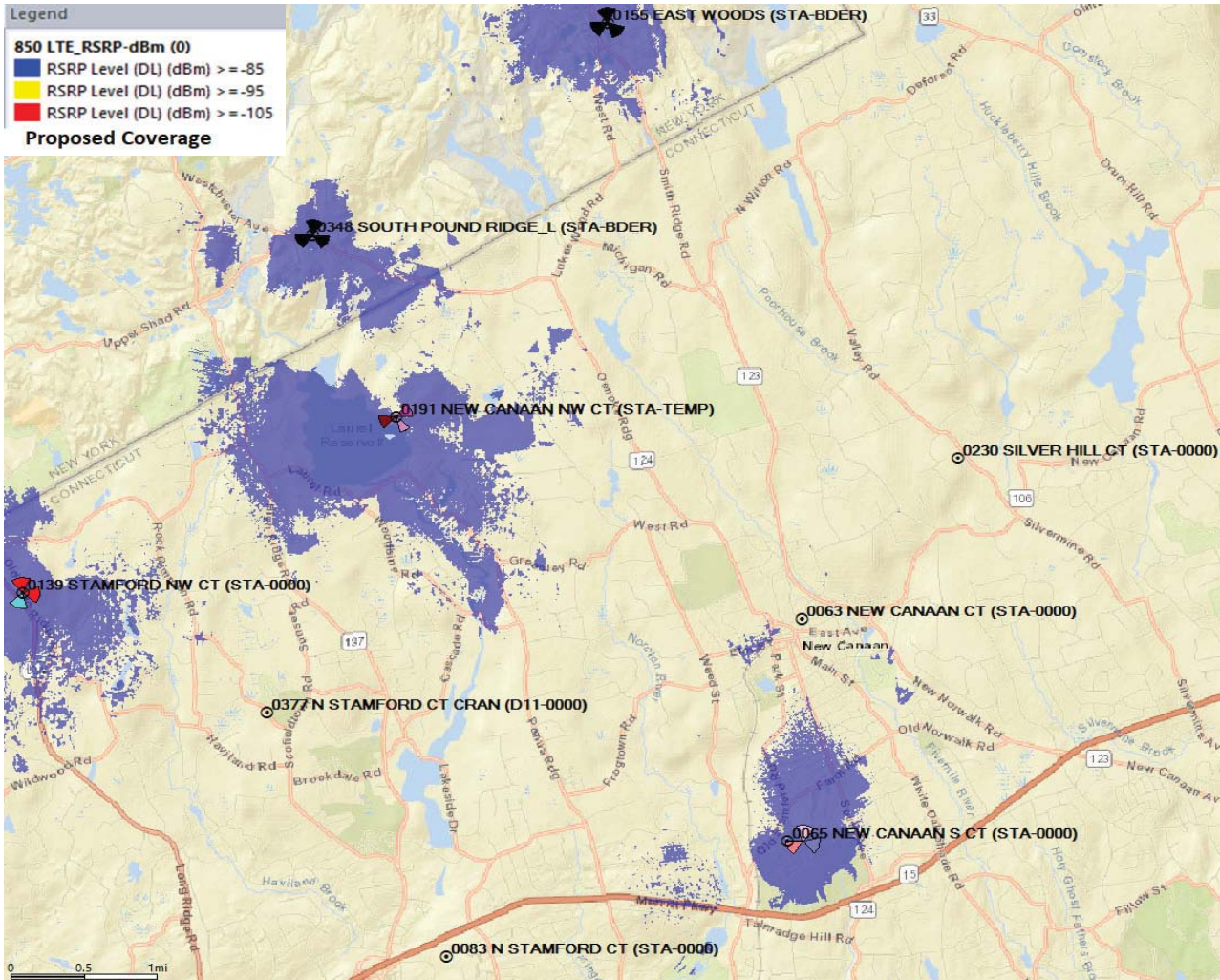


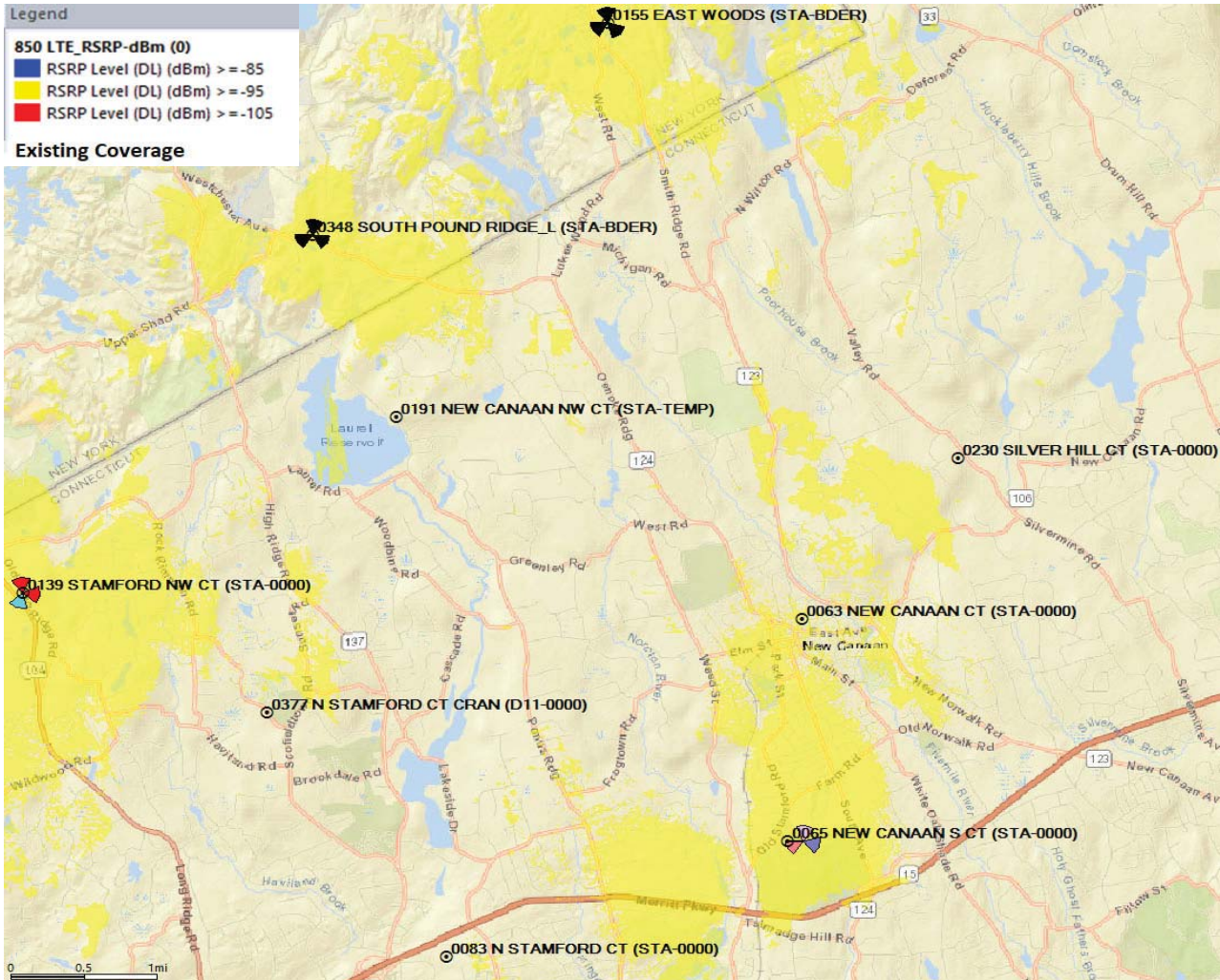




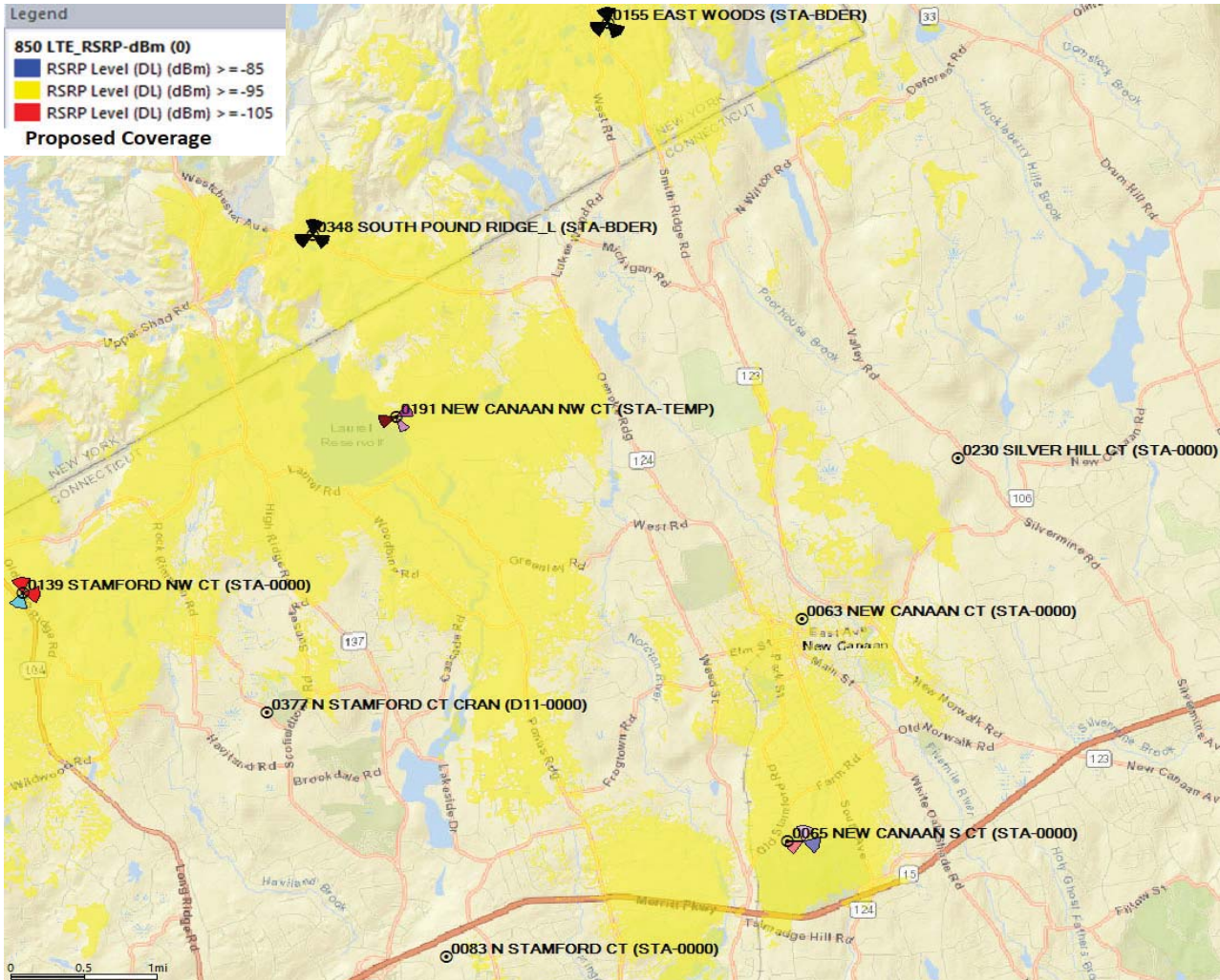


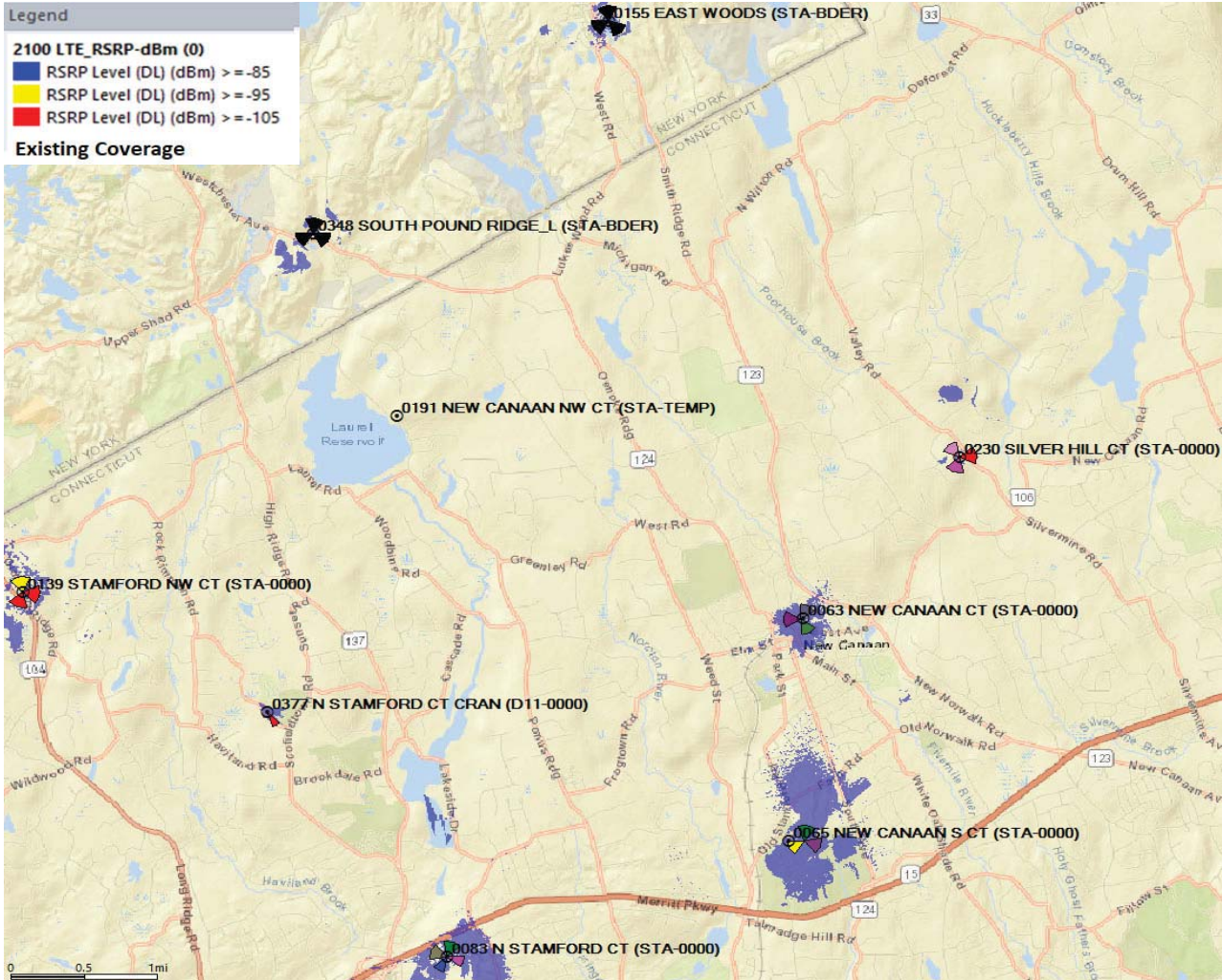




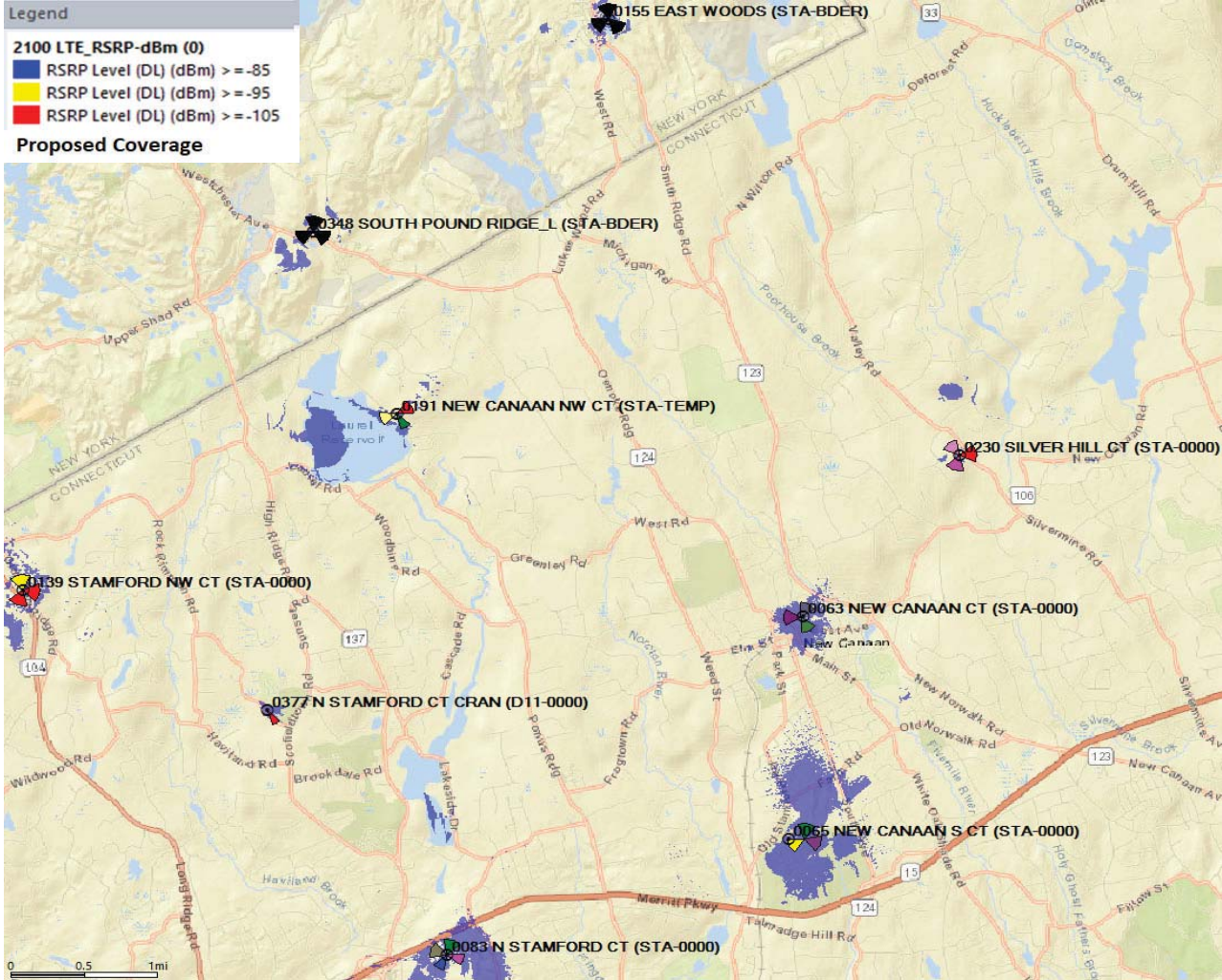


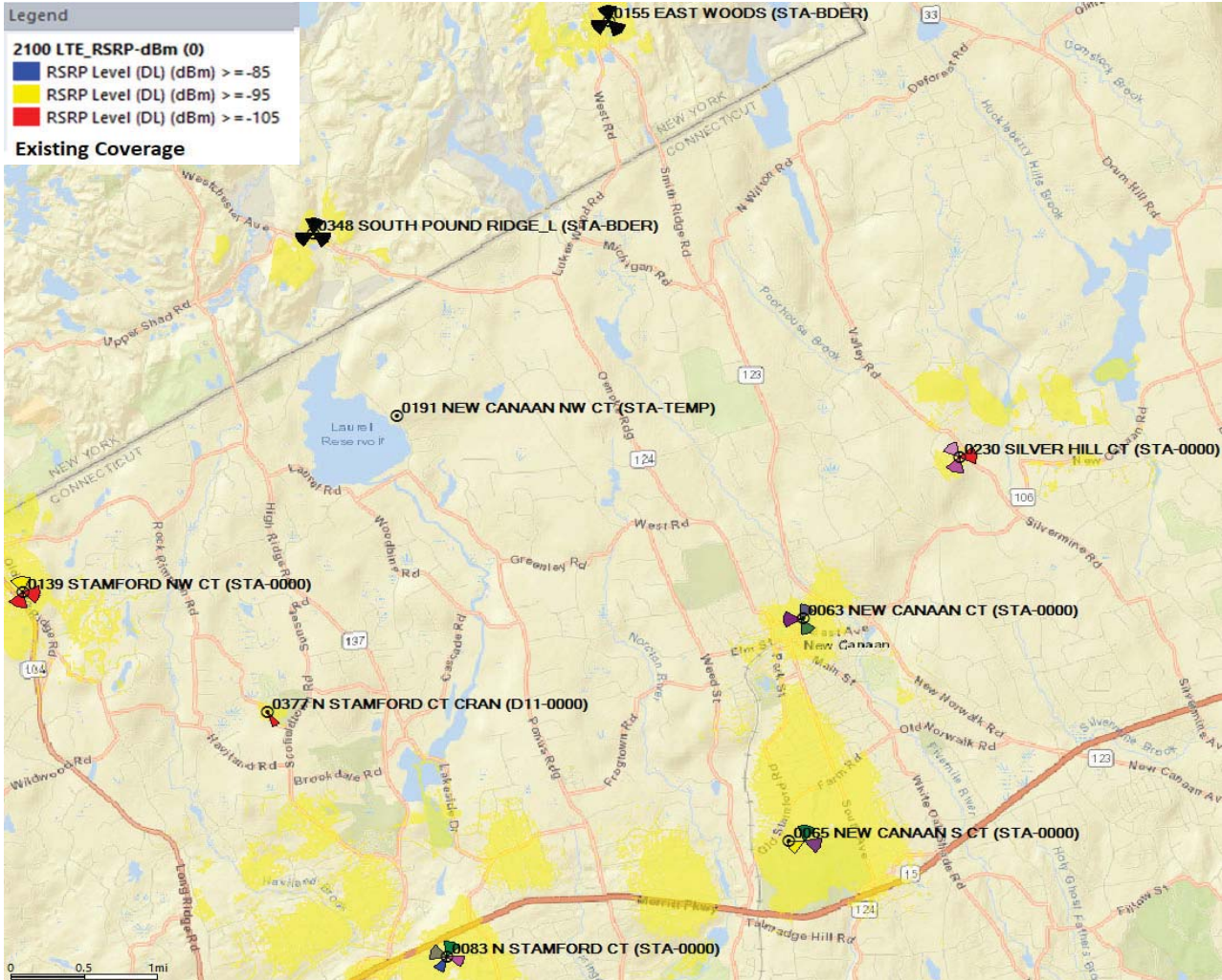




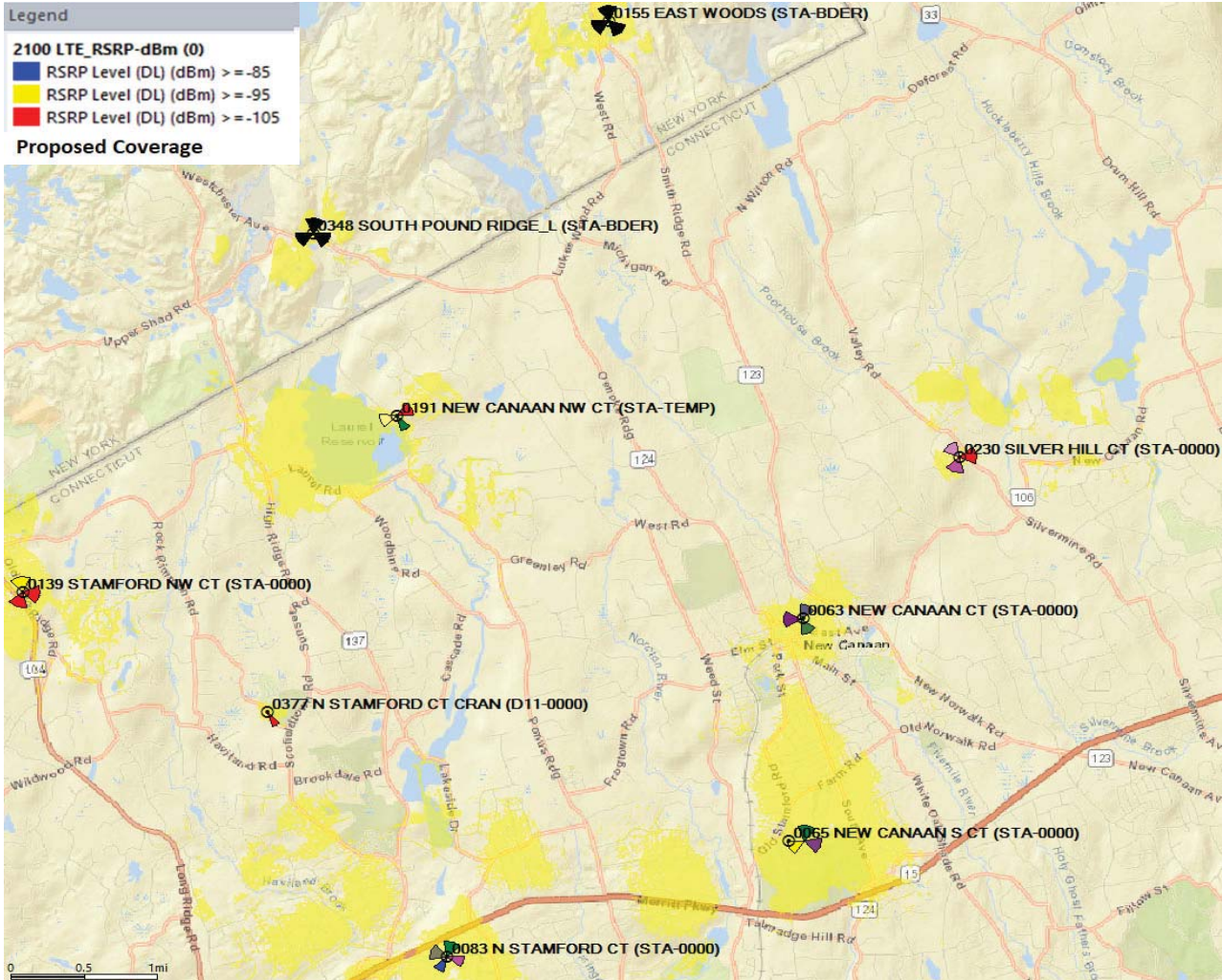


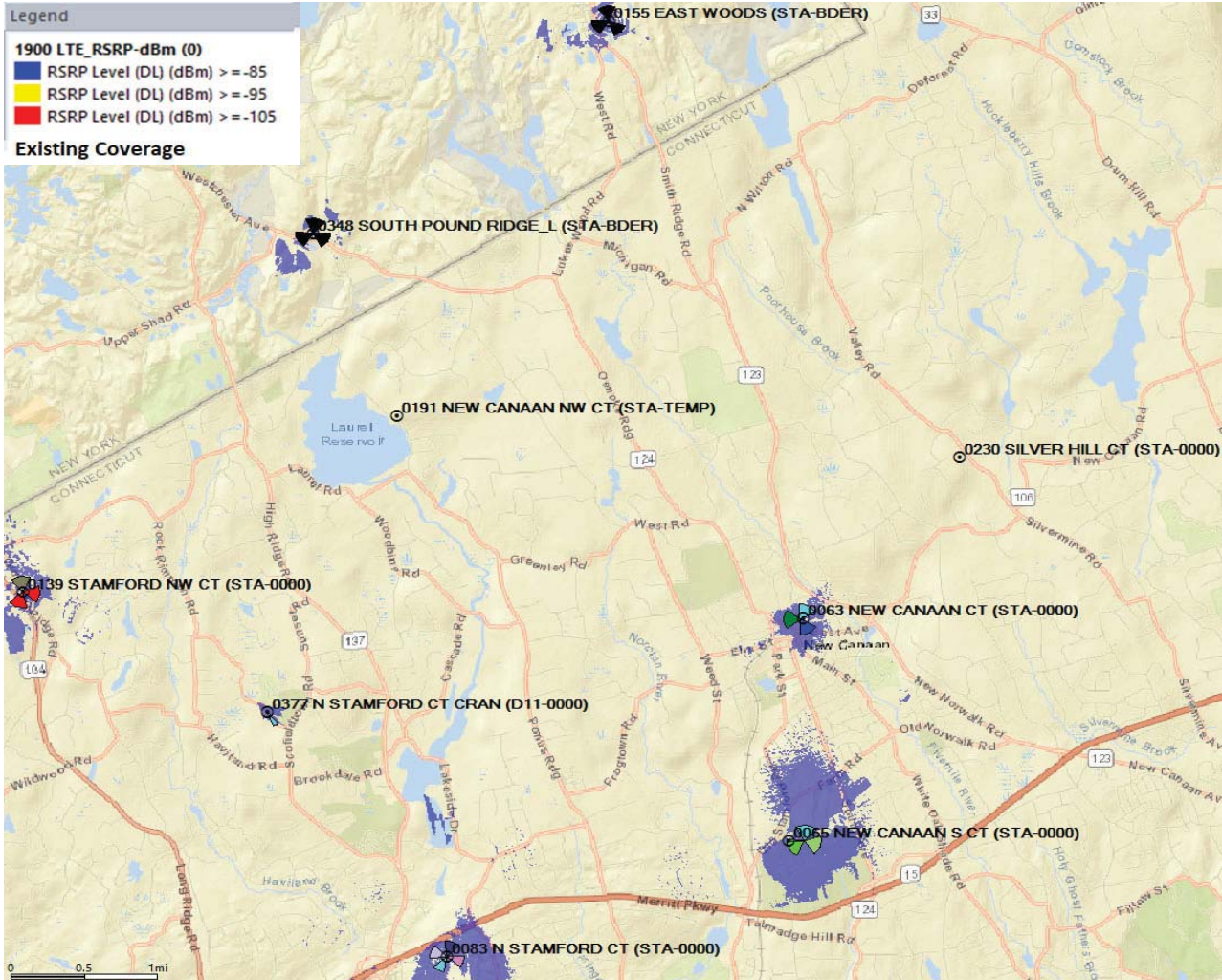




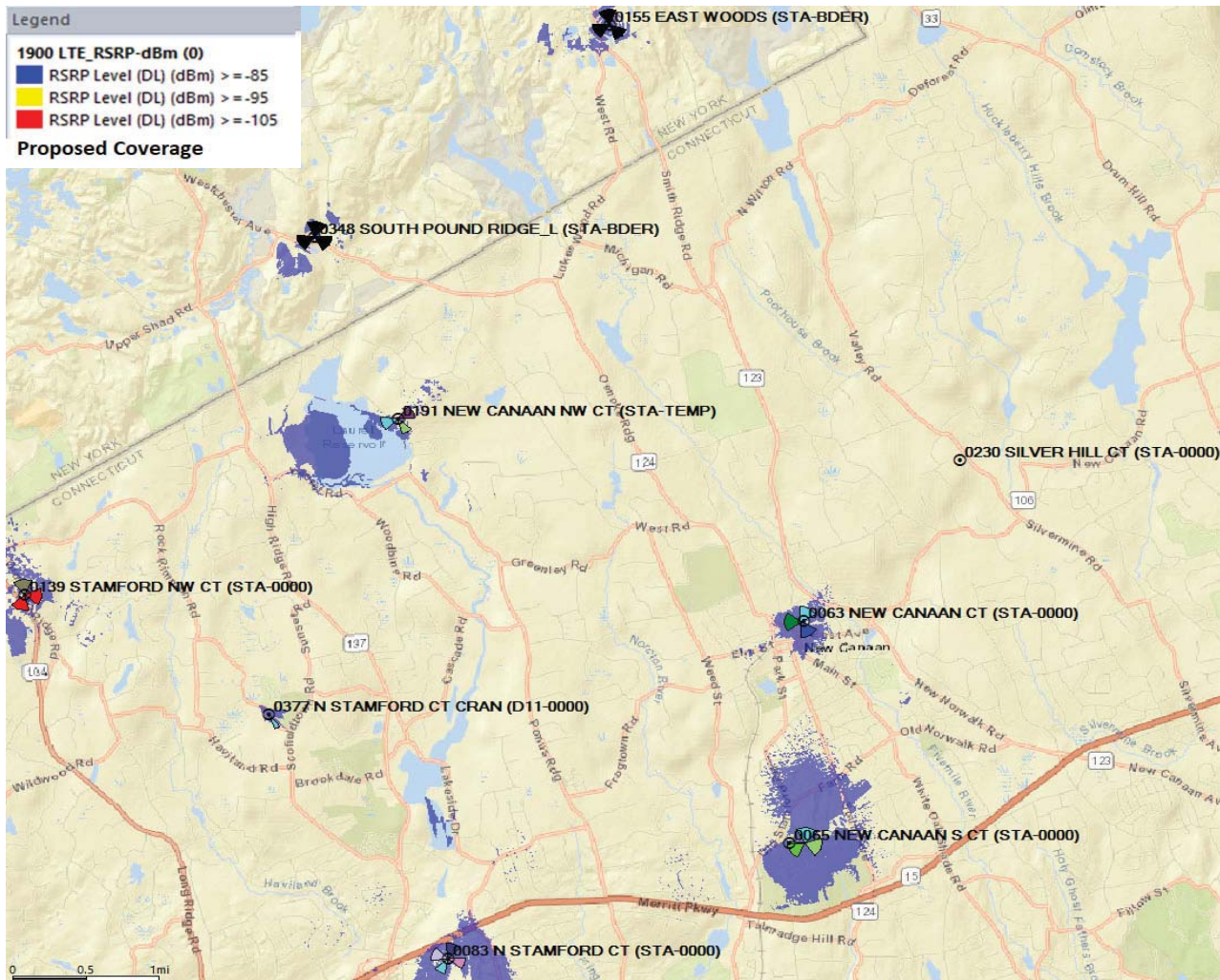


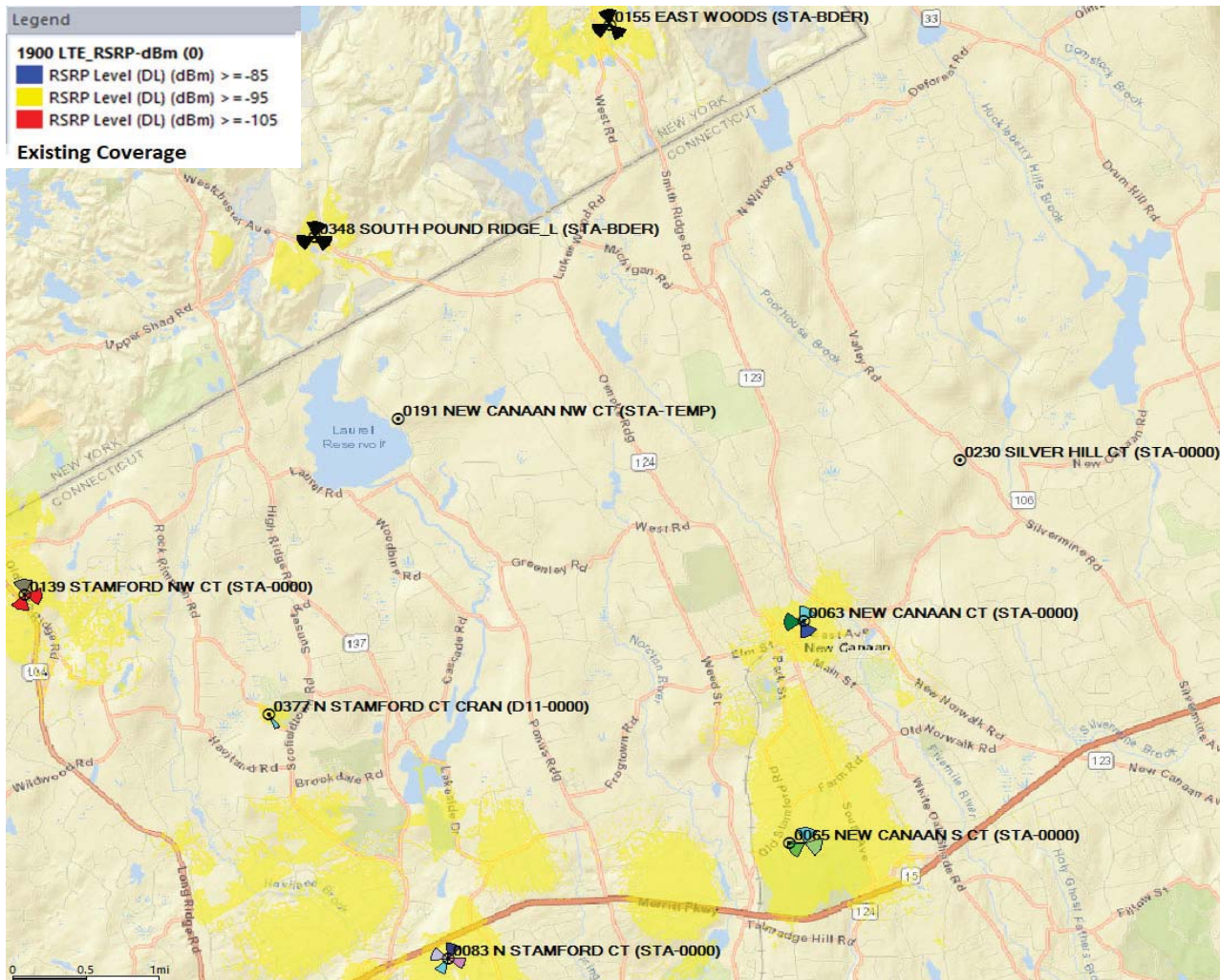




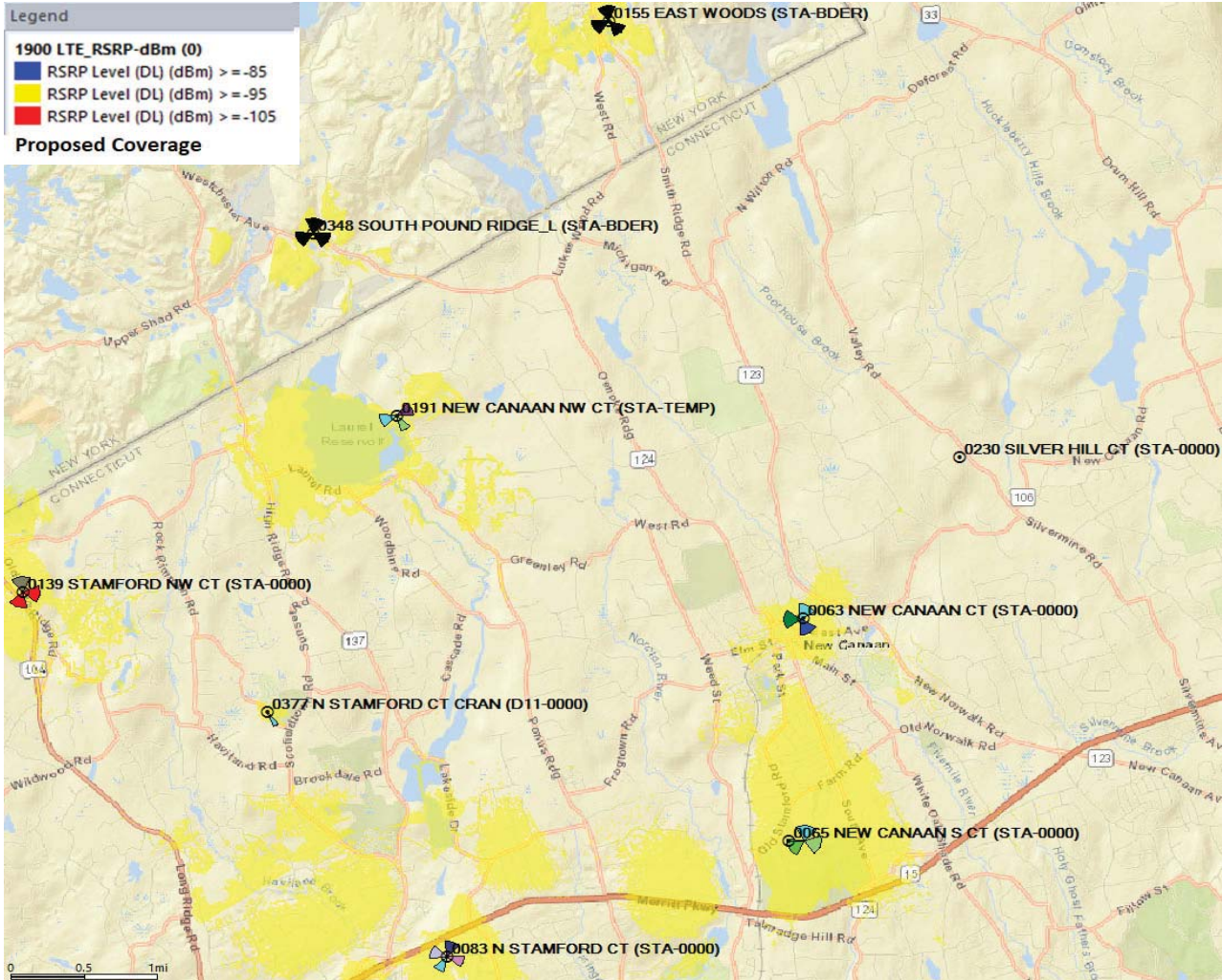














December 6, 2021

Mr. Raymond Vergati, Regional Manager  
Homeland Towers, LLC  
9 Harmony Street 2<sup>nd</sup> Floor  
Danbury, CT 06810

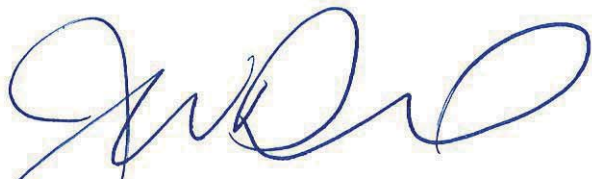
Mr. Vergati,

On behalf of the New Canaan Police Department and the Board of Police Commissioners, I write this letter of support for the construction of a cellular tower at the proposed site address of 1837 Ponus Ridge Rd. New Canaan CT.

We are pleased that Homeland Towers will provide space on this proposed tower to the Town of New Canaan for radio equipment which supports our public safety radio network. The New Canaan Police Department is responsible for town wide public safety radio communications and is the Public Safety Answering Point (PSAP) for the Town of New Canaan, which fields all 911 calls and routine calls for service. The PSAP is responsible for radio dispatch of first responders, including Police, Fire, EMS and DPW.

The town has been struggling with the poor quality of the current radio system in the northwest area of town where there are significant gaps in radio coverage for first responder personnel. There have been attempts in the past to improve the radio coverage in certain areas of the town, including the northwest area of town that never provided a complete, long-term solution.

Additionally, the residents and first responders of New Canaan rely heavily on cellular service in times of an emergency. When seconds count and reliable communications are imperative, we desperately need dependable cellular service in all areas of town. I would like to thank you in advance for providing space on the proposed tower and your commitment to ensure first responders are provided with a safe reliable radio and cellular network.



Deputy Chief John DiFederico  
New Canaan Police Department  
Town of New Canaan, CT

## Town of New Canaan

POLICE DEPARTMENT  
174 SOUTH AVENUE  
NEW CANAAN, CONNECTICUT 06840  
TELEPHONE (203) 594-3500  
FAX (203) 594-3553

CHIEF OF POLICE  
LEON M. KROLIKOWSKI



DEPUTY CHIEF  
JOHN DIFEDERICO



CAPTAIN  
ANDREW WALSH





New Canaan  
Community Emergency Response Team  
174 South Ave, New Canaan, CT 06840

December 6, 2021

Mr. Raymond Vergati, Regional Manager  
Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup>, Floor  
Danbury, CT 06810

Dear Mr. Vergati,

On behalf of New Canaan's Community Emergency Response Team's (CERT's) Board of Directors, I write this letter supporting the construction of a cellular tower, which would include both cellular and public safety radio antennas, at 1837 Ponus Ridge Rd, New Canaan CT.

The Town has known about, and been unable to permanently correct, a severe radio "dead spot" in the northwest area of town, where portable radios are unable to be "heard" by 911 dispatch. The lack of cell towers in this area and the lack of radio coverage presents a major risk for emergency responders. The installation of at least one new receiver is crucial.

We therefore unequivocally support the installation of a cell tower supporting public service radio on Ponus Ridge Rd.

Sincerely,

*Stuart Sawabini*

Stuart Sawabini  
Executive Director  
New Canaan CERT  
On behalf of the CERT Board of Directors

## **CERT Background:**

The Community Emergency Response Team (CERT) program educates volunteers about disaster preparedness for the hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, search and rescue, team organization, traffic control, and disaster medical operations. CERT offers a consistent, nationwide approach to volunteer training and organization that professional responders can rely on during disaster situations.

CERT became a national program in 1993. There are now CERT programs in all 50 states and over 2,700 local CERT programs nationwide. More than 600,000 people have trained since CERT became a national program.

CERT reports to the Department of Homeland Security, Federal Emergency Management Agency (FEMA), and within FEMA, to the Citizen Corps.





# Town of New Canaan

## Office of Emergency Management

174 South Avenue, New Canaan, CT 06840  
(203) 594-4100

December 1, 2021

Mr. Raymond Vergati, Regional Manager  
Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Dear Mr. Vergati,

As the Director of Emergency Management for the Town of New Canaan, Connecticut, I am writing this letter to support the construction of a telecommunications tower at 1837 Ponus Ridge Rd, New Canaan Connecticut.

The Town of New Canaan's Public Safety Radio systems (Fire, Police and EMS) are essential to protecting the lives and property of our Town Residents – and the efficacy of this system is largely determined by adequate coverage with antenna placement in town providing the maximum coverage for our first responder agencies. The site on Ponus and the addition of antennas for these public safety radios to this new tower will have a direct positive impact on this system and its coverage, improving life safety and the effectiveness of all our agencies in their responses to emergencies.

Additionally, the need for cellular service in all areas in town is now no longer a luxury, rather it is a requirement for the same reasons of life safety and communications in the event of emergencies. The ability to reach 911 via cell phone at any location in town serves as a lifeline for many of our residents as well as visitors.

Regards,

Russell Kimes, III  
Director of Emergency Management  
Town of New Canaan



# New Canaan Fire Department

Assistant Chief Albe Bassett

60 Main St. New Canaan CT. 06840

(203) 594-3153

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December 1, 2021, 2021

Mr. Raymond Vergati, Regional Manager  
Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Dear Mr. Vergati,

As the chair of the New Canaan Board of Fire Commissioners, I am writing this letter to support the construction of a telecommunications tower at 1837 Ponus Ridge Rd, New Canaan Connecticut. I fully understand that there may be concerns expressed by citizens toward such a project, but I must consider public safety as my priority in supporting this endeavor.

The fire department's radio system needs to transmit and receive vital information to and from our dispatch center to keep our community safe. We are responsible for the provisions of fire protection and delivering emergency medical services to our citizenry, our personnel must have reliable technology that includes radio and cellular communications. Based upon the topography of this town and our current system, communications between dispatch, apparatus and personnel is often less than adequate. This is a life safety issue. An industry standard in today's fire service also involves the use of mobile display terminals or tablets to receive incident information. These devices are cellular based and with the lack of connectivity in many parts of town, this vital resource becomes compromised.

More importantly, this project will greatly improve cellular service in town for all users. This means if a person has an emergency and dials or sends a text message to 911, they will reach a public safety answering point. Moreover, we support any project that is available at no cost to the town and supports our mission. It is critical that public safety communication antennas are permitted access to the highest point on any tower which will greatly enhance fire and EMS operations.

In closing, I appreciate the opportunity to submit this letter of support and look forward to a new and improved town-wide public safety communications system.

Respectfully Submitted,

*Jack Horner*

Board of Fire Commissioners  
New Canaan, CT



# New Canaan Fire Department

Assistant Chief Albe Bassett

60 Main St. New Canaan CT. 06840

(203) 594-3153

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December 1, 2021, 2021

Mr. Raymond Vergati, Regional Manager  
Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Dear Mr. Vergati,

As the interim Fire Chief for the Town of New Canaan, CT., I am writing this letter to support the construction of a telecommunications tower at 1837 Ponus Ridge Rd, New Canaan Connecticut. I fully understand that there may be concerns expressed by citizens toward such a project, but I must consider public safety as my priority in supporting this endeavor.

The fire department's radio system currently utilizes a 3-point VHF simulcast system with 2 additional satellite receivers to transmit and receive vital information to and from our dispatch center. Responsible for the provisions of fire protection and delivering emergency medical services to our citizenry, our personnel must have reliable technology that includes radio and cellular communications. Based upon the topography of this town and our current system, communications between dispatch, apparatus and personnel is often less than adequate. This is a life safety issue. An industry standard in today's fire service also involves the use of mobile display terminals or tablets to receive incident information. These devices are cellular based and with the lack of connectivity in many parts of town, this vital resource becomes compromised.

As part of the NCFD mission, we have joined forces with the police and public works department to upgrade our public safety communications system. The construction of this supporting structure will allow the town to enhance its public safety communications infrastructure and elevate the level of safety provided to our first responders.

More importantly, this project will greatly improve cellular service in town for all users. This means if a person has an emergency and dials or sends a text message to 911, they will reach a public safety answering point. Moreover, we support any project that is available at no cost to the town and supports our mission. It is critical that public safety communication antennas are permitted access to the highest point on any tower which will greatly enhance fire and EMS operations.



# New Canaan Fire Department

Assistant Chief Albe Bassett

60 Main St. New Canaan CT. 06840

(203) 594-3153

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Finally, continuously faced with changes in technology, a new and reliable public safety communications, these towers provide redundancy for our communications.

In closing, I appreciate the opportunity to submit this letter of support and look forward to a new and improved town-wide public safety communications system.

Respectfully Submitted,

*Albe Bassett*

Interim Fire Chief  
New Canaan, CT



## **SECTION 2**



## Site Search Summary

In general, a “site search area” is developed to initiate a site selection process in an area where a coverage need has been identified. The site search area is a general location where the installation of a wireless facility would address an identified coverage need problem while still allowing for orderly integration of the site into a network such as AT&T’s, based on the engineering criteria hand-off, frequency reuse and interference. In any site search area, the Applicants seek to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time ensuring the quality of service provided by the site to users of its network.

The candidate identification process includes reviewing the applicable zoning ordinance to identify areas within which the proposed use is allowed. Viable candidates consist of existing structures of sufficient height from which an antenna installation can provide sufficient coverage, or lacking such a structure, parcels located within the narrowly defined search area upon which a tower may be constructed to a sufficient height. In order to be viable, a candidate must provide adequate coverage to the significant gap in AT&T’s network. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are determined to be located within such areas, to identify other potentially suitable locations. In the case of this particular site search area in New Canaan, no tall, non-tower structures were located within the identified area of need that were available for leasing. The area consists of mainly watershed, forested land, and residential properties with challenging topography.

As noted below, Homeland Towers, LLC investigated a number of different parcels of land within and near this area for construction of a new facility within the Town of New Canaan and Stamford. The Applicants found these sites to be adequate and available for the siting of a wireless facility or, for the reasons cited below, unavailable or inappropriate for the siting of a facility or technically inadequate to satisfy AT&T’s coverage requirements in this area of need.

## Properties Investigated by Homeland Towers

Homeland Towers identified and investigated twenty-three (23) sites in and around the New Canaan/Stamford site search area where the construction of a new tower might be feasible for radio frequency engineering purposes. Descriptions of Homeland’s sites investigated are set forth below along as well as a map depicting the approximate location of the sites investigated.

### **1. 1837 Ponus Ridge Road, CT**

Map Block Lot: 23 27 57

Owner: 1837 LLC

Zoning District: 4 Acre Residence Zone

Parcel Size: 5.16 acres

Lat/Long: 41°10'18.89"N/73°32'36.9"W

Ground Elevation: 394' +/- AMSL

This property is the Candidate Site where the tower is proposed.



**2. 1845 Ponus Ridge Road, New Canaan, CT**

Map Block Lot: 23 27 56

Owner: Simone Demou

Zoning District: 4 Acre Residence Zone

Parcel Size: 6.59 acres

Lat/Long: 41°10'22.61"N/73°32'40.46"W

Ground Elevation: 387' +/- AMSL

The owner responded to certified proposal and stated verbally that they were not interested in leasing to Homeland Towers.

**3. Ponus Ridge, New Canaan, CT**

Map Block Lot: 23 26 2

Owner: Aquarion Water Company of Connecticut

Zoning District: 4 Acre Residence Zone

Parcel Size: 153.44 acres

Lat/Long: 41°10'20.81"N/73°32'47.48"W

Ground Elevation: 347' +/- AMSL

A proposal was sent by Homeland Towers via email to the owner. The owner responded back via email and verbally that they were not interested in leasing to Homeland Towers primarily due to wireless facilities not being permitted on Class I watershed land. In addition, Aquarion stated that there is a Conservation Easement to the State of Connecticut which precludes Aquarion from developing the property.

**4. 197 Dans Highway, New Canaan, CT**

Map Block Lot: 28 27 8

Owner: Carolyn Halsey

Zoning District: 4 Acre Residence Zone

Parcel Size: 6.47 acres

Lat/Long: 41°10'22.61"N/ 73°32'14.20"W

Ground Elevation: 410' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**5. 195 Dans Highway, New Canaan, CT**

Map Block Lot: 28 27 D14

Owner: Carolyn Halsey

Zoning District: 4 Acre Residence Zone

Parcel Size: 9.02 acres

Lat/Long: 41°10'27.49"N/73°32'5.30"W

Ground Elevation: 420' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**6. Proprietors Circle, New Canaan, CT**

Map Block Lot: 28 14 71

Owner: Susan Wirth

Zoning District: 4 Acre Residence Zone

Parcel Size: 4.06 acres

Lat/Long: 41°10'55.76"N/73°32'25.95"W

Ground Elevation: 416' +/- AMSL

The owner responded to a proposal sent to them by certified mail and stated verbally that they would not be interested in leasing to Homeland Towers but would only be interested in selling the property to Homeland Towers.



**7. Wellesly Drive, New Canaan, CT**

Map Block Lot: 27 208 115

Owner: New Canaan Land Conservation Trust

Zoning District: 2 acre Residence Zone

Parcel Size: 40.1 acres

Lat/Long: 41°9'29.19"N/ 73°31'23.18"W

Ground Elevation: 349' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**8. Reservoir Lane, Stamford, CT**

Map Block Lot: 004 2759

Owner: State of Connecticut

Zoning District: RA-2

Parcel Size: 44.58 acres

Lat/Long: 41°9'44.03"N/73°32'42.55"W

Ground Elevation: 282' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**9. 2975 High Ridge Road, Stamford, CT**

Map Block Lot: 002 6800

Owner: The Stamford Meeting Hall Inc.

Zoning District: RA-2

Parcel Size: 1.24 acres

Lat/Long: 41°10'2.68"N/ 73°33'42.87"W

Ground Elevation: 456' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**10. Lot A High Ridge Road, Stamford, CT**

Map Block Lot: 004 3503

Owner: CBS Realty Inc

Zoning District: RA-2

Parcel Size: 53.24 acres

Lat/Long: 41°9'5.06"N/73°33'4.25"W

Ground Elevation: 338' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**11. Laurel Road, Stamford, CT**

Map Block Lot: 004 2788

Owner: State of Connecticut

Zoning District: RA-3

Parcel Size: 21.81 acres

Lat/Long: 41°10'15.57"N/73°33'28.44"W

Ground Elevation: 392' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.



**12. 0 Ingleside Drive, Stamford, CT**

Map Block Lot: 003 775

Owner: Stamford Land Conservation Trust Inc.

Zoning District: RA-2

Parcel Size: 6.2 acres

Lat/Long: 41°9'44.76"N/73°33'26.02"W

Ground Elevation: 370' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**13. Laurel Road, Stamford, CT**

Map Block Lot: 004 2784

Owner: State of Connecticut

Zoning District: RA-2

Parcel Size: 3.1 acres

Lat/Long: 41°9'56.43"N/ 73°33'25.16"W

Ground Elevation: 402' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**14. Laurel Road, Stamford, CT**

Map Block Lot: 004 2782

Owner: Aquarion Water Company of Connecticut

Zoning District: RA-2

Parcel Size: 3.44 acres

Lat/Long: 41°9'50.13"N/73°33'17.41"W

Ground Elevation: 354' +/- AMSL

A proposal was sent by Homeland Towers via email to the owner. The owner responded back via email and verbally that they were not interested in leasing to Homeland Towers primarily due to wireless facilities not being permitted on Class I watershed land. In addition, Aquarion stated that there is a Conservation Easement to the State of Connecticut which precludes Aquarion from developing the property.

**15. Reservoir Lane, Stamford, CT**

Map Block Lot: 004 2786

Owner: Aquarion Water Company of Connecticut

Zoning District: RA-3

Parcel Size: 13.08 acres

Lat/Long: 41°9'52.29"N/ 73°32'45.11"W

Ground Elevation: 282' +/- AMSL

A proposal was sent by Homeland Towers via email to the owner. The owner responded back via email and verbally that they were not interested in leasing to Homeland Towers primarily due to wireless facilities not being permitted on Class I watershed land. In addition, Aquarion stated that there is a Conservation Easement to the State of Connecticut which precludes Aquarion from developing the property.



**16. Laurel Road, Stamford, CT**

Map Block Lot: 004 2781

Owner: State of Connecticut

Zoning District: RA-2

Parcel Size: 1.97 acres

Lat/Long: 41°9'48.60"N/73°33'4.65"W

Ground Elevation: 353' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**17. 312 Laurel Road, Stamford, CT**

Map Block Lot: 004 2785

Owner: Aquarion Water Company of Connecticut

Zoning District: RA-3

Parcel Size: 3 acres

Lat/Long: 41°9'49.05"N/ 73°32'56.05"W

Ground Elevation: 336' +/- AMSL

A proposal was sent by Homeland Towers via email to the owner. The owner responded back via email and verbally that they were not interested in leasing to Homeland Towers primarily due to wireless facilities not being permitted on Class I watershed land. In addition, Aquarion stated that there is a Conservation Easement to the State of Connecticut which precludes Aquarion from developing the property.

**18. 0 high Ridge Road, Stamford, CT**

Map Block Lot: 002 6882

Owner: High Ridge Cemetery

Zoning District: RA-2

Parcel Size: 2.52 acres

Lat/Long: 41°9'59.19"N/73°33'43.33"W

Ground Elevation: 477' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**19. 107 Hickory Road, Stamford, CT**

Map Block Lot: 004 3502

Owner: Cullman Land Company LLC

Zoning District: RA-2

Parcel Size: 9.49 acres

Lat/Long: 41°9'7.54"N/ 73°33'12.64"W

Ground Elevation: 375' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**20. 0 High Ridge Road, Stamford, CT**

Map Block Lot: 004 0537

Owner: Virginia de Lima

Zoning District: RA-2

Parcel Size: 9.49 acres

Lat/Long: 41°10'3.75"N/ 73°33'35.97"W

Ground Elevation: 417' +/- AMSL

The owner responded to certified proposal and stated via email that they were not interested in leasing to Homeland Towers.



**21. 104 Dans Highway, New Canaan, CT**

Map Block Lot: 028 25 D10

Owner: Reed and Delphine Krakoff

Zoning District: 4 Acre Residence Zone

Parcel Size: 51.93 acres

Lat/Long: 41°10'7.99"N/ 73°32'4.22"W

Ground Elevation: 308' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail and regular mail from Homeland Towers.

**22. Ponus Ridge Road, New Canaan, CT**

Map Block Lot: 23 26 3

Owner: State of Connecticut

Zoning District: 4 Acre Residence Zone

Parcel Size: 3.59 acres

Lat/Long: 41°10'29.54"N/73°33'2.16"W

Ground Elevation: 373' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.

**23. Lot B Ingleside Drive, Stamford, CT**

Map Block Lot: 004 3504

Owner: CLF LLC

Zoning District: RA-2

Parcel Size: 59.3 acres

Lat/Long: 41° 9'21.12"N/ 73°33'20.75"W

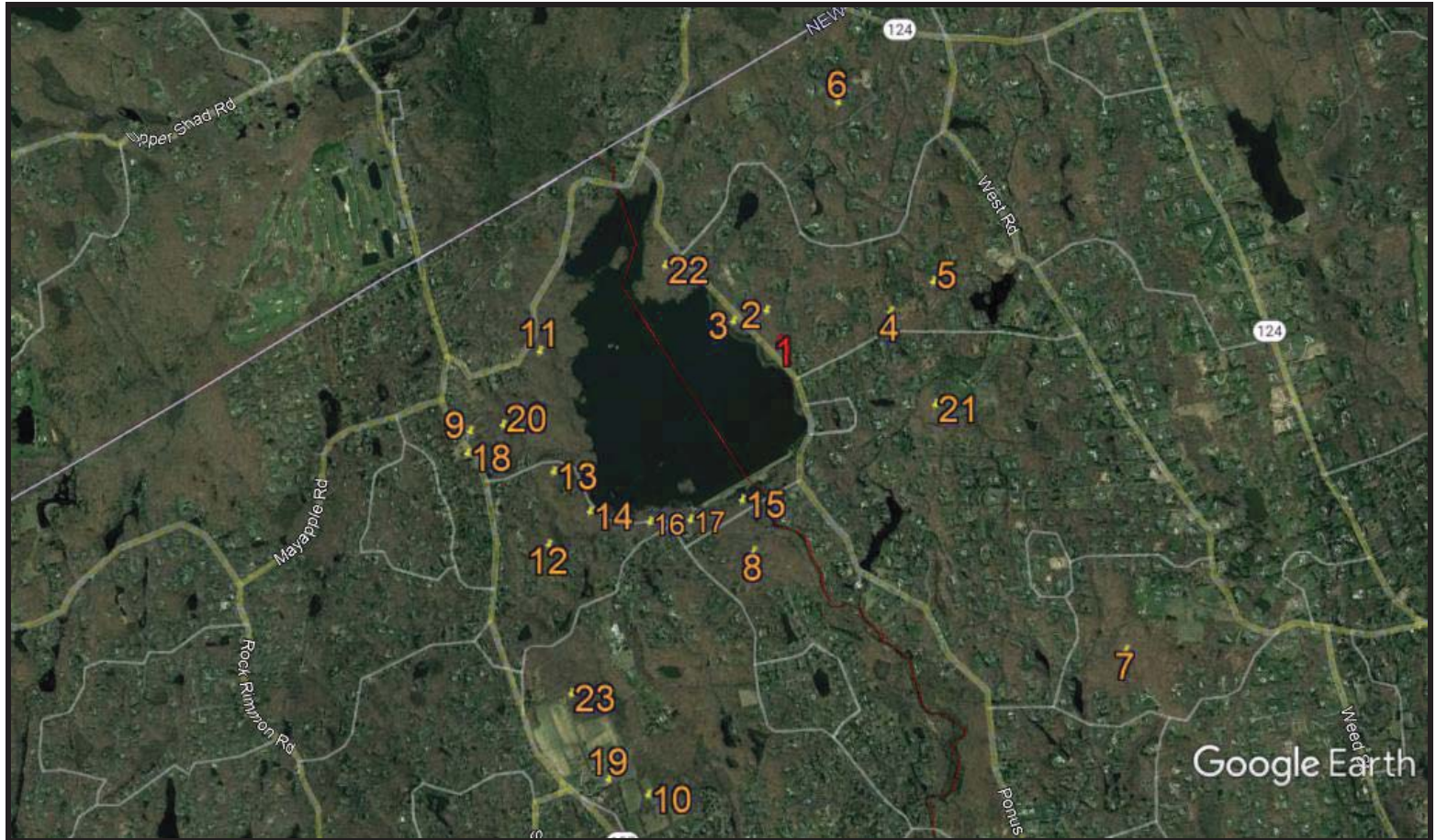
Ground Elevation: 385' +/- AMSL

The owner did not respond to a proposal sent to them by certified mail from Homeland Towers.





Aerial Image of properties investigated by Homeland Towers





### AT&T's Historical Site Search

For more than a decade, AT&T actively collaborated with Town officials to improve its network and address the recognized need to provide reliable wireless telecommunications services within the Town. As part of this engagement with the Town, AT&T funded several search rings in areas of the Town where new infrastructure was needed to provide reliable wireless services, including a search ring in the northwest portion of the Town. AT&T retained specialized real estate professionals to search for potential sites for the installation of AT&T's network infrastructure and coordinate with property owners and AT&T's radio frequency design engineers.

In the western area of Town, an exhaustive review by AT&T and its real estate professionals during the approximate period of 2010-2014 did not result in any possible wireless sites. This review included evaluation several sites including town-owned property and an existing water tank. At that time, the Town elected not to make its property available.

Earlier this year, AT&T reissued funding for a proposed facility to serve the northwestern part of Town in coordination with Homeland Towers on the proposed tower facility at 1837 Ponus Ridge Road.



## EXISTING FACILITIES WITHIN 4 MILE RADIUS

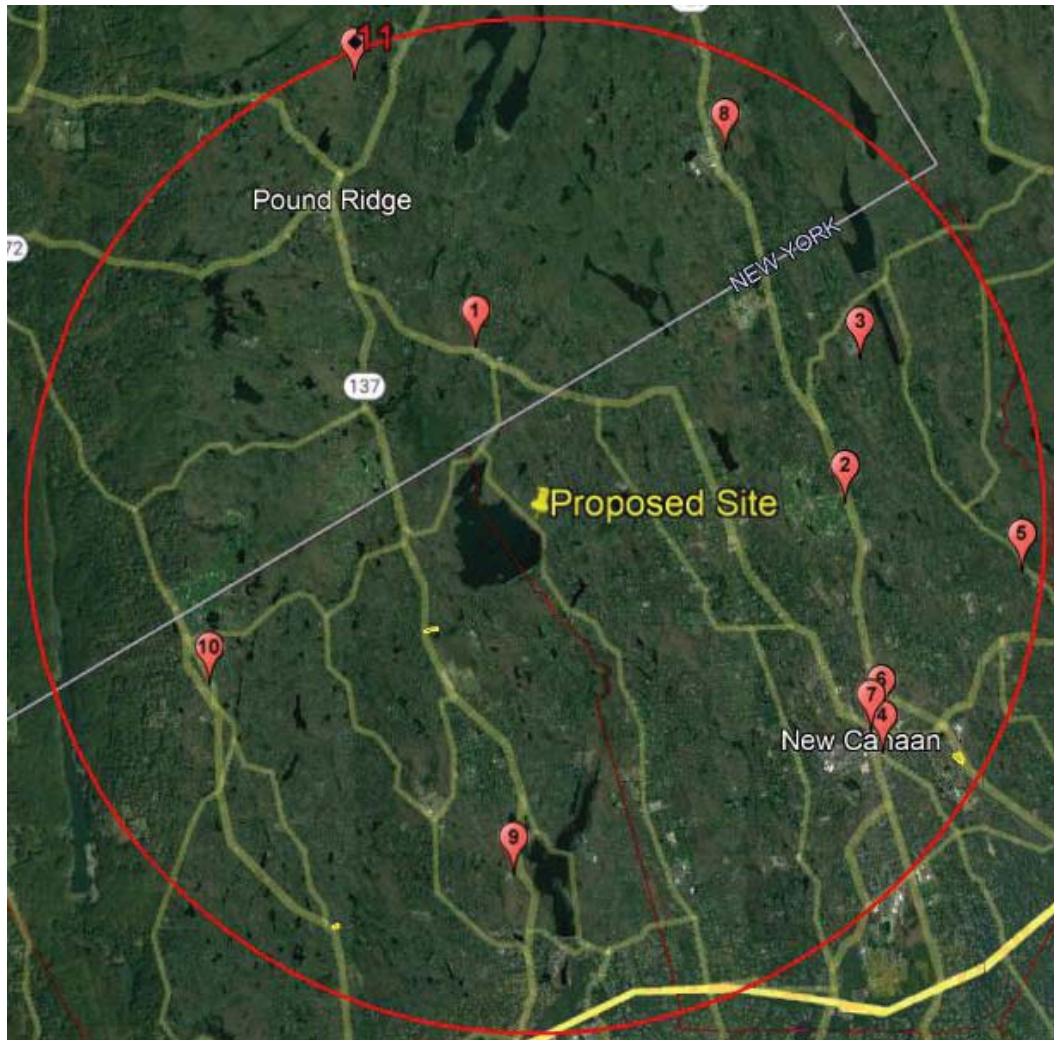
There are six (6) communication towers and four (4) rooftop installations located within approximately 4 miles of the proposed site in the northwest section of New Canaan. Each location is depicted on the following map, numbered in the order appearing on the list below. Not one of the existing facilities does currently, or could, provide adequate coverage to the area of northwest New Canaan or northeast Stamford. Indeed, most of the towers and facilities listed below are currently being used or proposed for use by AT&T to provide service outside of the area targeted for service by the proposed northwest New Canaan Facility.

No.	OWNER/ OPERATOR	TOWER/CELL SITE LOCATION	HEIGHT/TYPE	AT&T OPERATING	COORDINATES
1.	American Tower	89 Westchester Ave, Pound Ridge, NY	134'/Monopole	YES	Lat.: 41.1916 Long.: -73.5540
2.	T-Mobile	95 Country Club Rd., New Canaan, CT	110'/Silhouette Monopole	YES	Lat.: 41.1729 Long.: -73.4963
3.	American Tower	183 Soundview Lane, New Canaan, CT	85'/Monopine	Pending – Q1 2022	Lat.: 41.1907 Long.: -73.4952
4.	AT&T	135 Main St., New Canaan, CT	44'/Building Mount	YES	Lat.: 41.1464 Long.: -73.4917
5.	American Tower	208 Valley Rd., New Canaan, CT	120'/Silhouette Monopole	YES	Lat.: 41.16625 Long.: -73.470472
6.	FJL Holdings LLC	39 Locust Ave., New Canaan, CT	45'/Rooftop	NO	Lat.: 41.148728 Long.: -73.491722
7.	Town of New Canaan	77 Main St., New Canaan, CT	50'/Cupola	NO	Lat.: 41.147850 Long.: -73.493236
8.	American Tower	377 Smith Ridge Road, Vista, NY	150'/Monopole	YES	Lat.: 41.2144 Long.: -73.5150
9.	Church of Christ the Healer	20 Brookdale Road, Stamford, CT	55'/Steeple	Yes	Lat.: 41.132722 Long.: -73.546667
10.	Long Ridge Fire Co.	366 Old Long Ridge Road, Stamford, CT	150'/ Lattice	Yes	Lat.: 41.153111 Long.: -73.592694
11.	Verizon	29 Adams Lane, Pound Ridge, NY	150' Monopine	Yes	Lat.: 41.22272 Long.: -73.57167

\*CT site information obtained from CSC database



## EXISTING SITE MAP- 4 Mile Radius



## **SECTION 3**

## **SECTION 3**

### **General Facility Description**

1837 Ponus Ridge Road, New Canaan, Connecticut

Tax/PIN Identification: Map: 23 Block: 27 Lot: 57

#### **5.16 Acre Parcel**

The proposed tower site is located on an approximately 5.16-acre parcel owned by 1837 LLC and located at 1837 Ponus Ridge Road. It is classified in the 4-acre Residence Zoning District and is improved with a single-family residence. The proposed telecommunications facility includes an approximately 5,100 s.f. lease area located in the northeastern section of the Parcel.

The facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 110' in height with faux branches extending an additional 5' above the top of the pole, bringing the total height to approximately 115'. AT&T would install up to six (6) panel antennas and related equipment at a centerline height of 106' above grade level (AGL). The tower would be designed for future shared use of the structure by other FCC licensed wireless carriers. AT&T's walk-in equipment cabinet would be installed on a steel platform within the 3,000 s.f. fenced tower compound area at the base of the monopine. AT&T would also install a separate steel platform for an emergency backup power generator within the equipment compound.

Municipal antennas for the Town include a 12' long omni antenna located at the top of the monopine structure; a 12' long omni antenna located at approximately 60' AGL; and a 2' microwave dish at an elevation of 114' AGL.

Verizon intends to install its antennas at a centerline height of approximately 95' AGL on the proposed monopine structure.

The tower compound would consist of an approximately 3,000 s.f area to accommodate AT&T's equipment, Verizon's equipment as well as the Town's equipment and provide for future shared use of the facility by other carriers. The tower compound would be enclosed by an eight (8) foot high chain link fence with evergreen landscaping outside of the fence along the northern and eastern sides of the equipment compound. Vehicle access to the facility would be provided from Ponus Ridge Road over an existing paved driveway a distance of approximately 40' then along a proposed gravel access drive a distance of approximately 460' to the proposed compound.

Utility connections would be routed underground along the access easement.



## Site Evaluation Report

### **SITE EVALUATION REPORT** **New Canaan NW CT050**

#### **I. LOCATION**

- A. COORDINATES: 41° 10' 18.89" N  
73° 32' 36.90" W
- B. GROUND ELEVATION: 394.00± AMSL
- C. USGS MAP: USGS 7.5 quadrangle for Pound Ridge
- D. SITE ADDRESS: 1837 Ponus Ridge Road  
New Canaan, CT 06840
- E. ZONING WITHIN ¼ MILE OF SITE: Abutting areas to the north and east of the property are zoned 4 Acre Residence Zone. Abutting areas to the south and west of the property are zoned 4 Acre Residence Zone and Floodplain Overlay Zone.

#### **II. DESCRIPTION**

- A. SITE SIZE: 5.16 Ac (Vol 1023 - Page 0771)  
LEASE AREA/COMPOUND AREA: 5,100 SF/3,000 SF
  - B. TOWER TYPE/HEIGHT: A 110' monopine.
  - C. SITE TOPOGRAPHY AND SURFACE: The facility is located in a wooded portion of a vacant residential property. Site slopes and decreases in elevation from east to west.
  - D. SURROUNDING TERRAIN, VEGETATION, WETLANDS, OR WATER: The proposed compound is located in the northern area of a 5.16± acre residential parcel that is wooded. Residential properties are located north and east of the subject site. Residential properties and the Laurel Reservoir (opposite side of Ponus Ridge Road) are located south and west of the subject site. Wetlands are located on property approximately 240'± west of the proposed compound and approximately 137'± west of the proposed gravel access driveway at its closest point.
-

- E. LAND USE WITHIN ¼ MILE OF SITE: Residential properties to the north, south, east and west. In addition, the Laurel Reservoir is located south and west of the property.

### III. FACILITIES

- A. POWER COMPANY: Eversource
- B. POWER PROXIMITY TO SITE: 585'±
- C. TELEPHONE COMPANY: Frontier
- D. PHONE SERVICE PROXIMITY: 585'±
- E. VEHICLE ACCESS TO SITE: Access to the proposed telecommunication facility will be along existing paved driveway to a proposed gravel & paved access driveway (approx. 500'±)
- F. OBSTRUCTION: Wetlands located onsite approximately 240'± west of the proposed compound and 137'± west of the proposed gravel access driveway at its closest point.
- G. CLEARING AND FILL REQUIRED: Total area of disturbance is 40,000± sf. (.92± ac.); 118 trees will need to be removed. The site improvements shall entail approximately 5,170 CY of excavation and 65 CY of fill for the construction of the compound and access driveway. Approximately 250 CY of clean broken stone is needed for the compound and driveway construction. The utility trench from the demarc to the compound will excavate approximately 340 CY of material that will be used to backfill the trench.

### IV. LEGAL

- A. PURCHASE [ ] LEASE [X]
- B. OWNER: 1837 LLC
- C. ADDRESS: 19 Old Kings Highway South, Darien, CT 06820
- D. DEED ON FILE AT: Volume 1023 - Page 0771





## Site Impact Statement

**Site:** New Canaan NW CT050  
**Site Address:** 1837 Ponus Ridge Rd.  
New Canaan, CT 06840

**Access distances:**

Existing paved driveway (approx. 40'±) to a proposed gravel & paved access driveway (approx. 460'±) (total approximately 500').

**Distance to Nearest Wetlands**

Wetlands are located on property approximately 240'± west of the proposed compound and approximately 137'± west of the proposed gravel access driveway at its closest point.

**Distance to Property Lines:**

357'±/- to the western property boundary from the tower  
144'±/- to the northern property boundary from the tower  
130'±/- to the northeastern property boundary from the tower  
110'±/- to the eastern property boundary from the tower  
248'±/- to the southwestern property boundary from the tower

337'±/- to the western property boundary from the compound  
122'±/- to the northern property boundary from the compound  
72'±/- to the northeastern property boundary from the compound  
45'±/- to the eastern property boundary from the compound  
227'±/- to the southwestern property boundary from the compound

**Residence Information:**

There are 11 single family residences within 1,000' feet of the compound. The closest off site residence is approximately 273 feet to the north and is located at Parcel 28-27-64 (59 Squires Lane.)

**Special Building Information:**

Wetlands are located on property approximately 240'± west of the proposed compound and approximately 137'± west of the proposed gravel access driveway at its closest point.

**Tree Removal Count:**

118 trees need to be removed to construct the access driveway and the compound area.

6" - 10" dbh	40 trees
10" - 14" dbh	37 trees
14" or greater dbh	41 trees

**Cut/Fill:** The site improvements shall entail approximately 5,170 CY of excavation and 65 CY of fill for the construction of the compound and access driveway. Approximately 250 CY of clean broken stone is needed for the compound and driveway construction. The utility trench from the demarc to the compound will excavate approximately 340 CY of material that will be used to backfill the trench.

**Clearing/Grading Necessary:** Total area of disturbance = 40,000±/- SF





## Tree Inventory

December 3, 2021

Cuddy & Feder, LLP  
Attn: Lucia Chiocchio  
445 Hamilton Avenue  
14<sup>th</sup> Floor  
White Plains, NY 10601

RE: Tree Inventory  
Site: New Canaan Northwest CT050  
1837 Ponus Ridge Road  
New Canaan, CT 06840

Dear Ms. Chiocchio:

A Tree Inventory was completed at the subject site during the month of April 2021 to determine the size and quantity of existing trees that will need to be removed for the installation of the proposed facility. The proposed site has suitable access, but clearing and earthwork will be required to improve the access route and to construct the compound area. Installation of the proposed compound area and access driveway improvements will require the removal of 118 trees.

6" - 10" dbh	40 trees
10" - 14" dbh	37 trees
14" or greater dbh	41 trees

The interior wooded area to be disturbed for construction of the compound area will be approximately 5,100 square feet. A new access driveway will be installed to provide access and utility corridor to the proposed compound. The total combined area of disturbance for compound, access drive, and utility improvements is 40,000 sf.

Sincerely,

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

Robert C. Burns, P.E.  
Program Manager

**ALL-POINTS TECHNOLOGY CORPORATION, P.C.**

567 VAUXHALL STREET EXTENSION – SUITE 311 · WATERFORD, CT 06385 · PHONE 860-663-1697 · FAX 860-663-0935

**Homeland Towers**  
**1837 Ponus Ridge Rd New Canaan, CT**  
**1000' RESIDENTIAL BUILDING LIST**

<b>PARCEL ID</b>	<b>STREET ADDRESS</b>	<b>BUILDING TYPE</b>	<b>DISTANCE FROM COMPOUND* (ft+/-)</b>
28-27-64	59 Squires Lane	Single Family	273'
28-27-35	51 Squires Lane	Single Family	793'
28-27-65	60 Squires Lane	Single Family	538'
		Single Family	768'
28-25-113	1801 Ponus Ridge	Single Family	682'
23-27-39	1937 Ponus Ridge	Single Family	862'
28-25-21	322 Dan's Highway	Single Family	950'
28-27-61	329 Dan's Highway	Single Family	923'
28-27-9	331 Dan's Highway	Single Family	524'
28-25-133	346 Dan's Highway	Single Family	725'
28-29-6	359 Dan's Highway	Single Family	301'
*Information gathered from New Canaan Assessor's Database & CTECO Ortho Aerial Images			

## **Facilities and Equipment Specification**

### **I. TOWER SPECIFICATIONS:**

- A. MANUFACTURER: To be determined
- B. TYPE: Self-Supporting monopine tower
- C. HEIGHT: 110' AGL (with 5' faux branches extending to 115')
- DIMENSIONS: Tower structure tapered
- D. TOWER LIGHTING: None required.

### **II. TOWER LOADING:**

- A. AT&T – up to 6 panel antennas
  - a. Model – TBD
  - b. Antenna Dimensions – approximately 96”H x 12”W x 9”D
  - c. Position on Tower – 106' centerline AGL
  - d. Transmission Lines – DC and Fiber lines internal to tower.
  - e. (9) Remote Radio Units on proposed antenna mounts
- B. Future Carriers – Verizon and others to be determined
- C. Town emergency communications: (2) 12' omni antennas; (1) 2' microwave dish





### **III. ENGINEERING ANALYSIS AND CERTIFICATION:**

The tower will be designed in accordance with American National Standards Institute TIA/EIA-222-G “Structural Standards for Steel Antenna Towers and Antenna Support Structures” and the 2012 International Building Code with 2016 Building Code Amendment. The foundation design would be based on soil conditions at the site. The details of the tower and foundation design will be provided as part of the final D&M plan.

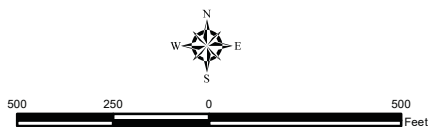




**Legend**

-  Site
-  Municipal Boundary
-  Subject Property
-  Approximate Parcel Boundary

*Map Notes:*  
 Base Map Source: CT ECO 2019 Imagery  
 Map Scale: 1 inch = 500 feet  
 Map Date: December 2021



**Site Location Map**

Proposed Wireless  
 Telecommunications Facility  
 CT050 - New Canaan Northwest  
 1837 Ponus Ridge Road  
 New Canaan, Connecticut







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#### Legend

- Site
- Municipal Boundary
- State Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Map, Pound Ridge, NY-CT (1971)  
 Map Scale: 1:24,000  
 Map Date: December 2021



1,000 500 0 1,000  
 Feet

#### Site Location Map

Proposed Wireless  
 Telecommunications Facility  
 CT050 - New Canaan Northwest  
 1837 Ponus Ridge Road  
 New Canaan, Connecticut

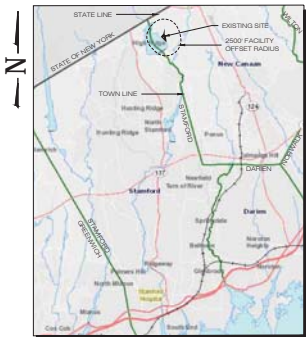


**ALL-POINTS**  
 TECHNOLOGY CORPORATION





HOMELAND TOWERS, LLC  
**WIRELESS TELECOMMUNICATIONS FACILITY**  
**NEW CANAAN NORTHWEST**  
**1837 PONUS RIDGE ROAD**  
**NEW CANAAN, CT 06840**



**MUNICIPAL NOTIFICATION LIMIT MAP**  
SCALE: 1" = 1.5 Miles



**VICINITY MAP**  
SCALE: 1" = 500'

DRAWING INDEX

- T-1 TITLE SHEET
- EX-1 SITE SURVEY
- EX-2 TREE SURVEY TABLE
- SP-1 SITE PLAN & ABUTTERS MAP
- SP-2 PARTIAL SITE PLAN
- CP-1 COMPOUND PLAN & TOWER ELEVATION
- C-1 SITE DETAILS
- C-2 SITE DETAILS
- C-3 EROSION CONTROL DETAILS
- C-4 AT&T EQUIPMENT PLAN & DETAILS

SITE INFORMATION

PROJECT LOCATION: 1837 PONUS RIDGE ROAD  
NEW CANAAN, CT 06840

PROJECT DESCRIPTION: RAWLAND SITE W/ GROUND  
EQUIPMENT WITHIN 3,000 ± SF  
TELECOMMUNICATIONS  
EQUIPMENT COMPOUND W/  
PROP. 110 ± AGL MONOPINE.

PROPERTY DEVELOPER: HOMELAND TOWERS, LLC  
9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

DEVELOPER CONTACT: RAY VERGATI  
(203) 297-6345

ENGINEER CONTACT: ROBERT C. BURNS, P.E.  
(860) 552-2035

LATITUDE: 41° 10' 18.89"N (41.171914)  
LONGITUDE: 73° 32' 36.90"W (-73.543583)  
ELEVATION: 394' ± AMSL

MAP: 23  
BLOCK: 27  
LOT: 57  
ZONE: 4 ACRE RESIDENCE ZONE

OWNER:

1837 LLC  
C/O RUJOI LAW GROUP  
19 OLD KINGS HIGHWAY SOUTH  
DARIEN, CT 06820

APPLICANTS:

HOMELAND TOWERS, LLC  
AT&T  
340 MOUNT KEMBLE AVE.  
MORRISTOWN, NJ 07960  
DANBURY, CT 06810  
RAY VERGATI  
(203) 297-6345

HOMELAND PROJECT ATTORNEY:

CUDDY & FEDER, LLP  
445 HAMILTON AVENUE  
14 FLOOR  
WHITE PLAINS, NY 10601  
(914) 761-1300

POWER PROVIDER:

EVERSOURCE: (800) 286-2000

TELECO PROVIDER:

FRONTIER (800) 921-8102

CALL BEFORE YOU DIG:

(800) 922-4455

GOVERNING CODES:

CONNECTICUT STATE BUILDING CODE, LATEST EDITION  
NATIONAL ELECTRIC CODE, LATEST EDITION  
TIA-222-H

HOMELAND TOWERS, LLC  
9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810  
(203) 297-6345

at&t  
340 MOUNT KEMBLE AVENUE  
MORRISTOWN, NEW JERSEY 07960

ALL-POINTS  
TECHNOLOGY CORPORATION  
867 VALHALL STREET EXTENSION - SUITE 311  
WATERFORD, CT 06895  
WWW.ALLPOINTSTECH.COM FAX: (860) 653-0905

PERMITTING DOCUMENTS		
NO.	DATE	REVISION
1	12/07/21	FOR REVIEW RCB
1	12/16/21	FOR REVIEW RCB
2		
3		
4		
5		
6		
7		
8		

DESIGN PROFESSIONALS OF RECORD

PROF. ROBERT C. BURNS, P.E.  
COMP. ALL-POINTS TECHNOLOGY  
CORPORATION, P.C.  
ADD: 867 VALHALL STREET  
EXTENSION - SUITE 311  
WATERFORD, CT 06895

DEVELOPER: HOMELAND TOWERS, LLC  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

HOMELAND TOWERS  
NEW CANAAN NORTHWEST

SITE: 1837 PONUS RIDGE ROAD  
ADDRESS: NEW CANAAN, CT 06840

APPL FILING NUMBER: CT33566

DATE: 12/07/21 DRAWN BY: CSH

CHECKED BY: RCB

SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

T-1

PLANS PREPARED FOR



**HOMELAND TOWERS**  
9 Harmony Street  
Danbury, Connecticut 06810



**DRAWING NOTICE**

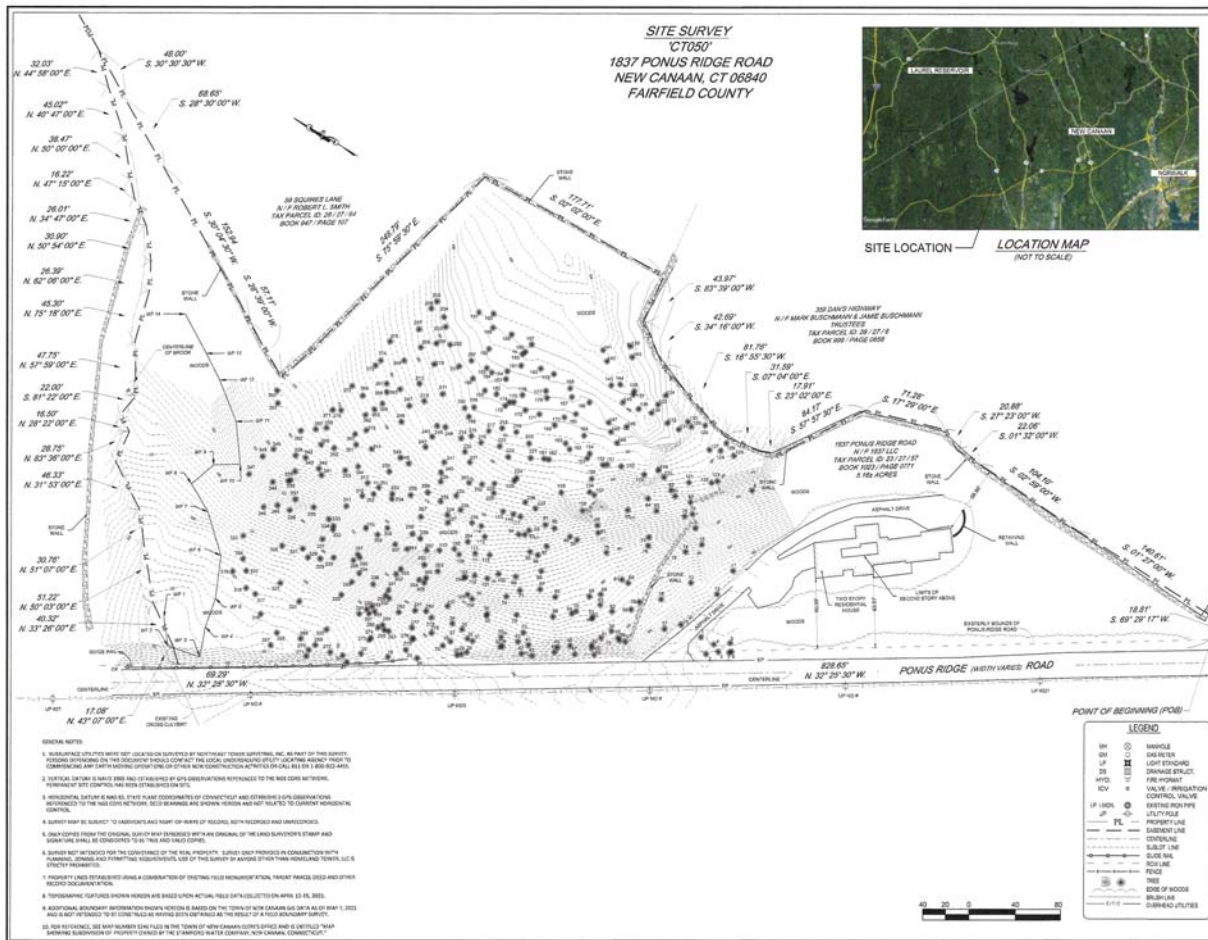
THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE PROPERTY OF HOMELAND TOWERS AND MAY NOT BE REPRODUCED, DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS WRITTEN CONSENT OF HOMELAND TOWERS.

REVISIONS				
DESCRIPTION	DATE	BY	REV	
ISSUED FINAL	11/30/21	D&A	ECN	
ISSUED DRAFT	05/07/21	D&A	ECN	

SITE NUMBER: CT050

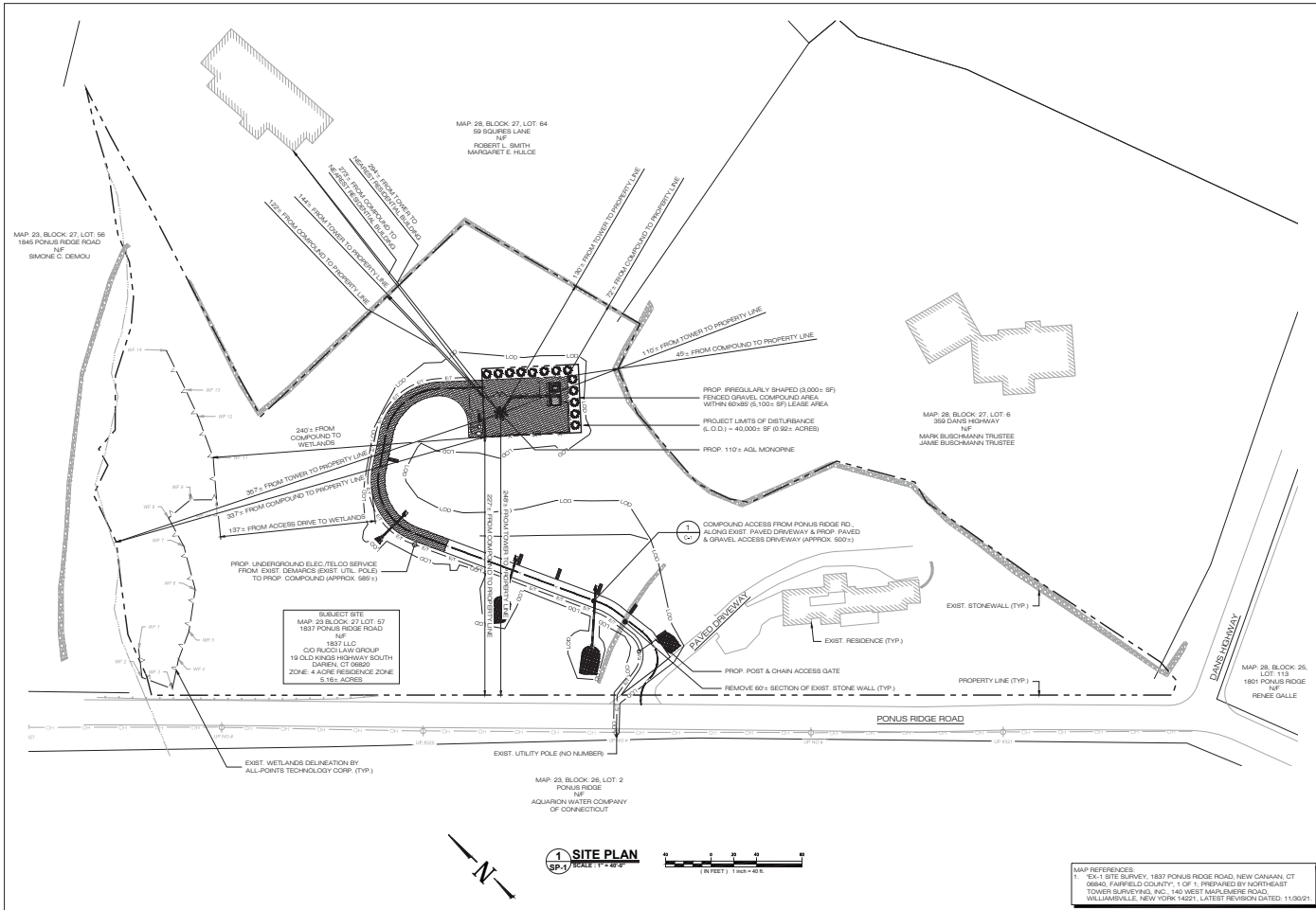
SITE SURVEY

SHEET NUMBER: **EX-1**



REFERENCE	TREE SIZE / SPECIES	Age	REFERENCE	TREE SIZE / SPECIES	Age	REFERENCE	TREE SIZE / SPECIES	Age	REFERENCE	TREE SIZE / SPECIES	Age	REFERENCE	TREE SIZE / SPECIES	Age	REFERENCE	TREE SIZE / SPECIES	Age
1	1" DBH		43	1" DBH		123	1" DBH		203	1" DBH		383	1" DBH		563	1" DBH	
2	1" DBH		44	1" DBH		124	1" DBH		204	1" DBH		384	1" DBH		564	1" DBH	
3	1" DBH		45	1" DBH		125	1" DBH		205	1" DBH		385	1" DBH		565	1" DBH	
4	1" DBH		46	1" DBH		126	1" DBH		206	1" DBH		386	1" DBH		566	1" DBH	
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95	1" DBH		137	1" DBH		217	1" DBH	</									





HOMELAND TOWERS, LLC  
9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810  
(203) 237-6345

340 MOUNT KEMBLE AVENUE  
MORRISTOWN, NEW JERSEY 07960

ALL-POINTS  
TECHNOLOGY CORPORATION  
887 VALHALL STREET EXTENSION - SUITE 311  
WATERTOWN, CT 06895  
TEL: (860) 282-1861  
WWW.ALLPOINTSTECH.COM FAX: (860) 653-0595

PERMITTING DOCUMENTS		
NO.	DATE	REVISION
1	12/07/21	FOR REVIEW RCB
1	12/16/21	FOR REVIEW RCB
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DESIGN PROFESSIONALS OF RECORD

PROF. ROBERT C. BURNS P.E.  
COMP. ALL-POINTS TECHNOLOGY CORPORATION, P.C.  
ADD: 887 VALHALL STREET EXTENSION - SUITE 311  
WATERTOWN, CT 06895

DEVELOPER: HOMELAND TOWERS, LLC  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

HOMELAND TOWERS  
NEW CANAAN NORTHWEST

SITE: 1837 PONDUS RIDGE ROAD  
ADDRESS: NEW CANAAN, CT 06842

APPL FILING NUMBER: CT335668

DATE: 12/07/21 DRAWN BY: CSH  
CHECKED BY: RCB

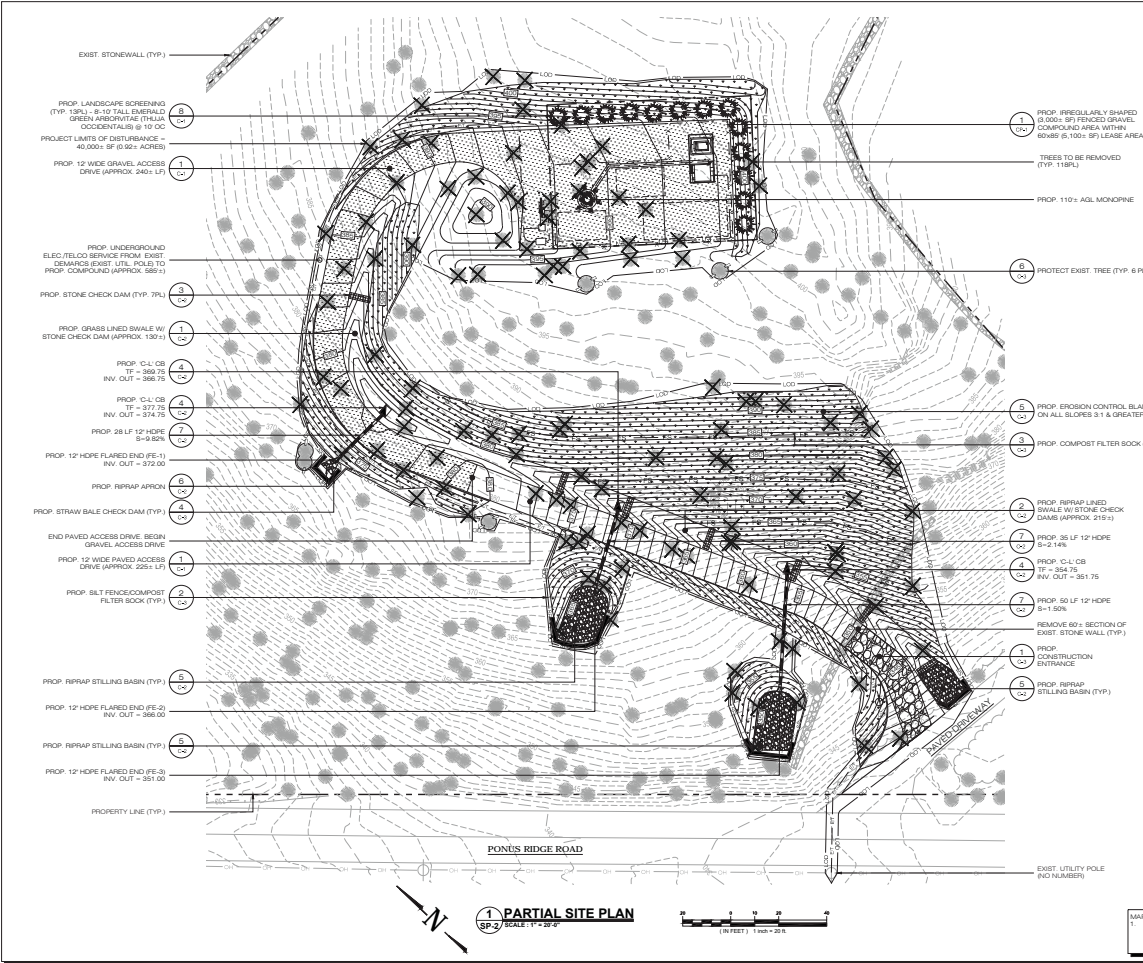
SHEET TITLE:

SITE PLAN & ABUTTERS MAP

SHEET NUMBER:

SP-1

MAP REFERENCES:  
1. EX-1 SITE SURVEY, 1837 PONDUS RIDGE ROAD, NEW CANAAN, CT 06842, FAIRFIELD COUNTY, 1 OF 1, PREPARED BY NORTHEAST TOWER SURVEYING, INC., 140 WEST KAMLEMPERE ROAD, WILLIAMSVILLE, NEW YORK 14221, LATEST REVISION DATED: 11/09/21

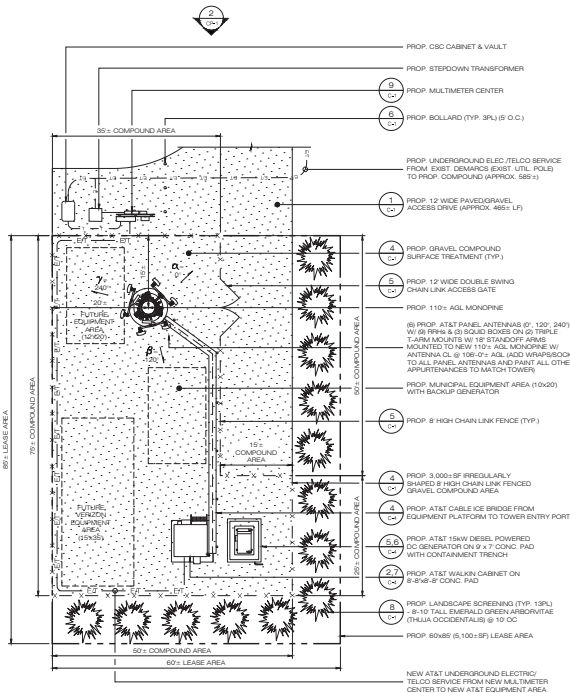


LEGEND		
---	PROPERTY LINE	
---	EXIST. WETLAND	
---	100' WETLAND SETBACK	
---	LIMIT OF DISTURBANCE	
-X-	PROP. CHAIN LINK FENCE	
-E-T-	PROP. ELEC./TELECOM LINE	
-F-S-	PROP. FILTER SOCK	
-S-	PROP. FILTER SOCK	
-S-	PROP. HAYBALE CHECK DAM	
●	EXIST. TREE TO REMAIN	
⊗	EXIST. TREE TO BE REMOVED	
⊗	EXIST. TREE TO BE PROTECTED	
⊗	EROSION CONTROL BLANKET	
⊗	PROP. EMERALD GREEN ARBORVITAE	
⊗	STONE CHECK DAM	

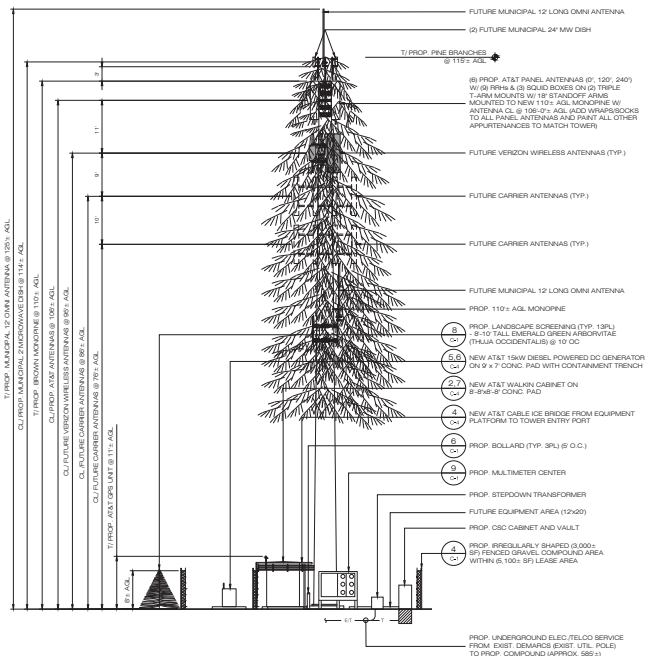
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PROF. ROBERT C. BURNS P.E.	COMP. ALL-POINTS TECHNOLOGY CORPORATION, P.C.	ADD. 887 MAUNSL STREET EXTENSION, SUITE 311 WATERFORD, CT 06185
DEVELOPER: HOMELAND TOWERS, LLC	ADDRESS: 3 HARMONY STREET 2ND FLOOR DANBURY, CT 06810	
HOMELAND TOWERS NEW CANAAN NORTHWEST		
SITE: 1837 PONTUS RIDGE ROAD	ADDRESS: NEW CANAAN, CT 06840	
APT. FILING NUMBER: CT33988	DATE: 12/01/21	DRAWN BY: CSH
		CHECKED BY: RCB
SHEET TITLE: PARTIAL SITE PLAN		
SHEET NUMBER:		
SP-2		

MAP REFERENCES:  
1. EX-1 SITE SURVEY, 1837 PONTUS RIDGE ROAD, NEW CANAAN, CT 06840, FAIRFIELD COUNTY, 1 OF 1, PREPARED BY NORTHEAST TOWER SURVEYING, INC., 140 WEST MAPLEMEAD ROAD, WILLIAMSVILLE, NEW YORK 14221, LATEST REVISION DATED: 11/09/21



**1 COMPOUND PLAN**  
CP-1 SCALE: 1" = 10'-0"



**2 NORTHWEST ELEVATION**  
CP-1 SCALE: 1" = 10'-0"

**HOMELAND TOWERS, LLC**  
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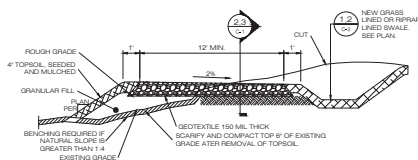
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ADD: 887 VALHALL STREET EXTENSION - SUITE 311  
WATERFORD, CT 06896  
DEVELOPER: HOMELAND TOWERS, LLC  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

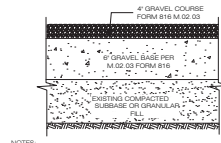
**HOMELAND TOWERS NEW CANAAN NORTHWEST**  
SITE: 1837 PONUS RIDGE ROAD  
ADDRESS: NEW CANAAN, CT 06840  
APT. FILING NUMBER: CT33868  
DATE: 12/01/21  
DRAWN BY: CSH  
CHECKED BY: RCB

SHEET TITLE:  
**COMPOUND PLAN & TOWER ELEVATION**

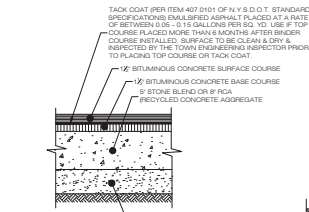
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**CP-1**



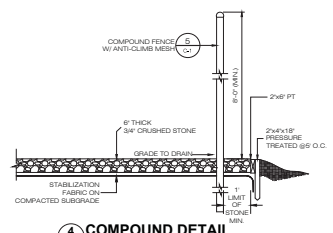
**1 TYPICAL ROAD CROSS SECTION**  
C-1 SCALE: 1\"/>



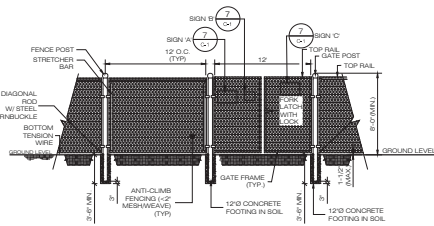
**2 GRAVEL ROAD/PARKING SECTION**  
C-1 SCALE: 1\"/>



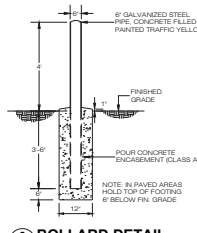
**3 PAVED ROAD SECTION**  
C-1 SCALE: 1\"/>



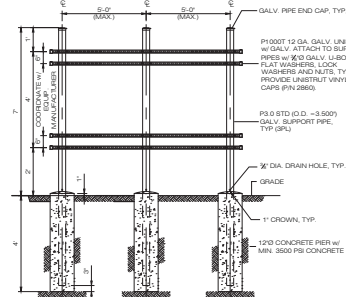
**4 COMPOUND DETAIL**  
C-1 SCALE: 1\"/>



**5 CHAIN-LINK FENCING & FENCE GATE DETAIL**  
C-1 SCALE: 1\"/>



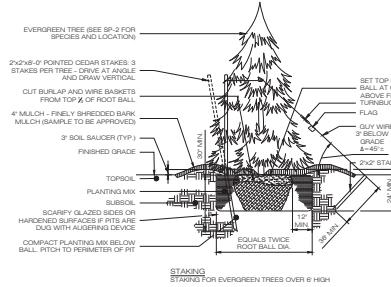
**6 BOLLARD DETAIL**  
C-1 SCALE: 1\"/>



**9 UTILITY BACKBOARD FRAME DETAIL**  
C-1 SCALE: 1\"/>



**7 TYPICAL SIGNAGE**  
C-1 SCALE: 1\"/>



**8 EVERGREEN TREE PLANTING**  
C-1 SCALE: 1\"/>



**HOMELAND TOWERS, LLC**  
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(953) 227-6245



**at&t**  
340 MOUNT KEMBLE AVENUE  
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**DESIGN PROFESSIONALS OF RECORD**

**PROF. ROBERT C. BURNS P.E.**  
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867 VALHALL STREET EXTENSION - SUITE 311  
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**DEVELOPER: HOMELAND TOWERS, LLC**  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

**HOMELAND TOWERS  
NEW CANAAN NORTHWEST**

**SITE:** 1837 PONUS RIDGE ROAD  
ADDRESS: NEW CANAAN, CT 06840

**APT. FILING NUMBER:** CT33369

**DATE:** 12/01/21 **DRAWN BY:** CSH

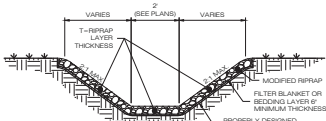
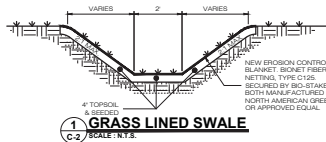
**CHECKED BY:** RCB

**SHEET TITLE:**

**SITE DETAILS**

**SHEET NUMBER:**

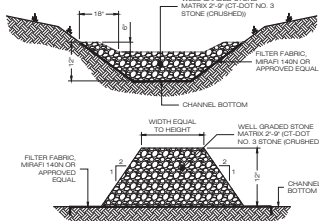
**C-1**



- NOTES:
1. T-1.5 TIMES THE MAXIMUM STONE SIZE BUT NOT LESS THAN 12 INCHES.
  2. THE TOTAL HEIGHT OF THE SWALE IS DEPENDENT UPON THE DESIGN DEPTH OF FLOW PLUS RUNUP DUE TO CHANNEL CURVATURE, PLUS PRE-ROAD IN CHANNELS WITH SIGNIFICANT BOTTOM WIDTHS LOW FLOW CHANNELS MAY BE INCORPORATED.
  3. SIDE SLOPES STEEPER THAN 2:1 OR SLOPES WITH UNSUITABLE MATERIAL WILL REQUIRE ADDITIONAL ANALYSIS.
  4. STONE CHECK DAMS SHALL BE INSTALLED IN ALL SWALES.

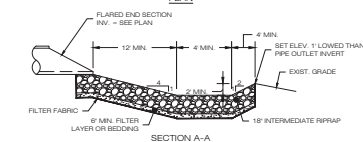
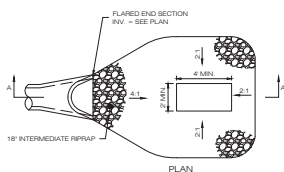
## 2 RIPRAP LINED SWALE

C-2 SCALE: N.T.S.



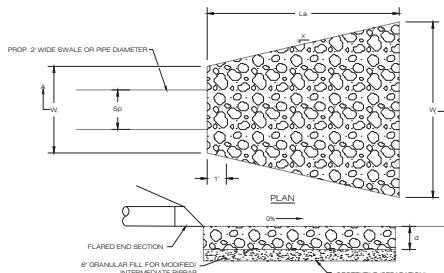
## 3 STONE CHECK DAM

C-2 SCALE: N.T.S.



## 5 RIPRAP STILLING BASIN

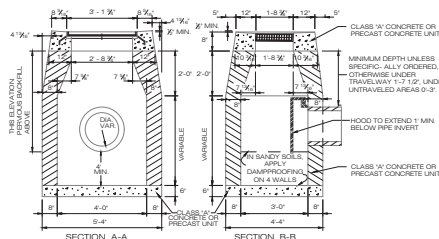
C-2 SCALE: N.T.S.



OUTLET	SWALE WIDTH / PIPE DIAMETER (S <sub>W</sub> (FT.))	APRON LENGTH (L <sub>a</sub> (FT.))	APRON INITIAL WIDTH (W <sub>1</sub> (FT.))	APRON TERMINAL WIDTH (W <sub>2</sub> (FT.))	RIPRAP SPECIFICATION
FE-1	36	9	3	9.5	MODIFIED

## 6 RIPRAP APRON

C-2 SCALE: N.T.S.



## SECTION A-A

NOTES:

1. A THREE-INCH STRUCTURAL MASONRY BRICK CHIMNEY SHALL BE PLACED BENEATH EACH FRAME FOR FUTURE ADJUSTMENTS.
2. FRAMES SHALL BE SET ONE INCH BELOW FINISHED GRADE AS MEASURED AT A DISTANCE 1/8\"/>

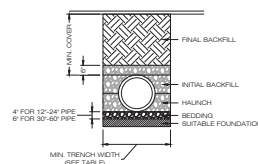
## SECTION B-B

NOTES:

1. A THREE-INCH STRUCTURAL MASONRY BRICK CHIMNEY SHALL BE PLACED BENEATH EACH FRAME FOR FUTURE ADJUSTMENTS.
2. FRAMES SHALL BE SET ONE INCH BELOW FINISHED GRADE AS MEASURED AT A DISTANCE 1/8\"/>

## 4 TYPE 'C-L' CATCH BASIN WITH HOOD

C-2 SCALE: N.T.S.



## NOTES:

1. ALL PIPE SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ASTM D2321 - STANDARD PRACTICE FOR UNDERGROUND INSTALLATION OF THERMOPLASTIC PIPE FOR SEWERS AND OTHER GRAVITY FLOW APPLICATIONS, LATEST EDITION.
2. MEASURES SHOULD BE TAKEN TO PREVENT MIGRATION OF NATIVE FINES INTO BACKFILL MATERIAL, WHEN REQUIRED.
3. FOUNDATION WHERE THE TRENCH BOTTOM IS UNSUITABLE, THE CONTRACTOR SHALL EXCAVATE TO A DEPTH REQUIRED BY THE ENGINEER AND REPLACE WITH SUITABLE MATERIAL AS SPECIFIED BY THE ENGINEER. AS AN ALTERNATIVE AND AT THE DISCRETION OF THE DESIGN ENGINEER, THE TRENCH BOTTOM MAY BE STABILIZED USING A GEOTEXTILE MATERIAL.
4. SECOND SUITABLE MATERIAL SHALL BE CLASS 1 OR 2. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION FOR MATERIAL SPECIFICATION TO ENGINEER, UNLESS OTHERWISE NOTED BY THE ENGINEER. MINIMUM BEDDING THICKNESS SHALL BE 4\"/>

PIPE DIA.	MIN. TRENCH WIDTH
8"	23"
10"	25"
12"	28"
15"	34"
18"	39"
24"	48"
30"	58"
36"	64"
48"	80"
60"	96"

**HOMELAND TOWERS, LLC**  
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MORRISTOWN, NEW JERSEY 07960

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WATFORD, CT 06895  
TEL: (860) 255-1800  
WWW.ALLPOINTSTECH.COM FAX: (860) 655-0505

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**DESIGN PROFESSIONALS OF RECORD**  
PROF. ROBERT C. BURNS P.E.  
COMP. ALL-POINTS TECHNOLOGY CORPORATION, P.C.  
ADD: 887 VALHALL STREET  
EXTENSION - SUITE 311  
WATFORD, CT 06895

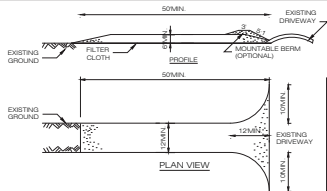
**DEVELOPER: HOMELAND TOWERS, LLC**  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

**HOMELAND TOWERS  
NEW CANAAN NORTHWEST**  
SITE: 1817 PONUS RIDGE ROAD  
ADDRESS: NEW CANAAN, CT 06840  
APT FILING NUMBER: CT33569

DATE: 12/01/11 DRAWN BY: CSH  
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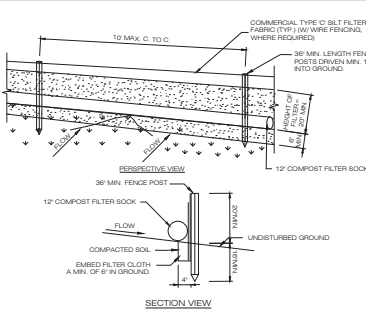
**SHEET TITLE**  
**SITE DETAILS**

**SHEET NUMBER:**  
**C-2**



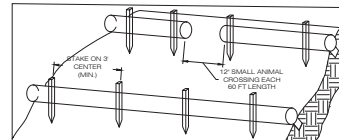
- CONSTRUCTION SPECIFICATIONS**
- STONE SOCK - USE 1-4 INCH STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
  - LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
  - THICKNESS - NOT LESS THAN SIX (6) INCHES.
  - WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
  - GEOTEXTILE - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
  - SURFACE WATER - ALL SURFACE WATER FLOWING OR OVERTOPPED TOWARD CONSTRUCTION ACCESS SHALL BE PIPIED BENEATH THE ENTRANCE. PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
  - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
  - WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
  - PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

**(CE) CONSTRUCTION ENTRANCE DETAIL**  
1  
C-3 SCALE: N.T.S.



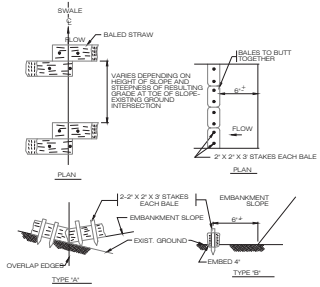
- CONSTRUCTION SPECIFICATIONS**
- POSTS SHALL BE STEEL EITHER 1" OR 1 1/2" TYPE OR HARDWOOD.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MPARY 100K, STABILINKA 1740N, OR APPROVED EQUIVALENT.
  - PREFABRICATED UNITS SHALL BE GEOTAF, ENVROFENCE, OR APPROVED EQUIVALENT.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

**GEOTEXTILE SILT FENCE/FILTER SOCK DETAIL**  
2  
C-3 SCALE: N.T.S.



- BEGIN AT THE LOCATION WHERE THE SOCK IS TO BE INSTALLED BY EXCAVATING A 3'-3" (9'-7 1/2") DEEP X 6" (2'-0") WIDE TRENCH ALONG THE CONTOUR OF THE SLOPE. EXCAVATED SOIL SHOULD BE PLACED UP SLOPE FROM THE ANCHOR TRENCH.
- PLACE THE SOCK IN THE TRENCH SO THAT IT CONTOURS TO THE SOIL SURFACE. COMPACT SOIL FROM THE EXCAVATED TRENCH AGAINST THE SOCK ON THE UPHILL SIDE. SOCKS SHALL BE INSTALLED IN 40 FT. CONTINUOUS LENGTHS WITH ADJACENT SOCKS TIGHTLY ABUT. EVERY 60 FT. THE SOCK ROW SHALL BE SPACED 12 INCHES CLEAR, END TO END, FOR AMPHIBIAN AND REPTILE TRAVEL. THE OPEN SPACES SHALL BE STAGGERED AND LENGTH OF THE NEXT DOWN GRADIENT SOCK.
- SECURE THE SOCK WITH 18-24" (46.7-61 CM) STAKES EVERY 3'-4" (0.9-1.2 M) AND WITH A STAKE ON EACH END. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE SOCK LEAVING AT LEAST 2'-3" (61-76 CM) OF STAKE EXTENDING ABOVE THE SOCK. STAKES SHOULD BE DRIVEN PERPENDICULAR TO THE SLOPE FACE.

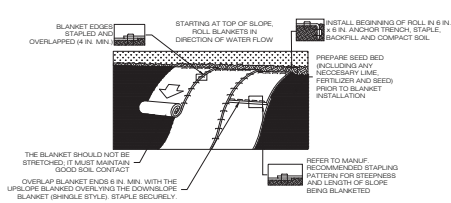
**COMPOSITE FILTER SOCK SEDIMENTATION CONTROL BARRIER**  
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C-3 SCALE: N.T.S.



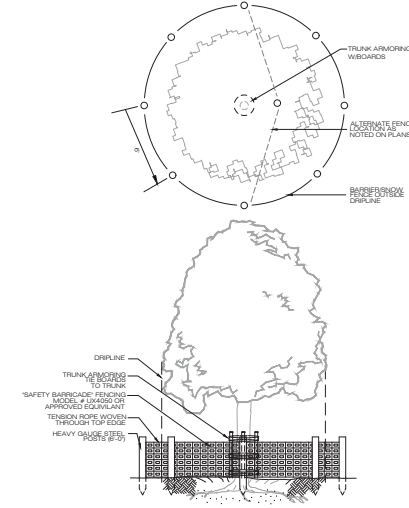
NOTE: SOLE USED IN LOCATIONS WHERE EXISTING GROUND SLOPES AWAY FROM THE TOE OF THE EMBANKMENT.

**STRAW BALE CHECK DAM SEDIMENTATION CONTROL BARRIER**  
4  
C-3 SCALE: N.T.S.

- SEQUENCE OF CONSTRUCTION**
- PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECPs), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.
  - BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECPs IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF RECPs EXTENDING BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECPs WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE COMPACTED SOIL AND ROLL THE REMAINING 12" PORTION OF RECPs BACK OVER THE SEED AND COMPACTED SOIL. SECURE RECPs OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE RECPs.
  - ROLL THE RECPs DOWN HORIZONTALLY ACROSS THE SLOPE. RECPs WILL UNROLL WITH APPROPRIATE BIDE AGAINST THE SOIL SURFACE. ALL RECPs MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE.
  - THE EDGES OF PARALLEL RECPs MUST BE STAPLED WITH APPROXIMATELY 2" - 8" OVERLAP DEPENDING ON THE RECPs TYPE.
  - CONNECTIVE RECPs SPLICED DOWN THE SLOPE MUST BE END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 2" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART ACROSS ENTIRE RECPs WIDTH.



**EROSION CONTROL BLANKET STEEP SLOPES**  
5  
C-3 SCALE: N.T.S.



**TREE PROTECTION**  
6  
C-3 SCALE: N.T.S.

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WATERFORD, CT 06895

**DEVELOPER: HOMELAND TOWERS, LLC**  
ADDRESS: 9 HARMONY STREET  
2ND FLOOR  
DANBURY, CT 06810

**HOMELAND TOWERS NEW CANAAN NORTHWEST**  
SITE: 1871 POND NOISE ROAD  
ADDRESS: NEW CANAAN, CT 06840  
APT FILING NUMBER: CT33985  
DATE: 12/01/21  
DRAWN BY: CSH  
CHECKED BY: RCB

**SHEET TITLE:**  
**EROSION CONTROL DETAILS**

**SHEET NUMBER:**  
**C-3**





# **Northeast Tower Surveying**

*140 West Maplemere Road  
Williamsville, New York 14221  
Northeasttowersurveyingt@aol.com  
(716) 548-2894*

## **FAA-1A SURVEY CERTIFICATION**

**Applicant:** Homeland Towers  
9 Harmony Street  
Danbury, Connecticut 06810

**Site Name:** New Canaan Northwest

**Site ID:** CT050

**FA Number:**

**Site Address:** 1837 Ponus Ridge Road  
New Canaan, Connecticut 06840

**Horizontal Datum Source (select all that apply):**

☐ Ground Survey      ☒ GPS Survey    ☒ NAD 83

**Vertical Datum Source (select all that apply):**

☐ Ground Survey      ☒ GPS Survey    ☒ NAVD 88

**Structure Type (select one):**

☒ New Tower (Monopine)      ☐ Existing Tower (\_\_\_\_\_)      ☐ Building  
☐ Water Tank      ☐ Smokestack      ☐ Other (describe): (\_\_\_\_\_)

**Latitude:** N 41°-10'-18.89" NAD83 / 41.171914 NAD83

**Longitude:** W 73°-32'-36.90" NAD83 / -73.543583 NAD83

**Ground Elevation:** 394.00 feet AMSL NAVD88

**Structure Height:** 504.00 feet AMSL      110.00 feet AGL (Proposed Top of Structure)

**Overall Max. Height (with Appurtenances):**  
519.00 feet AMSL      125.00 feet AGL (Proposed Omni Antenna)

**CERTIFICATION:** I certify that the latitude and longitude are accurate to within +/- 20 feet horizontally and that the ground elevation is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are expressed in terms of degrees, minutes, seconds and hundredths of seconds. The vertical datum (heights) are expressed in terms of feet.

**Printed Name:** Earle C. Newman, L.S.  
**Surveyor License No:** 15616  
**Company:** Northeast Tower Surveying, Inc.  
**Phone:** (716) 548.2894  
**Date:** September 21, 2021

*Northeast Tower Surveying Project No.: 21-025*





## **SECTION 4**

## **SECTION 4**

### **Environmental Assessment Statement**

#### **I. PHYSICAL IMPACT**

##### **A. WATER FLOW AND QUALITY**

A wetland delineation was conducted at the site and there were no wetlands identified in or immediately adjacent to the proposed access drive or facility compound. The wetlands are located approximately 240' west of the proposed compound and 137' west of the proposed gravel access drive at its closest point. Proposed sedimentation and erosion controls will be designed, installed and maintained during construction activities in accordance with the 2002 Connecticut Guidelines For Soil Erosion and Sediment Control which will minimize temporary impacts. No wetlands or inland waterways will be impacted by the proposed Facility.

##### **B. AIR QUALITY**

Under ordinary operating conditions, the equipment that would be used at the proposed facility would emit no air pollutants of any kind. An emergency backup power diesel generator would be exercised once a week and comply with the CT DEEP "permit by rule" criteria pursuant to R.C.S.A. §22a-174-3b.

##### **C. LAND**

Approximately 118 trees will need to be removed in order to construct the compound and the new access drive. Of the 118 trees slated for removal, 41 are 14" or greater dbh. The total area of clearing and grading disturbance will be approximately 40,000 s.f. The remaining land of the lessor would remain unchanged by the construction and operation of the facility.

##### **D. NOISE**

The equipment to be in operation at the facility would not emit noise other than that provided by the operation of the installed heating, air-conditioning and ventilation system. Some construction related noise would be anticipated during facility construction, which is expected to take approximately four to six weeks. Temporary power outages could involve sound from the emergency generator which is tested weekly.

##### **E. POWER DENSITY**

The worst-case calculation of power density from AT&T's operations at the facility would be 49.21% of the federal MPE standard. Attached is a copy of a Radio Frequency Emissions Analysis Report for the facility.

##### **F. SCENIC, NATURAL, HISTORIC & RECREATIONAL VALUES**

An evaluation of the proposed Facility's potential effects on historic resources was conducted and concluded that the proposed Facility will have no effect on historic properties listed or eligible for listing on the National Register of Historic Places. Attached is the Preliminary Historic Resources Determination. As noted therein, Homeland Towers will consult with the CT State Historic Preservation Office ("SHPO") to confirm this preliminary finding.

The proposed site is located within a Natural Diversity Data Base (“NDDB”) buffer zone as shown in the attached map. As such, Homeland Towers will consult with the Department of Energy & Environmental Protection (“DEEP”).

#### G. SCHOOLS/DAY CARE CENTERS

There are no schools or day care centers located within 250’ of the proposed tower site.



C Squared Systems, LLC  
65 Dartmouth Drive  
Auburn, NH 03032  
603-644-2800  
[support@csquaredsystems.com](mailto:support@csquaredsystems.com)

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## Calculated Radio Frequency Exposure



CT1458

1837 Ponus Ridge Road, New Canaan, CT

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December 13, 2021

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## 1. Introduction

The purpose of this report is to investigate compliance with applicable FCC regulations for the proposed installation of the AT&T antenna arrays on a new monopole tower located at 1837 Ponus Ridge Road in New Canaan, CT. The coordinates of the tower are 41° 10' 18.89" N, 73° 32' 36.90" W.

AT&T is proposing the following:

- 1) Install six (6) multi-band antennas (two per sector) to support its commercial LTE network and the FirstNet National Public Safety Broadband Network ("NPSBN").

This report considers the planned antenna configuration for AT&T<sup>1</sup> to derive the resulting % Maximum Permissible Exposure of its proposed installation.

## 2. FCC Guidelines for Evaluating RF Radiation Exposure Limits

In 1985, the FCC established rules to regulate radio frequency (RF) exposure from FCC licensed antenna facilities. In 1996, the FCC updated these rules, which were further amended in August 1997 by OET Bulletin 65 Edition 97-01. These new rules include Maximum Permissible Exposure (MPE) limits for transmitters operating between 300 kHz and 100 GHz. The FCC MPE limits are based upon those recommended by the National Council on Radiation Protection and Measurements (NCRP), developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI).

The FCC general population/uncontrolled limits set the maximum exposure to which most people may be subjected. General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

Public exposure to radio frequencies is regulated and enforced in units of milliwatts per square centimeter (mW/cm<sup>2</sup>). The general population exposure limits for the various frequency ranges are defined in the attached "FCC Limits for Maximum Permissible Exposure (MPE)" in Attachment B of this report.

Higher exposure limits are permitted under the occupational/controlled exposure category, but only for persons who are exposed as a consequence of their employment and who have been made fully aware of the potential for exposure, and they must be able to exercise control over their exposure. General population/uncontrolled limits are five times more stringent than the levels that are acceptable for occupational, or radio frequency trained individuals. Attachment B contains excerpts from OET Bulletin 65 and defines the Maximum Exposure Limit.

Finally, it should be noted that the MPE limits adopted by the FCC for both general population/uncontrolled exposure and for occupational/controlled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

---

<sup>1</sup> As referenced to AT&T's Radio Frequency Design Sheet updated 12/14/2020.

### 3. RF Exposure Calculation Methods

The power density calculation results were generated using the following formula as outlined in FCC bulletin OET 65, and Connecticut Siting Council recommendations:

$$\text{Power Density} = \left( \frac{1.6^2 \times 1.64 \times \text{ERP}}{4\pi \times R^2} \right) \times \text{Off Beam Loss}$$

Where:

ERP = Effective Radiated Power

$$R = \text{Radial Distance} = \sqrt{H^2 + V^2}$$

H = Horizontal Distance from antenna

V = Vertical Distance from radiation center of antenna

Ground reflection factor of 1.6

Off Beam Loss is determined by the selected antenna pattern

These calculations assume that the antennas are operating at 100 percent capacity and power, and that all antenna channels are transmitting simultaneously. Obstructions (trees, buildings, etc.) that would normally attenuate the signal are not taken into account. The calculations assume even terrain in the area of study and do not consider actual terrain elevations which could attenuate the signal. As a result, the predicted signal levels reported below are much higher than the actual signal levels will be from the final installations.

## 4. Calculation Results

Table 1 below outlines the cumulative power density information for the AT&T equipment at the site. The proposed antennas are directional in nature; therefore, the majority of the RF power is focused out towards the horizon. As a result, there will be less RF power directed below the antennas relative to the horizon, and consequently lower power density levels around the base of the tower. Please refer to Attachment C for the vertical pattern of the proposed AT&T antennas. The calculated results for AT&T in Table 1 include a nominal 10 dB off-beam pattern loss to account for the lower relative gain below the antennas.

Carrier	Antenna Height (Feet)	Operating Frequency (MHz)	ERP Per Transmitter (Watts)	Power Density (mw/cm <sup>2</sup> )	Limit	% MPE
AT&T	106	739	3156	0.0114	0.4927	2.30%
AT&T	106	763	3541	0.0127	0.5087	2.50%
AT&T	106	885	3883	0.0140	0.5900	2.37%
AT&T	106	1900	5877	0.0211	1.0000	2.11%
AT&T	106	1900	5877	0.0211	1.0000	2.11%
AT&T	106	1900	5877	0.0211	1.0000	2.11%
AT&T	106	2100	9890	0.0356	1.0000	3.56%
AT&T	106	2100	9890	0.0356	1.0000	3.56%
AT&T	106	3500	79433	0.2858	1.0000	28.58%
					<b>Total</b>	<b>49.21%</b>

**Table 1: Carrier Information**



## 5. Conclusion

The above analysis concludes that RF exposure at ground level from the proposed site will be below the maximum power density levels as outlined by the FCC in the OET Bulletin 65 Ed. 97-01. Using conservative calculation methods, the highest expected percent of Maximum Permissible Exposure at ground level is **49.21% of the FCC General Population/Uncontrolled limit.**

As noted previously, the calculated % MPE levels are more conservative (higher) than the actual signal levels will be from the finished installation.

## 6. Statement of Certification

I certify to the best of my knowledge that the statements in this report are true and accurate. The calculations follow guidelines set forth in FCC OET Bulletin 65 Edition 97-01, ANSI/IEEE Std. C95.1 and ANSI/IEEE Std. C95.3.



December 13, 2021

Date

Reviewed/Approved By: Martin J. Lavin  
Senior RF Engineer  
C Squared Systems, LLC

### **Attachment A: References**

OET Bulletin 65 - Edition 97-01 - August 1997 Federal Communications Commission Office of Engineering & Technology

IEEE C95.1-2005, IEEE Standard Safety Levels With Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz IEEE-SA Standards Board

IEEE C95.3-2002 (R2008), IEEE Recommended Practice for Measurements and Computations of Radio Frequency Electromagnetic Fields With Respect to Human Exposure to Such Fields, 100 kHz-300 GHz IEEE-SA Standards Board

## Attachment B: FCC Limits for Maximum Permissible Exposure (MPE)

### (A) Limits for Occupational/Controlled Exposure<sup>2</sup>

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (E) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f <sup>2</sup> )*	6
30-300	61.4	0.163	1.0	6
300-1500	-	-	f/300	6
1500-100,000	-	-	5	6

### (B) Limits for General Population/Uncontrolled Exposure<sup>3</sup>

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (E) (A/m)	Power Density (S) (mW/cm <sup>2</sup> )	Averaging Time  E  <sup>2</sup> ,  H  <sup>2</sup> or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f <sup>2</sup> )*	30
30-300	27.5	0.073	0.2	30
300-1500	-	-	f/1500	30
1500-100,000	-	-	1.0	30

f = frequency in MHz \* Plane-wave equivalent power density

**Table 2: FCC Limits for Maximum Permissible Exposure (MPE)**

<sup>2</sup> Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure

<sup>3</sup> General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure

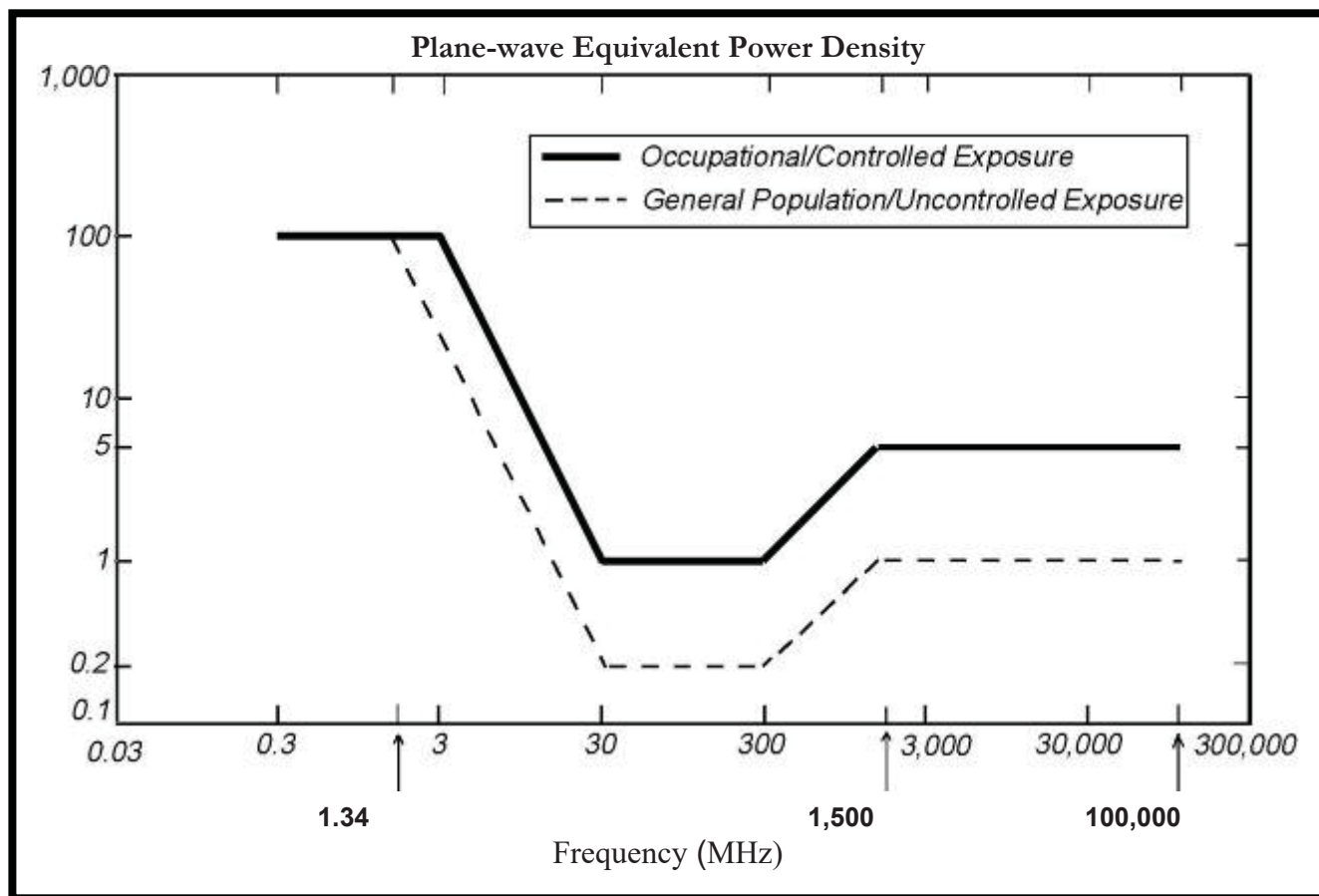
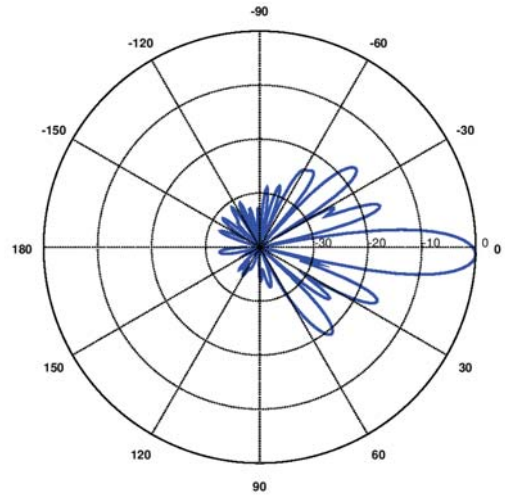


Figure 1: Graph of FCC Limits for Maximum Permissible Exposure (MPE)

## Attachment C: AT&T Antenna Data Sheets and Electrical Patterns

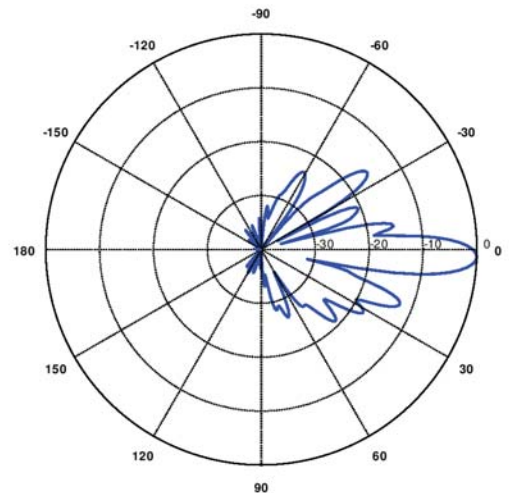
### 739 / 763 MHz

Manufacturer: CCI Products  
 Model #: DMP65R-BU8D  
 Frequency Band: 698-798 MHz  
 Gain: 15.1 dBi  
 Vertical Beamwidth: 9.5°  
 Horizontal Beamwidth: 75°  
 Polarization: Dual Linear 45°  
 Size L x W x D: 96.0" x 20.7" x 7.7"



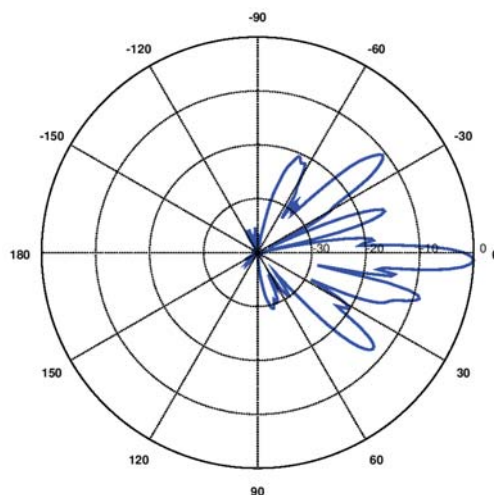
### 885 MHz

Manufacturer: CCI Products  
 Model #: DMP65R-BU8D  
 Frequency Band: 824 - 896 MHz  
 Gain: 16.0 dBi  
 Vertical Beamwidth: 8.0°  
 Horizontal Beamwidth: 64°  
 Polarization: Dual Linear 45°  
 Size L x W x D: 96.0" x 20.7" x 7.7"



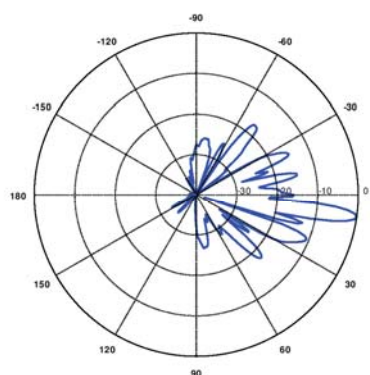
### 1900 MHz

Manufacturer: CCI Products  
 Model #: DMP65R-BU8D  
 Frequency Band: 1850-1990 MHz  
 Gain: 17.8 dBi  
 Vertical Beamwidth: 5.1°  
 Horizontal Beamwidth: 68°  
 Polarization: Dual Linear 45°  
 Size L x W x D: 96.0" x 20.7" x 7.7"



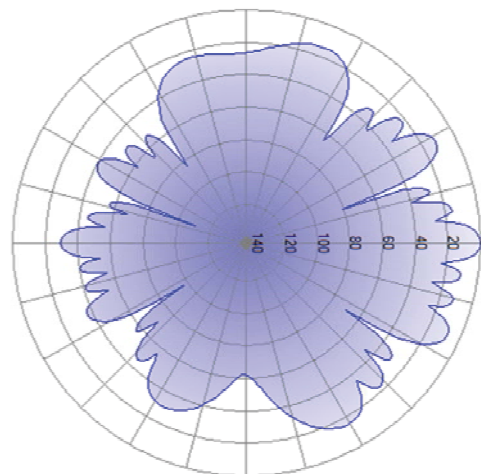
### 2100 MHz

Manufacturer: CCI Products  
 Model #: DMP65R-BU8D  
 Frequency Band: 1920-2180 MHz  
 Gain: 18.2 dBi  
 Vertical Beamwidth: 4.8°  
 Horizontal Beamwidth: 68°  
 Polarization: Dual Linear 45°  
 Size L x W x D: 96.0" x 20.7" x 7.7"



### 3500 MHz

Manufacturer: Ericsson  
 Model #: AIR 6449  
 Frequency Band: C-Band  
 Gain: 25.65 dBi  
 Vertical Beamwidth: 6.0°  
 Horizontal Beamwidth: 11°  
 Polarization: ±45°  
 Dimensions (L x W x D): 33.1" x 20.6" x 8.3"





**PRELIMINARY HISTORIC  
RESOURCES DETERMINATION**

**December 6, 2021**

**Homeland Towers  
9 Harmony Street  
Danbury, Connecticut 06810**

**Re: Proposed Telecommunications Facility  
1837 Ponus Ridge Road  
New Canaan, Connecticut**

On behalf of Homeland Towers, All-Points Technology Corporation, P.C. ("APT") performed an evaluation with respect to the proposed Facility's potential effects on historic resources proximate to the referenced project site.

APT completed an independent review of the National Register of Historic Places ("NRHP") and SHPO files to determine if any listed sites, or sites eligible for listing, are located proximate to the Site. The results of our review revealed that no such resources are located within one-half mile of the site.<sup>1</sup> Further, no state-registered sites are located proximate to the project site. A cultural resource screening map is provided as an attachment to this memorandum.

As part of its obligations for compliance with the National Environmental Policy Act ("NEPA"), Homeland Towers will be submitting required documentation to the State Historic Preservation Office ("SHPO") for that agency's review and determination. The SHPO submission will be prepared by a qualified architectural historian that meets criteria developed by the Secretary of the Interior. That process has not yet been initiated.

Based on our research, it is APT's opinion that the proposed Facility would have no effect on historic properties listed or eligible for listing on the NRHP.

Sincerely,

Brian Gaudet  
Project Manager

Attachment

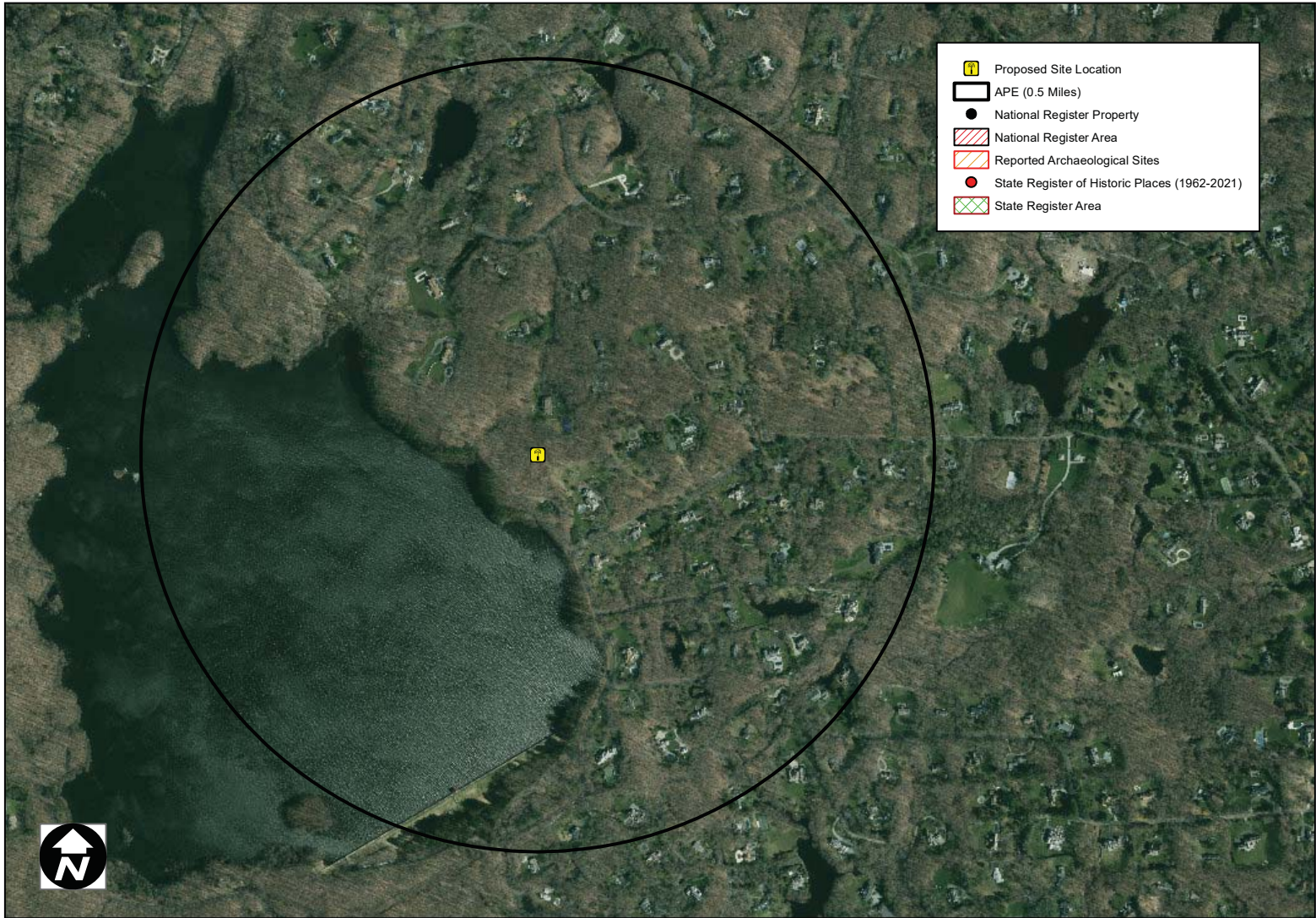
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<sup>1</sup> For towers under 200 feet tall, the Area of Potential Effect ("APE") has been established at 0.5 mile. This distance represents the APE established cooperatively by the Federal Communications Commission, Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers.

# Cultural Resource Screening Map

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Cultural Resources Screen

**CT283860 New Cannan Nw** 1837 Ponus Ridge Road, New Cannan CT  
December 3, 2021 \ USGS QUAD: Pound Ridge

0 500 1,000 2,000 Feet  
Prepared for All-Points Technology Corp. by Heritage Consultants, 2021





Copyright © 2013 National Geographic Society, 1-cubed

#### Legend

- Proposed Tower
- Subject Property
- Natural Diversity Database (updated June 2021)
- Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Maps, Pound Ridge, NY-CT (1971)  
 Map Scale: 1:24,000  
 Map Date: October 2021



1,000 500 0 1,000  
 Feet

#### NDDB Map

Proposed Wireless  
 Telecommunications Facility  
 CT050 - New Canaan Northwest  
 1837 Ponus Ridge Road  
 New Canaan, Connecticut





## **SECTION 5**

## **SECTION 5**

### **Visibility Analysis**

Enclosed is a preliminary evaluation of the visibility associated with the proposed Facility. As set forth in the enclosed Preliminary Visual Assessment, the results are intended to provide a representation of areas where portions of the Facility may be visible without the aid of magnification. However, it is important to note that the proposed Facility may not be visible from all locations identified in the preliminary viewshed analysis map due to predictive model limitations. The enclosed Preliminary Visual Assessment will be supplemented by a detailed Visual Assessment & Photo-Simulation Report.

Based on the enclosed Preliminary Visual Assessment, the proposed Facility could be visible from approximately 201 acres for year-round views and approximately 90 acres of season views (collectively less than 4% of the 8,042-acre visibility Study Area). As shown in the Preliminary Viewshed Analysis Map, the majority of year-round visibility occurs over open water on Laurel Reservoir. Seasonal visibility is predicted to occur from select locations within 0.17 mile from the site.



## PRELIMINARY VISUAL ASSESSMENT

Date: December 3, 2021

To: Homeland Towers  
9 Harmony Street  
Danbury, CT 06810

From: Brian Gaudet

Re: Proposed Telecommunications Facility  
1837 Ponus Ridge Road  
New Canaan, Connecticut

---

Homeland Towers has identified a proposed location for development of a wireless telecommunications facility ("Facility") at 1837 Ponus Ridge Road in New Canaan, Connecticut (the "Host Property"). The proposed Facility would include a  $\pm 110$ -foot-tall monopole tower designed to resemble a pine tree ("monopine"). Faux branches would extend approximately five feet above the pole to provide a tapered top, bringing the total Facility height to  $\pm 115$  feet above ground level ("AGL"). The monopine would be built within a new  $\pm 3,000$  sq. ft. irregularly shaped gravel based fenced equipment compound. The Facility is generally centrally located on the irregularly shaped  $\pm 5.16$ -acre parcel.

At the request of Homeland Towers, All-Points Technology Corporation, P.C. ("APT") has prepared initial viewshed mapping to provide a preliminary evaluation of the visibility associated with the proposed Facility. To conduct this assessment, a predictive computer model was developed specifically for this project using ESRI's ArcMap Geographic Information System ("GIS")<sup>1</sup> software and available GIS data. The predictive model provides an initial estimate of potential visibility throughout a pre-defined "Study Area", in this case a two-mile radius surrounding the Site.

The predictive model incorporates project and Study Area-specific data, including the Facility location, its ground elevation and the proposed Facility height, as well as the surrounding topography, existing vegetation, and structures (the primary features that can block direct lines of sight).

A digital surface model ("DSM"), capturing both the natural and built features on the Earth's surface, was generated for the majority of the Study Area utilizing State of Connecticut 2016 LiDAR<sup>2</sup> LAS<sup>3</sup> data points. An additional DSM was generated utilizing the City of New York Department of Environmental Protection 2009 LiDAR LAS data points to fill in gaps of the study area that extend into Pound Ridge, New York to the north. LiDAR is a remote-sensing technology that develops elevation data by measuring the time it takes for laser

---

<sup>1</sup> ArcMap is a Geographic Information System desktop application developed by the Environmental Systems Research Institute for creating maps, performing spatial analysis, and managing geographic data.

<sup>2</sup> Light Detection and Ranging.

<sup>3</sup> An LAS file is an industry-standard binary format for storing airborne LiDAR data.

light to return from the surface to the instrument's sensors. The varying reflectivity of objects also means that the "returns" can be classified based on the characteristics of the reflected light, normally into categories such as "bare earth," "vegetation," "road," or "building". Derived from the 2016 and 2009 LiDAR data, the LAS datasets contain the corresponding elevation point data and return classification values. The Study Area DSM incorporates the first return LAS dataset values that are associated with the highest feature in the landscape, typically a treetop, top of a building, and/or the highest point of other tall structures.

Once the DSM was generated, ESRI's Viewshed Tool was utilized to identify locations within the Study Area where the proposed Facility may be visible. ESRI's Viewshed Tool predicts visibility by identifying those cells<sup>4</sup> within the DSM that can be seen from an observer location. Cells where visibility was indicated were extracted and converted from a raster dataset to a polygon feature which was then overlaid onto an aerial photograph and topographic base map. Since the DSM includes the highest relative feature in the landscape, isolated "visible" cells are often indicated within heavily forested areas (e.g., from the top of the highest tree) or on building rooftops during the initial processing. It is recognized that these areas do not represent typical viewer locations and overstate visibility. As such, the resulting polygon feature is further refined by extracting those areas. The viewshed results are also cross-checked against the most current aerial photographs to assess whether significant changes (a new housing development, for example) have occurred since the time the LiDAR-based LAS datasets were captured.

The results of the preliminary analysis are intended to provide a representation of those areas where portions of the Facility may potentially be visible to the human eye without the aid of magnification, based on a viewer eye-height of five (5) feet above the ground and the combination of intervening topography, trees and other vegetation, and structures. However, the Facility may not necessarily be visible from all locations within those areas identified by the predictive model, which has limitations. For instance, it is important to note that the computer model cannot account for mass density, tree diameters and branching variability of trees, or the degradation of views that occurs with distance. As a result, some areas depicted on the viewshed maps as theoretically offering potential visibility of the Facility may be over-predicted because the quality of those views is not sufficient for the human eye to recognize the Facility or discriminate it from other surrounding or intervening objects.

Visibility also varies seasonally with increased, albeit obstructed, views occurring during "leaf-off" conditions. Beyond the variabilities associated with density of woodland stands found within any given Study Area, each individual tree also has its own unique trunk, pole timber and branching patterns that provide varying degrees of screening in leafless conditions which, as introduced above, cannot be precisely modeled. Seasonal visibility is therefore estimated based on a combination of factors including the type, size, and density of trees within a given area; topographic constraints; and other visual obstructions that may be present. Taking into account these considerations, areas depicting seasonal visibility on the viewshed maps are intended to represent locations from where there is a potential for views through intervening trees, as opposed to indicating that leaf-off views will exist from within an entire seasonally-shaded area.

The preliminary viewshed mapping results indicate that predicted visibility associated with the proposed Facility could include up to approximately 201 acres of year-round views and approximately 90 acres of seasonal views (collectively less than 4% of the 8,042-acre Study Area). The majority of predicted year-round visibility occurs over open water on Laurel Reservoir to the west ( $\pm 194$  acres, representing  $\pm 96.5\%$  of predicted year-round visibility). Seasonal visibility is predicted to occur from select surrounding locations,

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<sup>4</sup> Each DSM cell size is 1 square meter.

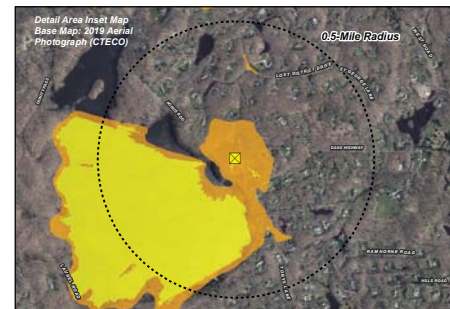
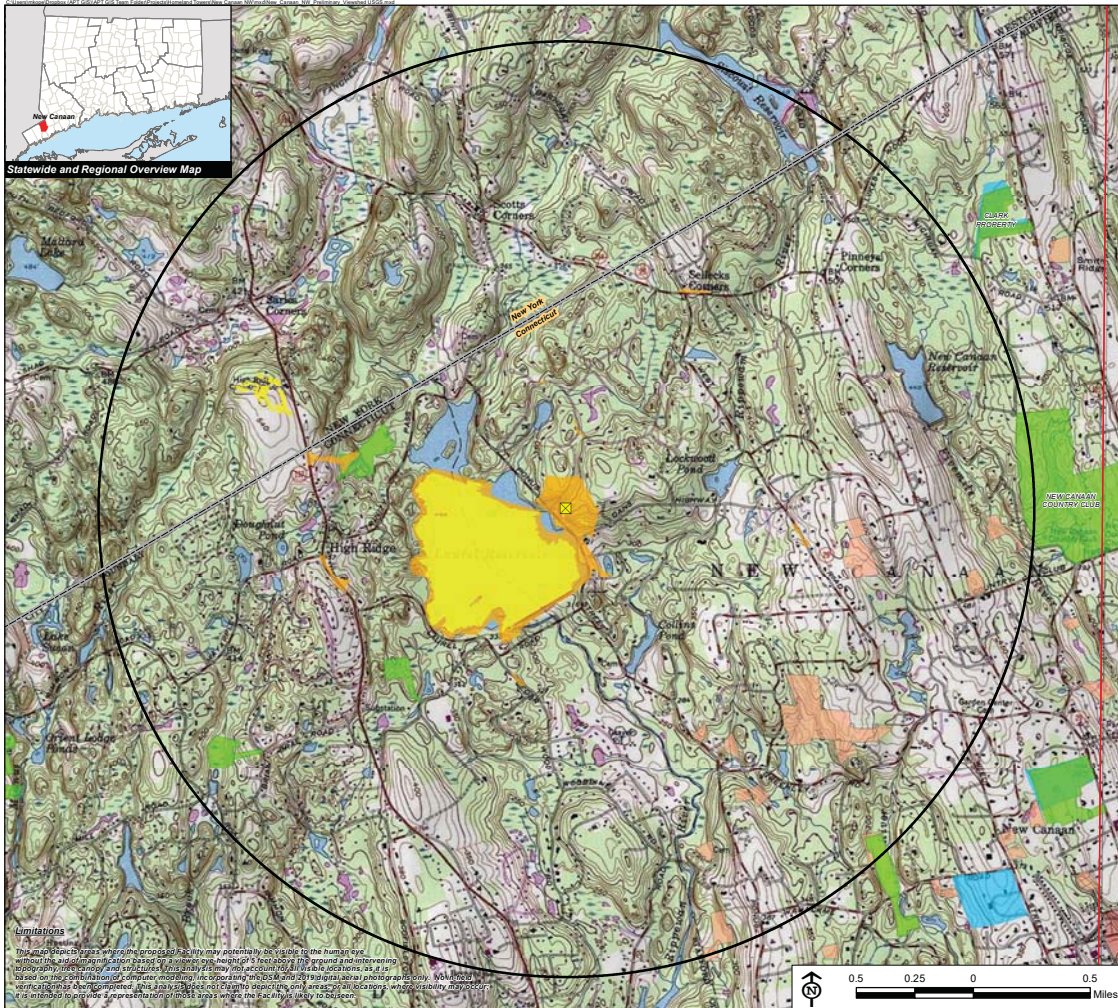
primarily within  $\pm 0.17$  mile from the site. Additional locations of visibility are predicted around the general areas of year-round visibility associated with Laurel Reservoir, and intermittently in select areas throughout the Study Area.

## **Attachments**









Proposed Wireless Telecommunications Facility  
New Canaan Northwest  
1837 Ponus Ridge Road  
New Canaan, Connecticut

Proposed facility height is 115 feet AGL.  
Forest canopy height is derived from LIDAR data.  
Study area encompasses a two-mile radius and includes 8,042 acres.  
Information provided on this map has not been field verified  
Base Map Source: USGS 7.5 Minute Topographic  
Quadrangle Map, Pound Ridge, NY-CT (1971)  
Map Date: December 2021

**Legend**

	Proposed Site		Trail
	Quads		Scenic Highway
	Study Area (2-Mile Radius)		DEEP Boat Launches
	Predicted Year-Round Viability (201 Acres; +/- 194 acres occurs over Laurel Reservoir)		Municipal and Private Open Space Property
	Areas of Potential Seasonal Viability (90 Acres)		State Forest/Park
	State Boundary		

**Protected Open Space Property**

	Federal
	Land Trust
	Municipal
	Private
	State

## Physical Geography / Background Data

A digital surface model (DSM) was created from the State of Connecticut 2016 LIDAR LAS data points and the City of New York Department of Environmental Protection 2009 LIDAR LAS data points. The DSM captures the natural and built features on the Earth's surface.

Municipal Open Space, State Recreation Areas, Trails, County Recreation Areas, and Town Boundary data obtained from CT DEEP.  
Scenic Roads: CTDOT State Scenic Highways (2015); Municipal Scenic Roads (compiled by APT)

### Dedicated Open Space & Recreation Areas

Connecticut Department of Energy and Environmental Protection (DEEP): DEEP Property (May 2007); Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994)

Connecticut Forest &amp; Parks Association, Connecticut Walk Books East &amp; West

## Other

Other  
CTDOT Scenic Strips (based on Department of Transportation data)

## Notes

**Notes**  
 \*\*Not all the sources listed above appear on the Viewshed Maps. Only those features within the scale of the graphic are shown.



# Section 6

# **Wireless Market Study for the Town of New Canaan, CT**

**Prepared by**



**December 1, 2014**

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## **Executive Summary**

Centerline Solutions is pleased to present this Wireless Market Study to the Town of New Canaan Utilities Commission. This report provides the Town of New Canaan with an independent, third party, engineering technical evaluation of existing commercial wireless services in its community. It will also provide evaluations of the viability of two Approved site locations (Armory and Silver Hill Hospital) to the four major wireless service providers: AT&T, Verizon, T-Mobile and Sprint.

During the week of June 9, 2014, Centerline Solutions personnel conducted physical surveys the following sites:

1. Active sites within the Town of New Canaan
  - a. 135 Main
  - b. 39 Locust
  - c. Waveny Park
  - d. Country Club
2. Active sites outside New Canaan that provide coverage to New Canaan
  - a. Darien WT (CT)
  - b. Stamford (CT)
  - c. Pound Ridge (NY)
  - d. Vista (NY)

Centerline also conducted a drive test survey within the Town borders using a professional-quality scanning receiver and externally mounted antennas. Data collection was limited to the four major wireless service providers' primary networks:

- **AT&T:** 850 and 1900 UMTS, and 700 LTE
- **Verizon:** 850 and 1900 CDMA, and 700 LTE
- **T-Mobile:** 1900 and 2100 UMTS
- **Sprint:** 1900 CDMA

Following the in-market work, Centerline analyzed the drive test data and used it to tune radio propagation models. The tuned propagation models were used to predict a more comprehensive view of existing coverage and to predict the impact of the Approved Armory and Silver Hill Hospital site locations. Survey results, maps for collected drive test and predicted coverage data as well as engineering opinions of the data are presented in this document.

For the 4 sites in-town, here are the carriers with active service:

- **135 Main:** AT&T
- **39 Locust:** Sprint, T-Mobile, Verizon
- **Country Club:** AT&T, T-Mobile
- **Waveny Park:** AT&T, Sprint, T-Mobile, Verizon

The Town is highly residential and the dominant features of all sites were the dense, tall trees (65' – 90') in their coverage areas.

The study analyses focused on each carrier's primary voice service channel and Coverage thresholds were set for Indoor, In-Vehicle and Outdoor service. Outdoor service was used to determine the overall coverage footprint. With the growth in demand for wireless data services, coverage thresholds were also considered for different target data speeds, though as secondary to voice service.

Existing Primary coverage footprints for the operators range from 1/4 to 3/4 of the Town area with AT&T having the largest footprint and Sprint having the smallest. The table below summarizes the approximate coverage footprints in the Town for each carrier analyzed.

**Table 1: Approximate Coverage Footprints by Carrier**

Carrier	Approximate Footprint (% Area of the Town)	
	Primary Wireless Voice Service	Primary Wireless Data Service
<b>AT&amp;T</b>	67%	75%
<b>Verizon</b>	50%	67%
<b>T-Mobile</b>	50%	50%
<b>Sprint</b>	25%	25%

Adding in the Approved sites at Armory and Silver Hill Hospital fills in many of the coverage holes but AT&T still would have coverage holes E of Downtown, W of route 124 and E of route 123 along Valley Rd.

Options to mitigate these coverage gaps are:

1. Traditional Macro sites
2. Stealth Macro sites
3. Distributed Antennas Systems (DAS)
4. Small Cells

All of the 4 options are potential, viable solutions with their own benefits and tradeoffs. An ultimate solution to address coverage gaps would have to consider many issues such as budgets, zoning issues, construction logistics, community aesthetics and others. A detailed study of each problem area would be required to determine the best solution to addressing the coverage gaps identified in this report. This level of analysis is not included within the scope of this report. Centerline can, however, provide such additional support to the town upon request.

## **Project Description and Purpose**

This Project provides the Town of New Canaan with an independent, third party, engineering technical evaluation of the current state of existing commercial wireless services in its community. It will also provide evaluations of the viability of two Approved site locations (Armory and Silver Hill Hospital) to the four major wireless service providers: AT&T, Verizon, T-Mobile and Sprint.

Centerline conducted physical site surveys of cell site locations both in and adjacent to the Town of New Canaan. Centerline conducted a drive test of the area using a professional quality scanning receiver and externally mounted antennas to give a snapshot of existing wireless service coverage. This drive data was analyzed and the mapped results are provided.

The data obtained during the site surveys and drive testing was used to tune radio propagation models for each frequency band. The tuned models were used to provide broader views of existing coverage within the Town, i.e., coverage that is not constrained to public roads. The tuned propagation model was also used to estimate the coverage of proposed site locations. Drive test and predicted coverage maps as well as engineering opinions based on the data are provided.

## **Methodologies**

### **Coverage criteria**

The study focused on each carrier's primary voice service channel. With the growth in demand for wireless data services, coverage thresholds were also considered for different target data speeds, though as secondary to voice service.

Four threshold levels were selected to represent typical use cases per technology so that comparisons can be made across carriers and frequency bands:

- a. In-Building Voice/High Data Rate Service (1Mbps DL, 90% availability)
- b. In-Vehicle Voice/Moderate Data Rate Service (512kbps DL, 90% availability)
- c. Outdoor Voice/Low Data Rate Service (64kbps DL, 90% availability)
- d. Poor/No Service

Outdoor Voice service was used to determine the overall coverage footprint.

Specific signal levels by technology that correspond to the above service levels are:

- a. UMTS RSCP
  - In-Building Voice/High Data Rate Service (> -83 dBm)
  - In-Vehicle Voice/Moderate Data Rate Service (> -91 dBm)
  - Outdoor Voice/Low Data Rate Service (> -97 dBm)
  - Poor/No Service (< - 97 dBm)
- b. CDMA/EVDO Ec
  - In-Building Voice/High Data Rate Service (> -83 dBm)
  - In-Vehicle Voice/Moderate Data Rate Service (> -91 dBm)
  - Outdoor Voice/Low Data Rate Service (> -97 dBm)

- Poor/No Service ( $< -97$  dBm)
- c. LTE RSRP
  - High Data Rate Service ( $> -102$  dBm)
  - Moderate Data Rate Service ( $> -110$  dBm)
  - Low Data Rate Service ( $> -116$  dBm)
  - Poor/No Service ( $< -116$  dBm)

These service levels were chosen to 1) accommodate standard voice service thresholds and 2) choose data rates that can be compared across technologies. As the current LTE implementation is primarily a data-only service, no voice service levels were considered.

### Drive Test Data Collection Methodology

As the name suggests, Drive Test data is collected while driving a vehicle. For the locations driven, it provides a highly accurate measurement of Outdoor coverage which can be used to derive reasonable estimates of In-Vehicle and In-Building coverage levels for buildings that are adjacent to the driven roads. As target coverage areas move farther away from driven roads, the accuracy of derived coverage estimates decreases; this is the fundamental limitation of Drive Test data. The following collection and analysis methodology was used:

1. Conduct a Market Survey to identify the active Macro (outdoor) cell sites within and bordering the Town, to classify the sites' morphology, to identify which carriers were active at these cell sites with mature service (known to be  $> 2$  years old) and to identify the primary operating channels within each band.
2. Collect drive data using a single JDSU model E6474A Drive Test receiver system with a roof-mounted antenna for the identified carriers and channels, covering as many of the publicly accessible roads in New Canaan as possible. This system collects data from all carriers simultaneously.
3. Process and plot the collected data per major carrier per mature frequency band based on representative service criteria.

The routes driven were only able to cover approximately 80% of the total Town area.

## Propagation Prediction Methodology

Coverage prediction tools like *WIZARD* use mathematical propagation models that predict coverage levels in all areas around a site within a specified range and are not limited to public streets like Drive Testing is. These models are inherently statistical in nature and error of the predicted values at any point can be from 15dB-25dB. The accuracy of the models can be improved with empirical data collected from Drive Tests but the standard deviations of these models at any point can still be 8dB-10dB.

A 10dB variation translates to a linear power difference of 10x. What this means is that the actual power for any location could be 10 times greater or smaller than what would actually be measured. Given the high variability of these predictive models, these coverage maps should be viewed more as a guideline than an absolute.

1. Tune signal propagation models for each morphology and each frequency band using the *WIZARD* propagation modeling software tool.
2. Generate predicted coverage plots for active Macro cells per frequency band based on a representative service criteria.
3. Coverage thresholds for LTE, UMTS and CDMA/EVDO technologies were used as defined above.

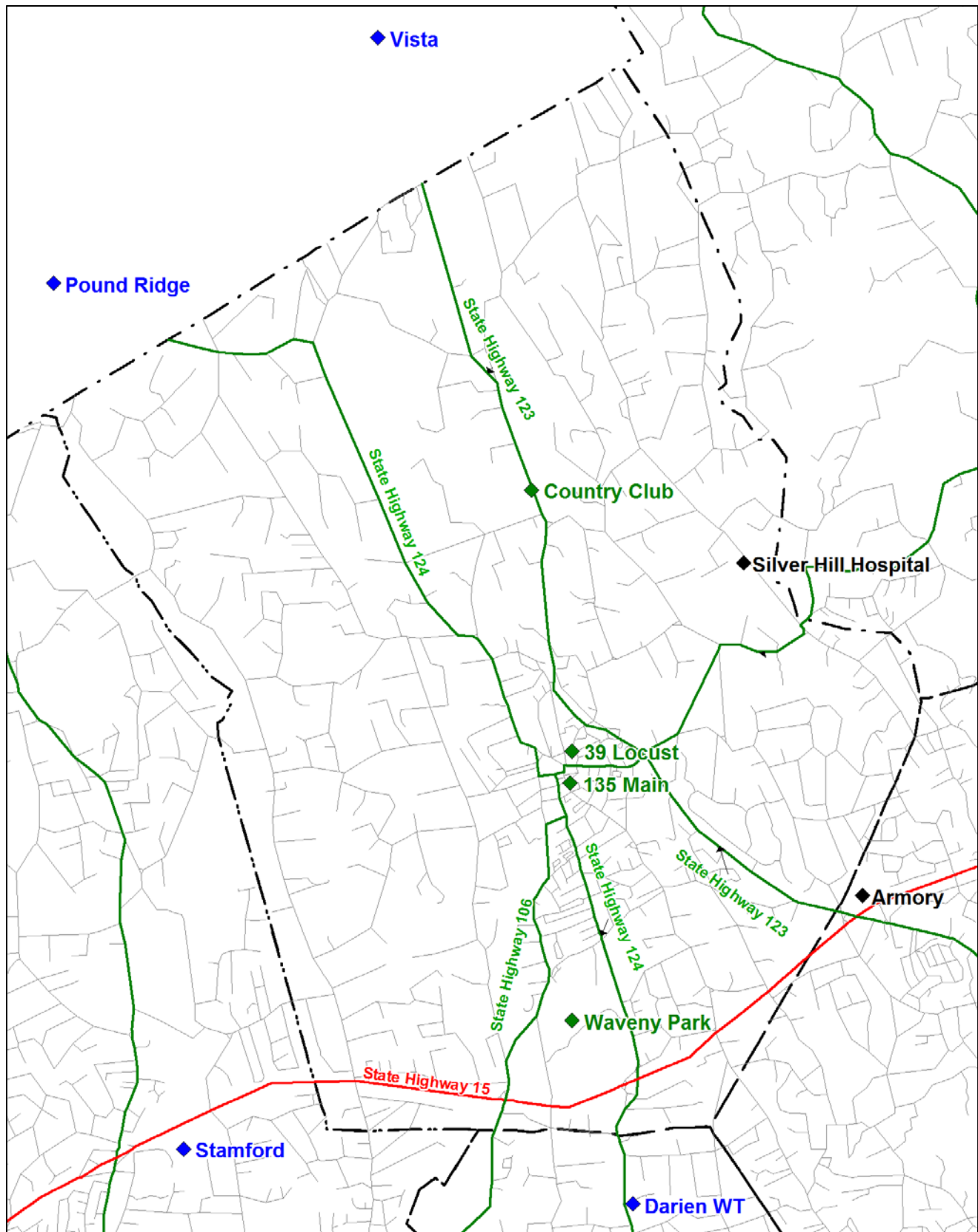
## Market Study Results

Four active Macro sites were identified within the limits of the Town of New Canaan: 135 Main, 39 Locust, Waveny Park, and Country Club. Two morphology types were defined: Urban and Suburban. Suburban is the prevalent morphology, dominated by the large, dense trees that populate the town. Urban was only used near the Downtown area. The Town is highly residential so, even though outdoor and in-vehicle voice service levels are shown on analysis plots, In-Building service will be what's desired by most customers, especially those whose primary phone is their cell phone.

Four sites outside the perimeter of the Town were identified that provide coverage inside the Town limits: Darien Water Tower (CT), Stamford (CT), Pound Ridge (NY) and Vista (NY).

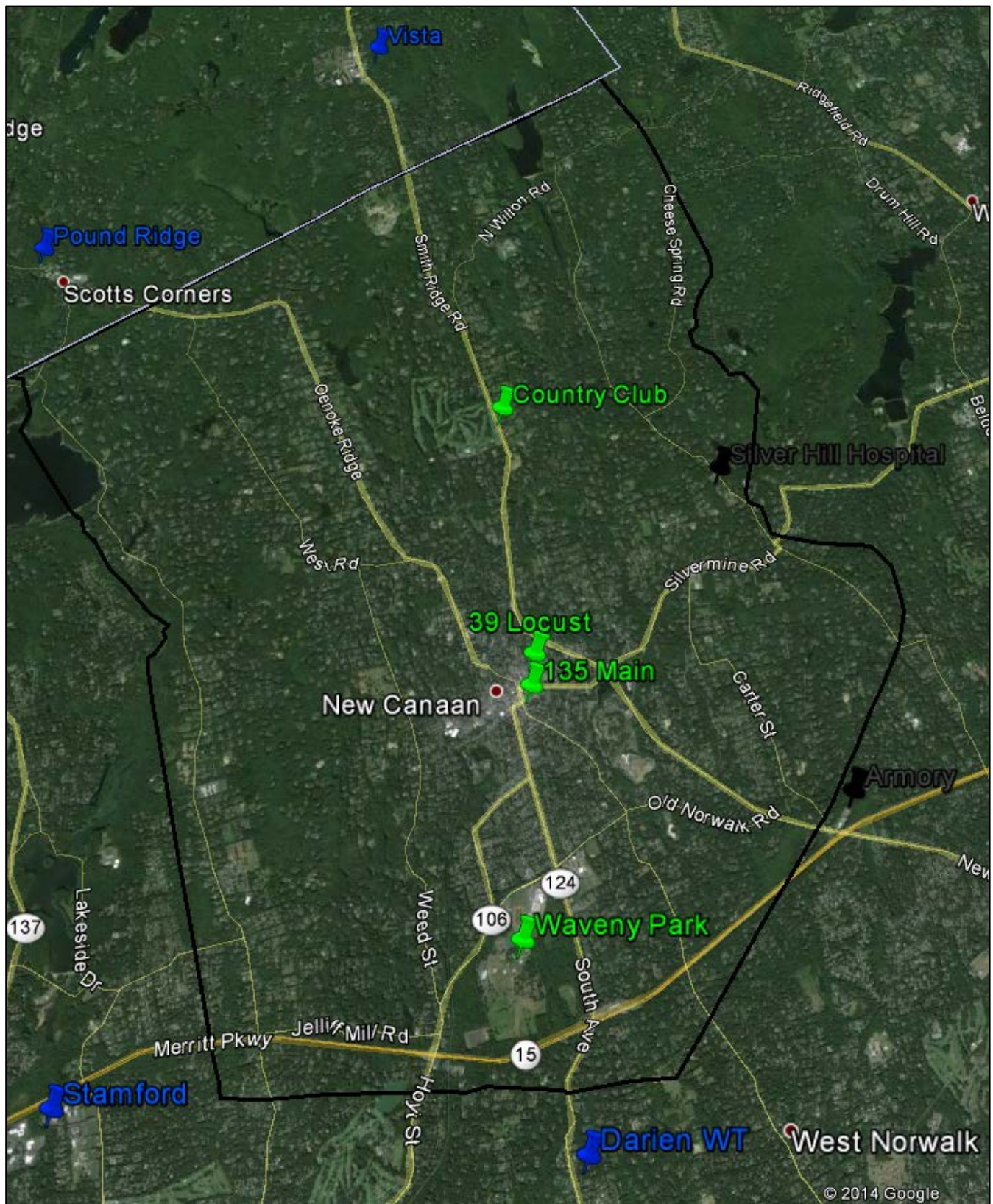
These site locations are displayed on the following two pages: one in a street map format, the other in Google Earth <sup>TM</sup> format.

Figure 1: Map of the Town of New Canaan, CT





**Figure 2: Google Earth™ View of the Town of New Canaan, CT**





**Table 2: Site Survey Data**

Site Name	Latitude	Longitude	Morphology	Band	AT&T	Verizon	T-Mobile	Sprint
<b>135 Main</b>	41.1462	-73.4916	Urban	700	LTE			
				850	UMTS-B			
				PCS	UMTS			
				AWS				
<b>39 Locust</b>	41.1490	-73.4914	Urban	700		LTE		
				850		CDMA-A		
				PCS		CDMA/EVDO	UMTS	CDMA/EVDO
				AWS			UMTS/LTE	
<b>Waveny Park</b>	41.1245	-73.4913	Suburban	700	LTE	LTE		
				850	UMTS-B	CDMA-A		
				PCS	UMTS	CDMA/EVDO	UMTS	CDMA/EVDO
				AWS			UMTS/LTE	
<b>Country Club</b>	41.1728	-73.4962	Suburban	700	LTE			
				850	UMTS-B			
				PCS	UMTS		GSM**	
				AWS				
<b>Darien WT</b>	41.1077	-73.4839	Suburban	700	LTE	LTE		
				850	UMTS-B	CDMA-A		
				PCS	UMTS	CDMA/EVDO	UMTS	CDMA/EVDO?
				AWS			UMTS/LTE	
<b>Stamford</b>	41.1127	-73.5383	Suburban	700	LTE	LTE		
				850	UMTS-B	CDMA-A		
				PCS	UMTS	CDMA/EVDO	UMTS	CDMA/EVDO?
				AWS			UMTS/LTE	
<b>Pound Ridge</b>	41.1918	-73.5541	Suburban	700	LTE			
				850	UMTS-A			
				PCS	UMTS		UMTS	
				AWS			UMTS/LTE	
<b>Vista</b>	41.2141	-73.5149	Suburban	700	LTE	LTE		
				850	UMTS-A	CDMA-B		
				PCS	UMTS	CDMA/EVDO		CDMA/EVDO
				AWS				

\*\* The Site Survey indicated that T-Mobile is only operating 1900MHz GSM service at this site; this 2G technology was not within the scope of this study.

Full survey data will be provided separately.

As the table shows, AT&T and Verizon license opposite sides of the 850MHz Band in CT and NY. AT&T uses the “A” band in NY and the “B” in CT; Verizon has the opposite bands. It was necessary to measure both bands for both service providers and combine the results to get a complete view of their 850 MHz coverage.

All carriers have active sites in the Downtown area; AT&T at 135 Main, the others at 39 Locust. All carriers are active on the south side in Waveny Park. The Connecticut site database says both AT&T and T-Mobile are active at Country Club but the Survey indicated that T-Mobile is only operating 1900MHz GSM service here. This 2G technology was not considered within the scope of this study and no Drive Test data was collected for 2G. However, as T-Mobile could potentially upgrade the Country Club site to UMTS technology, we considered this site active for purposes of 1900 MHz coverage predictions and analysis.

All sites have dense, tall trees (65' – 90') in their coverage areas, and most antennas are above tree height. Higher frequencies have shorter signal propagation ranges than lower bands and the dense foliage reduces distances even further in these bands. Both Downtown sites have fewer trees in their area but the antennas are below tree height which will significantly reduce propagation in all bands.

Drive test data was collected for AT&T, Sprint, T-Mobile, and Verizon. A primary reference channel was identified for each carrier, frequency band and technology in order to the system to lock onto the correct signals and consistently measure received levels across the entire Town. However, the team was not able to identify a common primary reference channel across all sites for the Sprint or Verizon 1900 MHz bands so the collected drive test data only partially represents their 1900 MHz coverage. It's impossible to know how much data was missed but 50% is a rough estimate. The two approved (but not active) sites, Armory and Silver Hill Hospital, are noted in the plots for reference.

Radio prediction models were calibrated using empirical data from the Drive Test collection for all bands. Typical cell radii for each band, morphology and coverage band as predicted for New Canaan in the radio propagation tool are provided in the table below.

**Table 3: Typical Predicted Cell Radii in New Canaan**

Frequency	Suburban			Urban		
	In-Bldg	In-Vehicle	Outdoor	In-Bldg	In-Vehicle	Outdoor
700 MHz	1.0 mi	1.3 mi	1.6 mi	0.7 mi	0.8 mi	1.0 mi
850 MHz	0.9 mi	1.2 mi	1.4 mi	0.6 mi	0.7 mi	0.9 mi
1900 MHz	0.8 mi	1.0 mi	1.2 mi	0.5 mi	0.6 mi	0.8 mi
2100 MHz	0.7 mi	0.9 mi	1.1 mi	0.4 mi	0.5 mi	0.7 mi

As expected, the radii for Urban models is significantly smaller that Suburban models due to the antennas being below tree height. Also, as expected, the radii for 1900 MHz and 2100 MHz bands are significantly smaller than for 700 MHz and 850 MHz due to the higher frequency and the impact of the dense foliage.

## AT&T Results Overview

AT&T has 3 active sites in New Canaan (Country Club, 135 Main and Waveny Park) as well as 4 active periphery sites that provide coverage inside New Canaan's borders (Darien WT, Stamford, Pound Ridge and Vista).

AT&T provides primary voice service over UMTS technology in the 850 MHz band and primary high-speed data service over LTE technology in the 700 MHz band. The 850 MHz band can provide secondary data service and the 1900 MHz band provides extra capacity for both voice and data users through UMTS technology.

### *AT&T Drive Test Results*

Coverage in the 700 MHz band is strong, covering about 90% of the routes driven. With approximately 80% of the Town area driven, this equates to 75% total area covered. The perimeter sites provide some coverage on the north and south boundaries. Notable holes are W of route 124, and E of 123 along Valley Rd. These holes appear to be due to terrain features.

Coverage in the 850 MHz band is noticeably worse than the 700 MHz coverage. Approximately 2/3 of the Town receives 850 MHz signals with notable gaps appearing SE of Downtown and N of the Country Club. These holes can be attributed the weaker UMTS technology link budget as well as terrain features.

The PCS (1900 MHz) band only provides coverage in about 1/3 of the Town. The combination of dense foliage and the reduced signal propagation of higher frequencies accounts for this more limited result. Coverage from 135 Main St is restricted because the antennas are below tree height.

The AT&T Drive Test data maps are provided on the following pages. The colored dots represent collected signal strength measurements along the drive routes. The legend for each indicates the meaning of each color.

Figure 3: AT&T 850 UMTS Drive Test

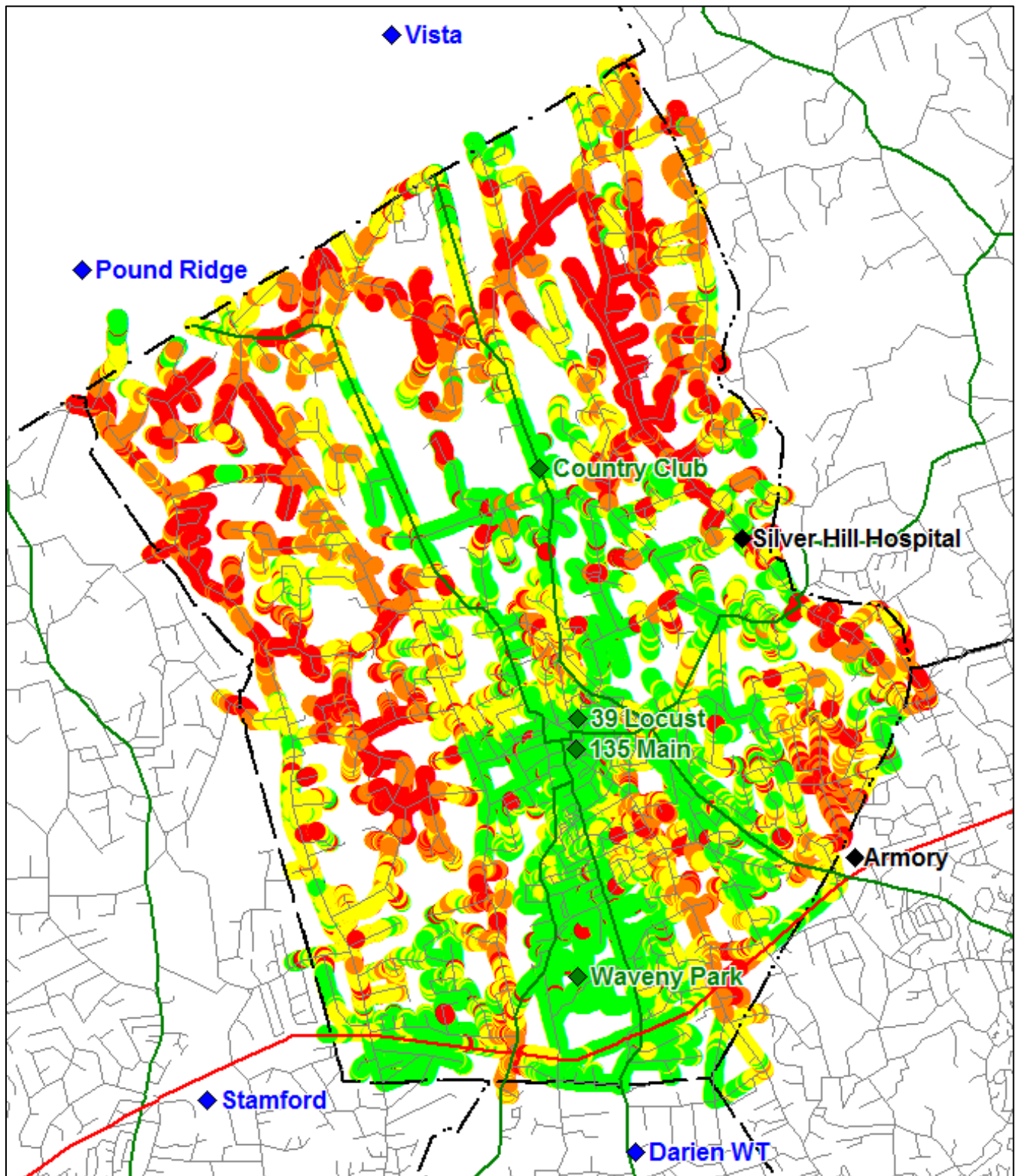


Figure 4: AT&T 700 LTE Drive Test

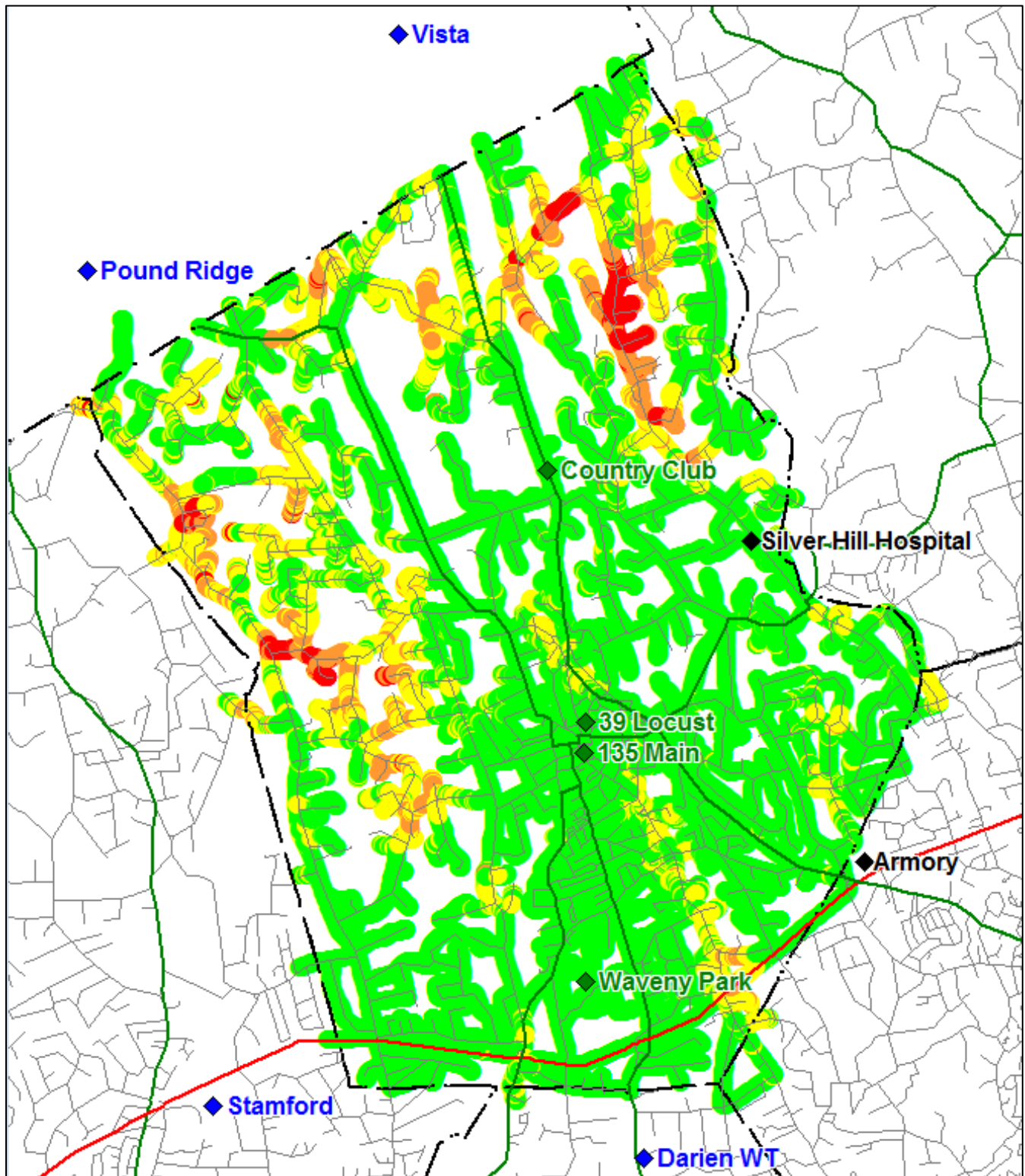
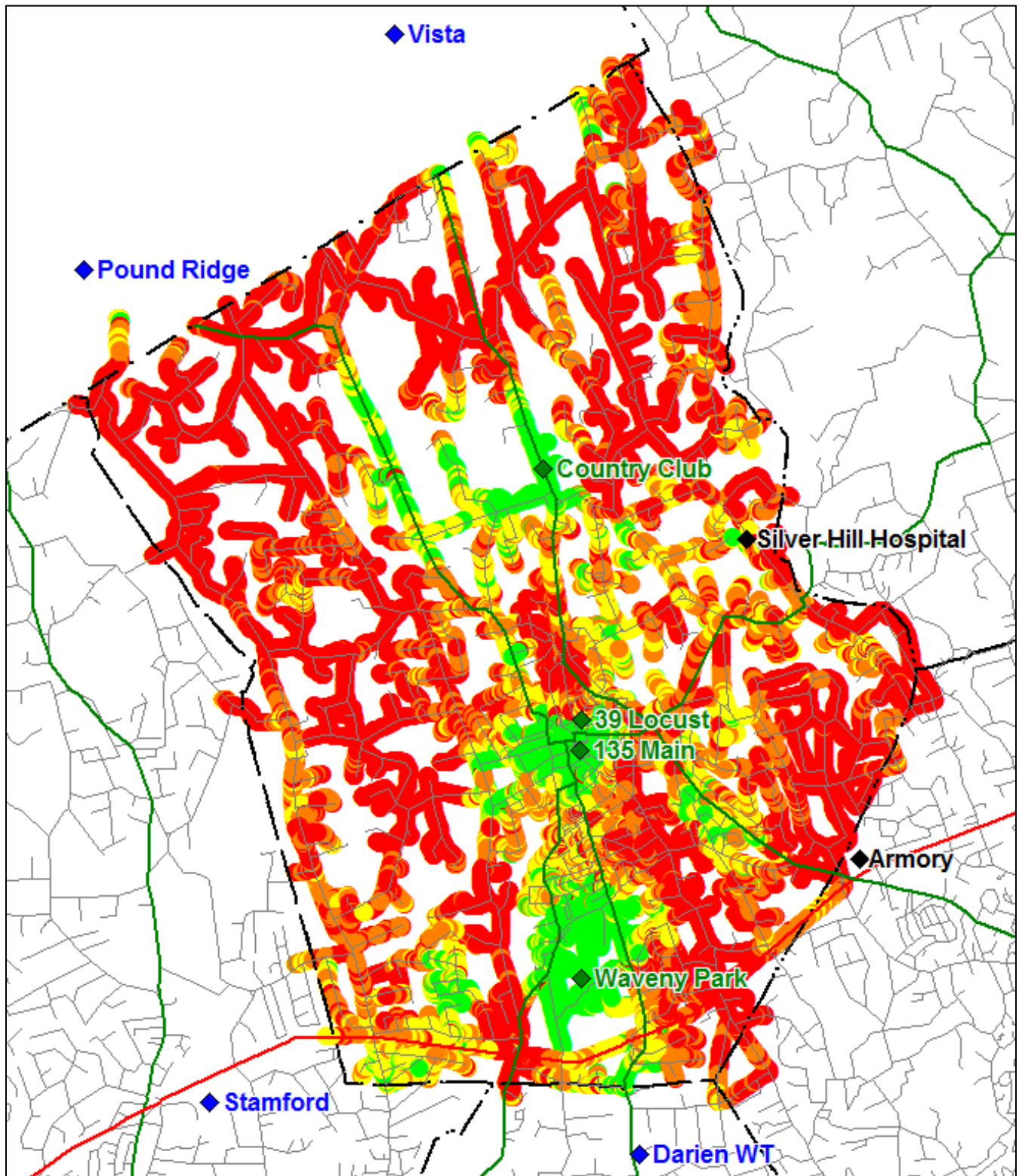




Figure 5: AT&T 1900 UMTS Drive Test



### *AT&T Coverage Prediction Results*

The 700 MHz band, as expected from the above Drive Test results, has the best coverage, with a footprint of about 3/4 of the Town. Notable gaps are W of route 124, E of Downtown and NE of 123 along Valley Rd. Coverage from 135 Main is restricted because the antennas are below tree height. The other gaps are primarily due to terrain features.

Coverage at 850 MHz is less than 700 MHz, about 2/3 of the Town. The gaps W of route 124 and E of 123 along Valley Rd are more pronounced. These increased gaps are due to the slightly higher frequency and the weaker Link Budget of UMTS vs LTE technology.

The two NY sites, Pound Ridge and Vista, provide some coverage on the fringes of Town but their positions outside the town border in thickly forested areas provide little benefit to the Town itself. By factoring in the "Approved" sites at the Armory and Silver Hill Hospital, many of the coverage holes NE and SE of Downtown are addressed. These sites will not address, however, the noticeable gaps E of Downtown N of Rte 106 and NE of Rte 123; these gaps are likely caused by the dense foliage.

As expected, coverage degrades significantly at 1900 MHz due to the higher frequency band and foliage effects.

The AT&T Predicted Coverage maps are provided on the following pages.



Figure 6: AT&T Active Sites – 850 MHz Predicted Coverage

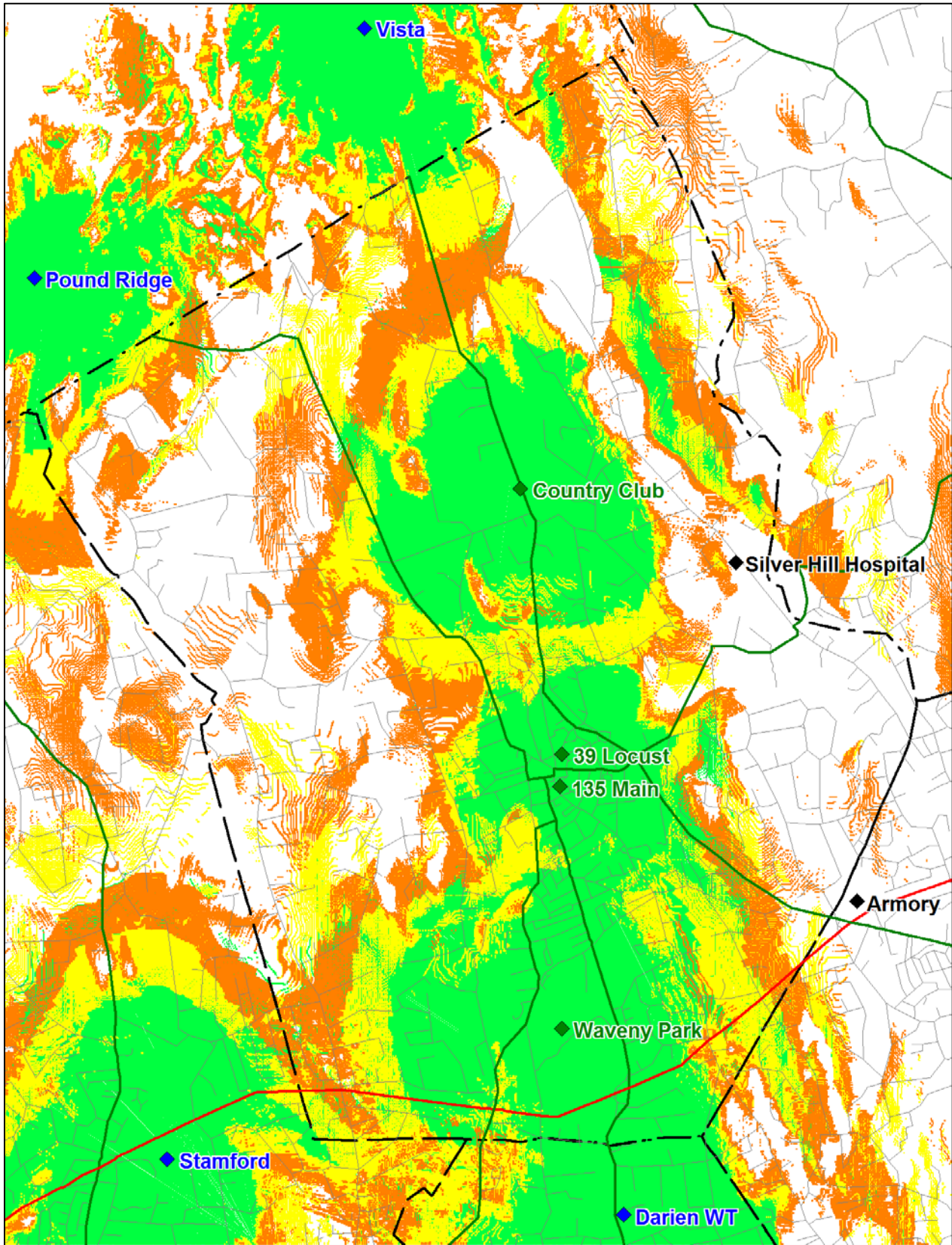
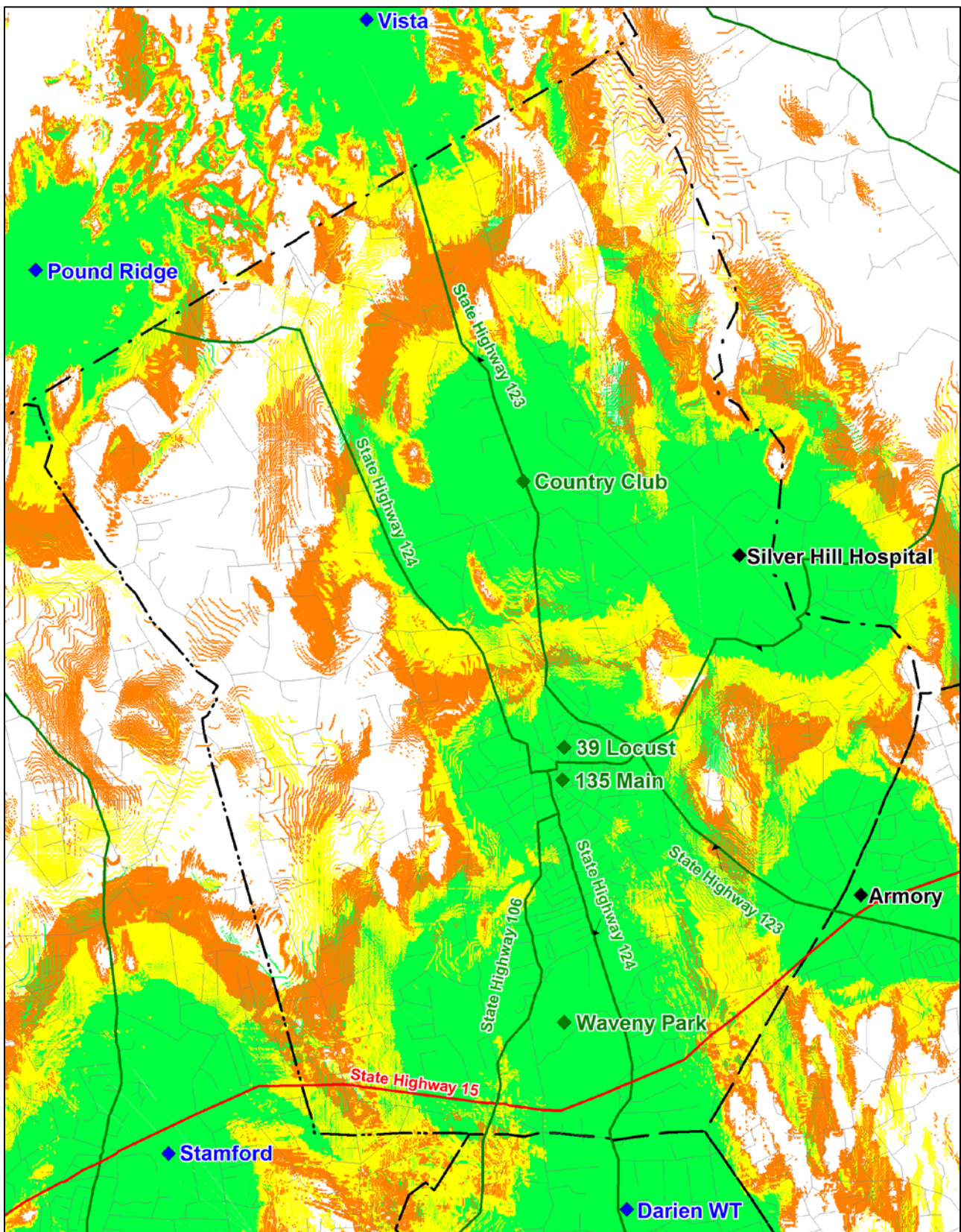
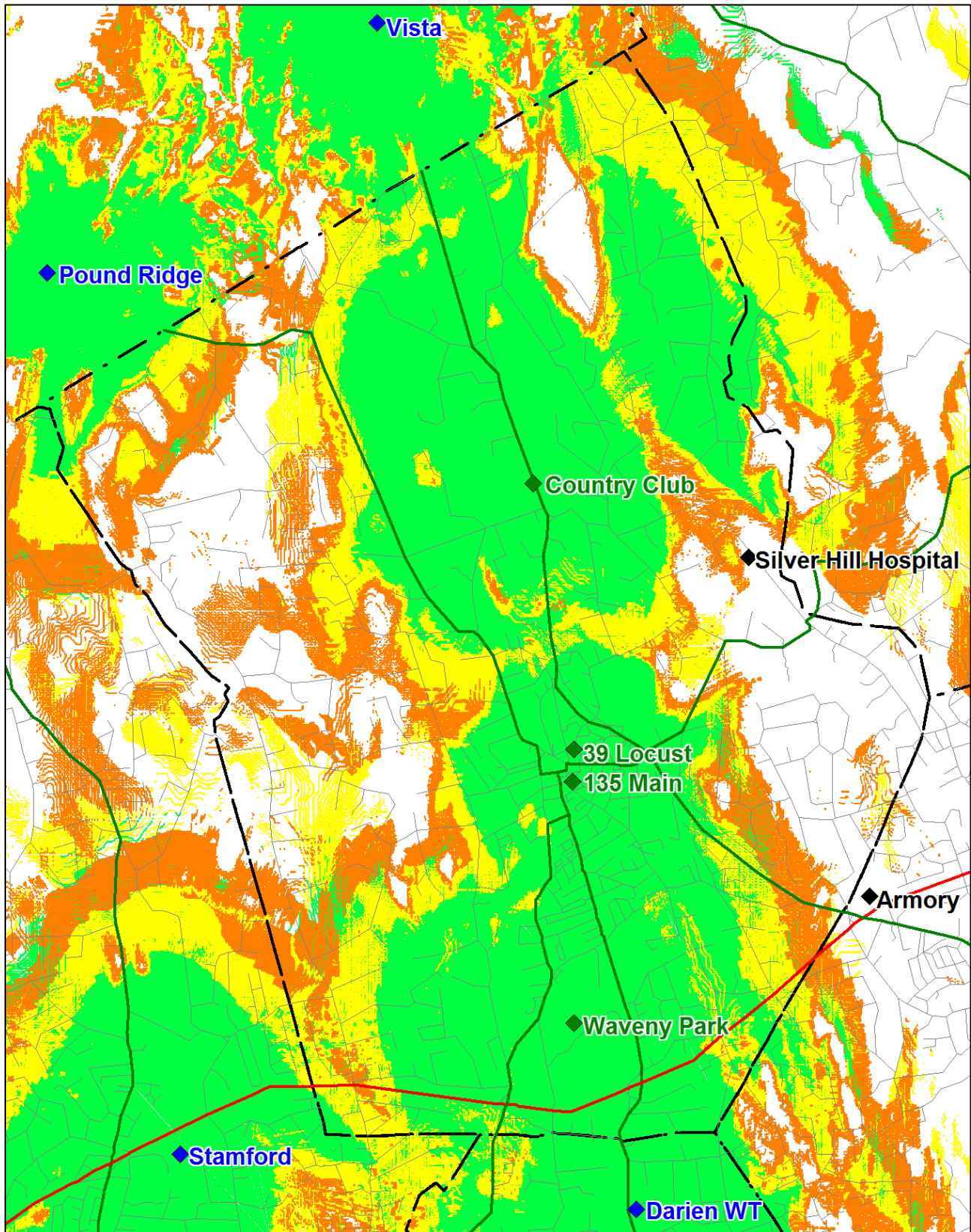


Figure 7: AT&T Active & Approved Sites – 850 MHz Predicted Coverage

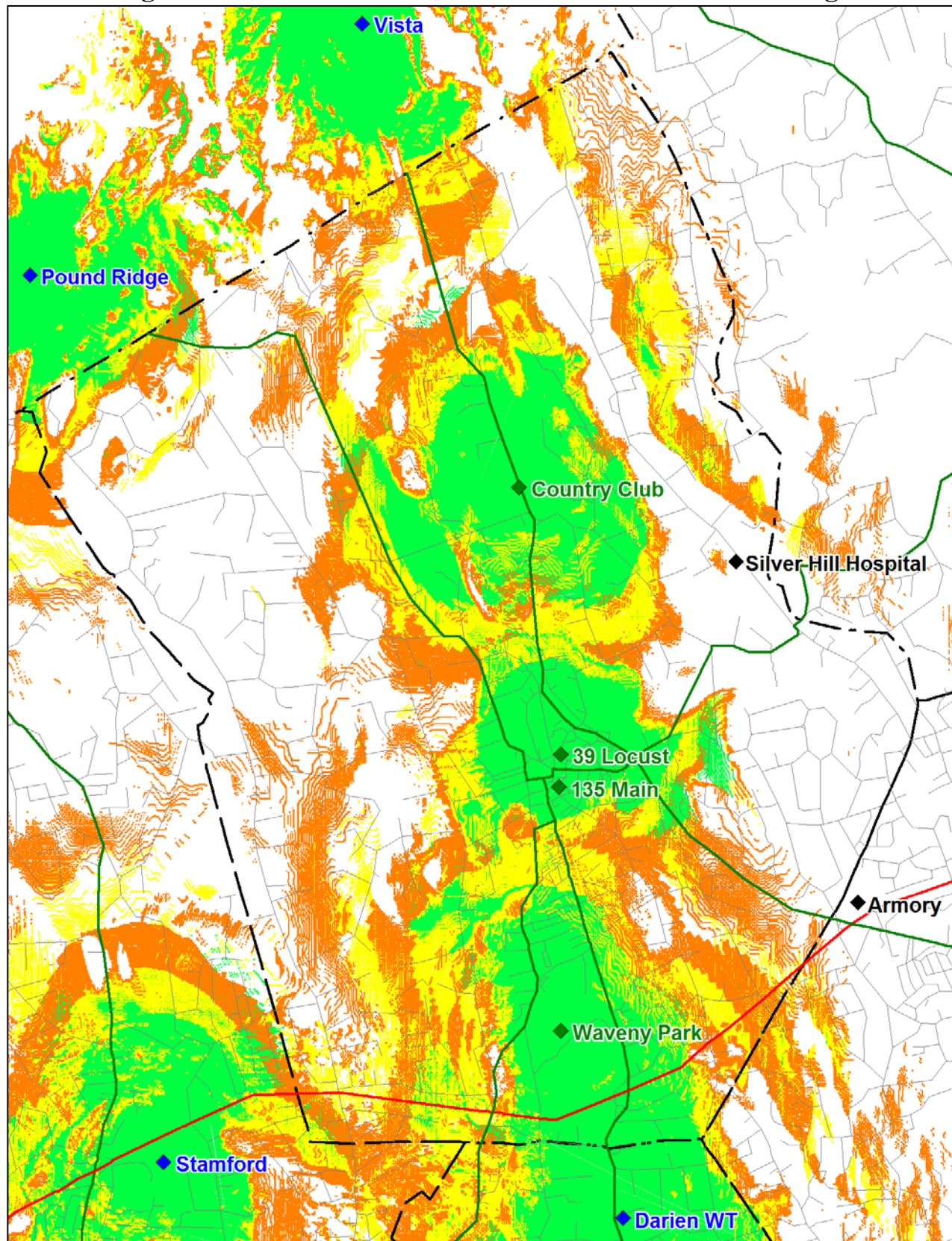




**Figure 8: AT&T Active Sites – 700 MHz Predicted Coverage**



**Figure 9: AT&T Active Sites – 1900 MHz Predicted Coverage**



### AT&T Observations Summary

Predicted coverage from existing sites reaches approximately 3/4 of the Town at 700 MHz, 2/3 of the Town at 850 MHz and only 1/2 of the Town at 1900 MHz. Adding in the Approved sites at Armory and Silver Hill Hospital fills in many of the coverage holes NE and SE of Downtown. The biggest holes are W of route 124 and E of route 123 along Valley Rd. There are also noticeable gaps E of Downtown.

The coverage discrepancies of the Drive Test vs the Predicted maps, especially at 700 MHz, are likely due to two factors. First, Drive Test measurements are more accurate than Predictions; the inherent uncertainty of Predictions (8-10 dB) can make a big difference at any point on the map. Second, looking at the E site of Town, it seems that we missed an external site unaccounted for in our Predictions that is providing coverage in-town at 700 MHz. Centerline can try to identify this site and account for it in another phase of the project, perhaps after the Silver Hill Hospital and Armory sites go live.

The plots give a general pictorial representation of coverage levels and gaps. However, with the inherent variability of the predictions, it's not meaningful to attempt to identify specific neighborhoods that may not be receiving adequate service.

## Verizon Results Overview

Verizon has 2 active sites in town (39 Locust and Waveny Park) and 3 active periphery sites providing coverage inside New Canaan borders (Darien WT, Stamford and Vista).

Verizon provides primary voice service over CDMA technology in the 850 MHz band and primary high-speed data service over LTE technology in the 700 MHz band. The 850 MHz band can provide secondary data service and the 1900 MHz band provides extra capacity for both voice and data users using EVDO technology.

### *Verizon Drive Test Results*

Coverage in the 700 MHz band covers about 2/3 of the Town. Their coverage is significantly less than AT&T's N of Downtown as they do not have an active site at the Country Club. In addition, they have the same holes as AT&T W of route 124, and E of 123 along Valley Rd and SE of Downtown likely due to terrain features.

Coverage in the 850 MHz band is noticeably worse, only covering 1/2 of the Town, as the holes increase in size. This is likely due to the weaker CDMA technology link budget vs LTE as well as the reduced signal propagation of higher frequencies.

According to the Drive Test data, the 1900 MHz band only provides coverage in about 1/4 of the Town. However, the team was not able to identify a common primary reference channel across all sites for the Verizon 1900 MHz band. Without a reference channel, the system couldn't necessarily lock onto the correct signals so the collected drive test data only partially represents their 1900 MHz coverage. It's impossible to know how much data was missed but 50% is a rough estimate.

Other factors impacting 1900 MHz coverage are the dense foliage and higher frequency compared to the lower frequencies. Coverage from 39 Locust is restricted because the antennas are below tree height. A significant coverage hole also develops S of Main St along White Oak Shade Rd, likely due to terrain features.

The Verizon Drive Test data maps are provided on the following pages. The colored dots represent collected signal strength measurements along the drive routes. The legend for each indicates the meaning of each color.



Figure 10: Verizon 850 CDMA Drive Test

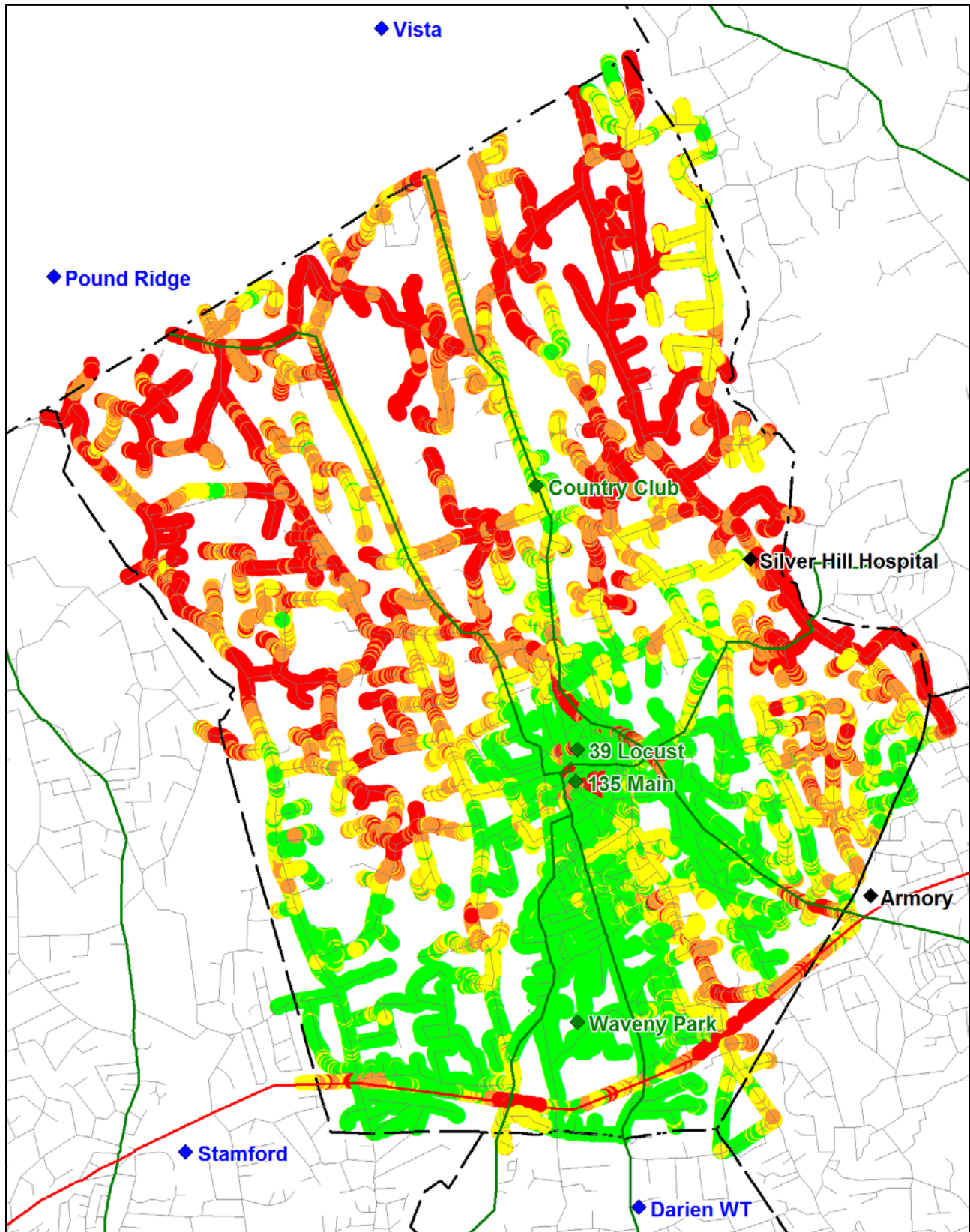


Figure 11: Verizon 700 LTE Drive Test

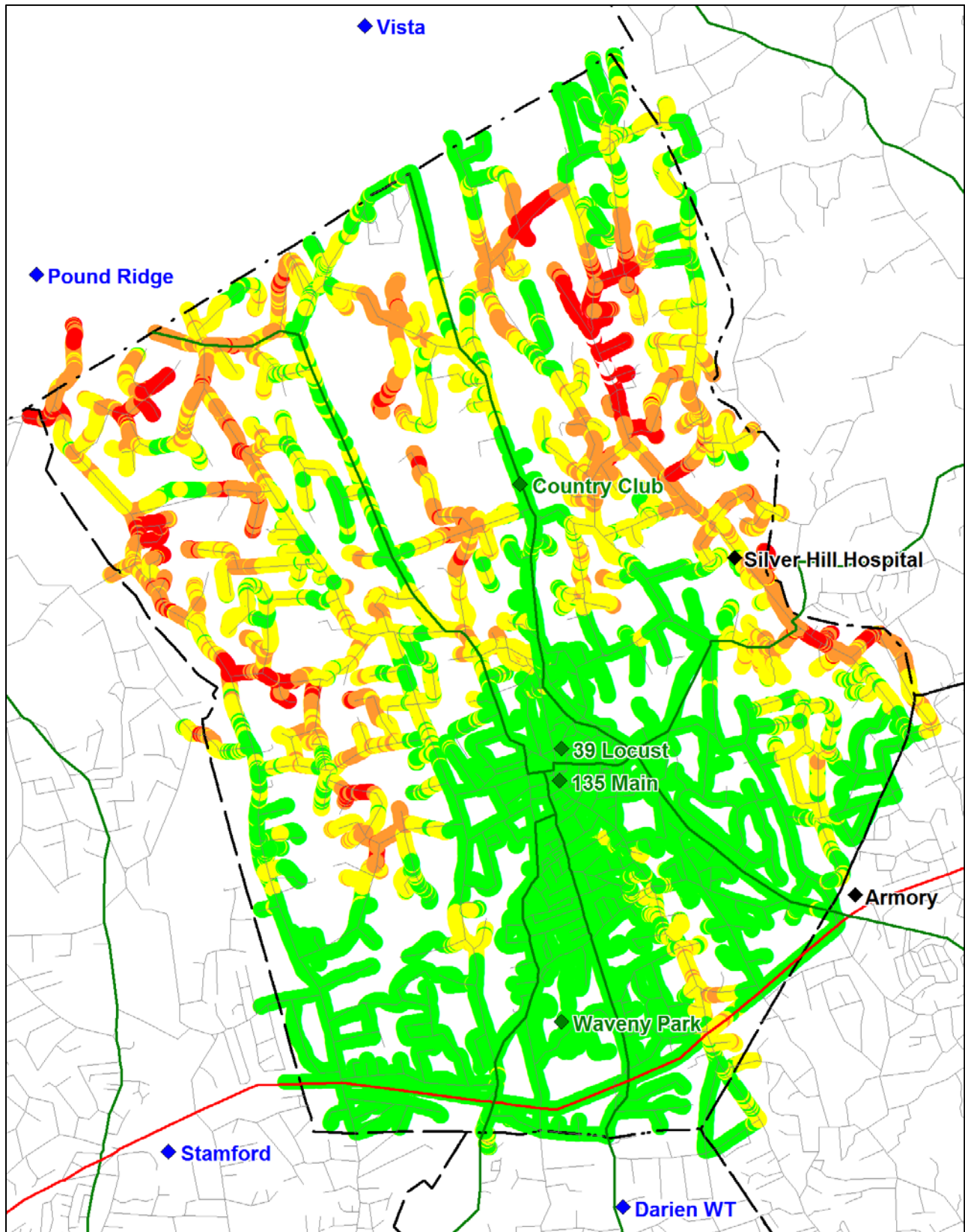
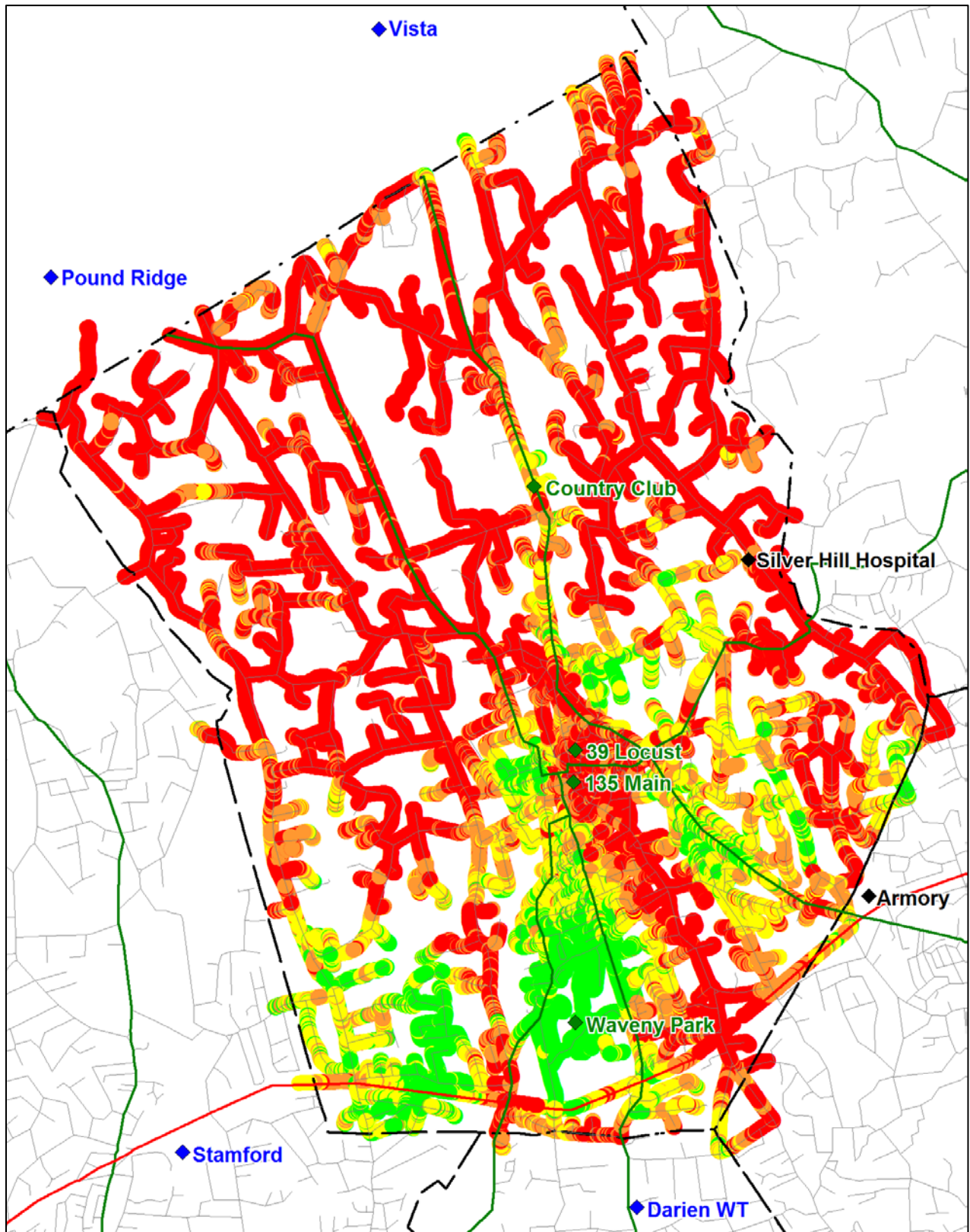




Figure 12: Verizon 1900 EVDO Drive Test



### *Verizon Coverage Prediction Results*

The 700 MHz band covers about 2/3 of the Town with no site N of Downtown. Notable gaps are E, W and N of Downtown.

Coverage at 850 MHz is slightly less than 700 MHz with the same coverage gaps as above but more pronounced. These increased gaps are due to reduced signal propagation at the slightly higher frequency.

The NY site at Vista provides some coverage on the fringes of Town but its position outside the town border in thick forest provides little benefit to the Town itself. By factoring in the "Approved" sites at the Armory and Silver Hill Hospital, many of the coverage holes NE and SE of Downtown are addressed. These sites will not address, however, the gaps NE and E of Downtown along Rtes 123 and 124.

As expected, coverage degrades significantly at 1900 MHz with the higher frequency band and foliage effects. The same gaps as above are expanded. A significant coverage hole also develops S of Main St along White Oak Shade Rd.

The Verizon Predicted Coverage maps are provided on the following pages.



Figure 13: Verizon Active Sites – 850 MHz Predicted Coverage

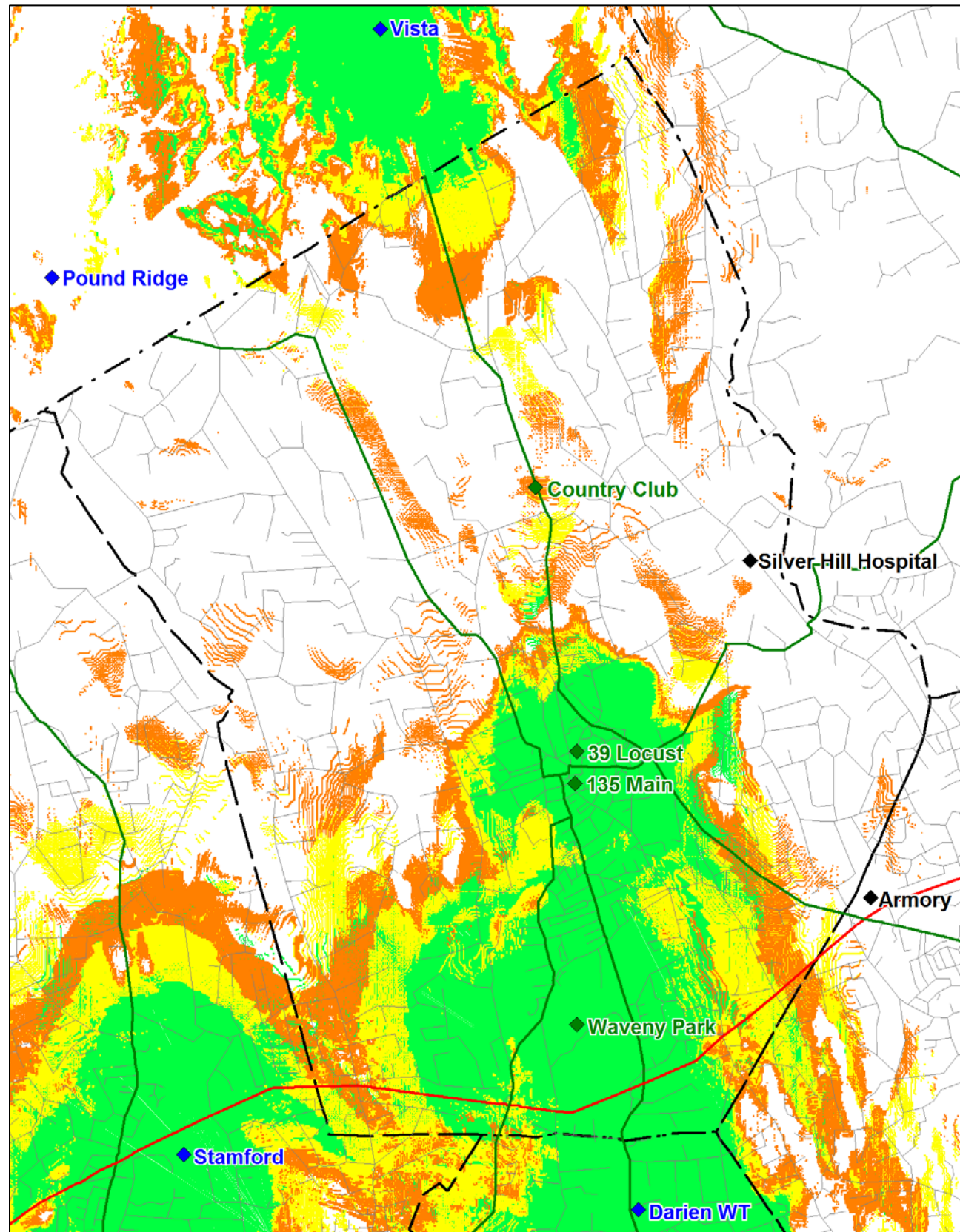
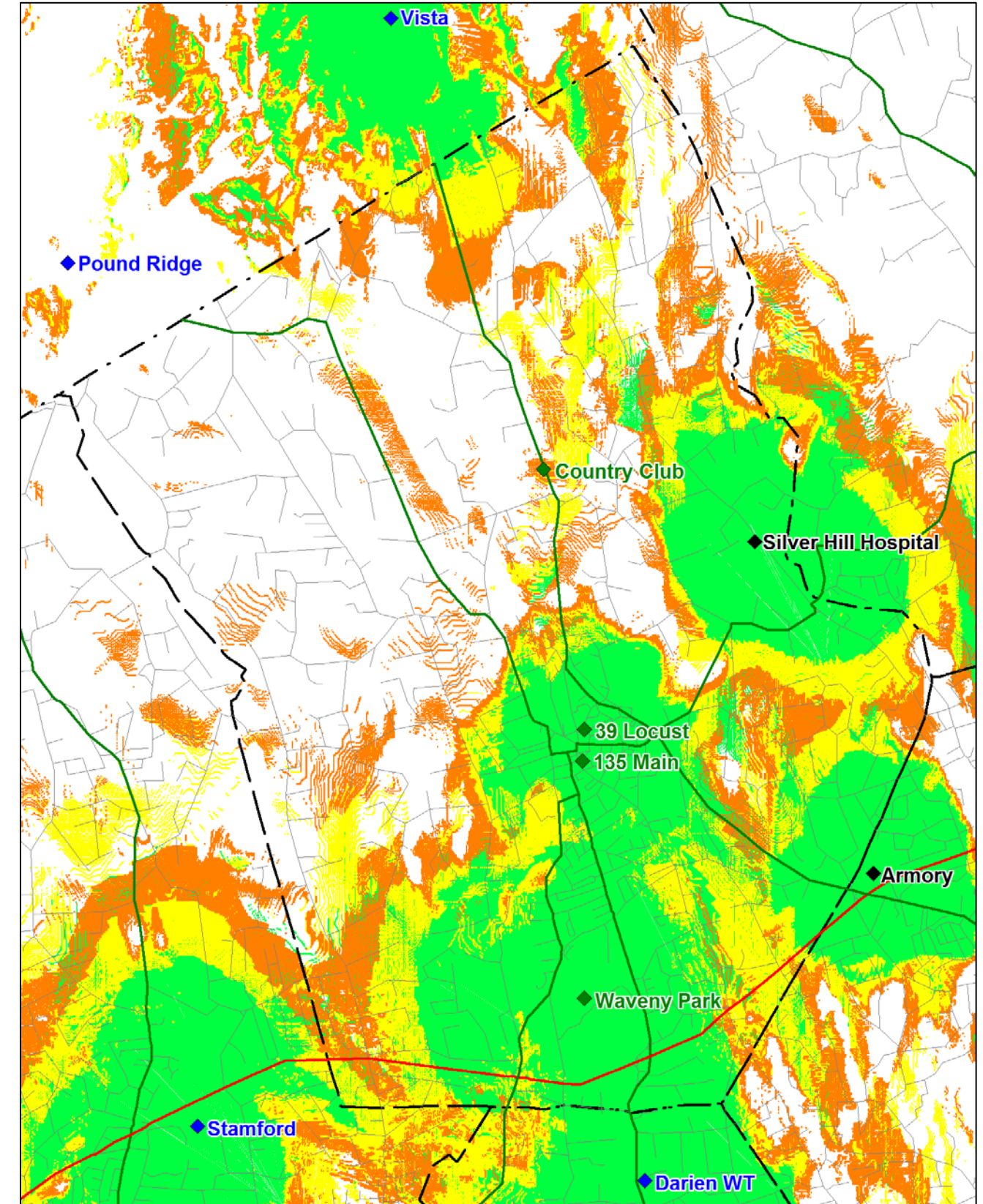
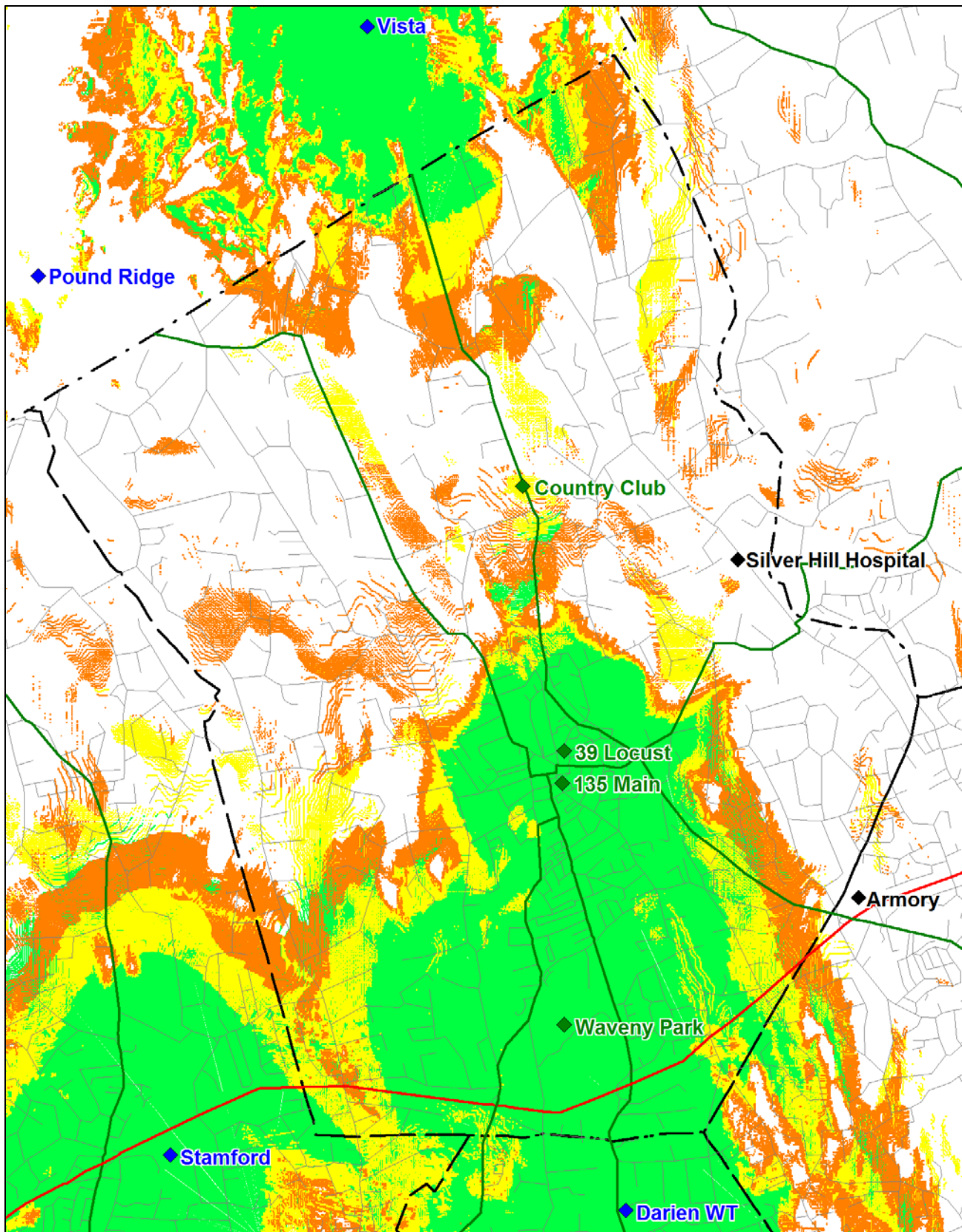


Figure 14: Verizon Active & Approved Sites – 850 MHz Predicted Coverage

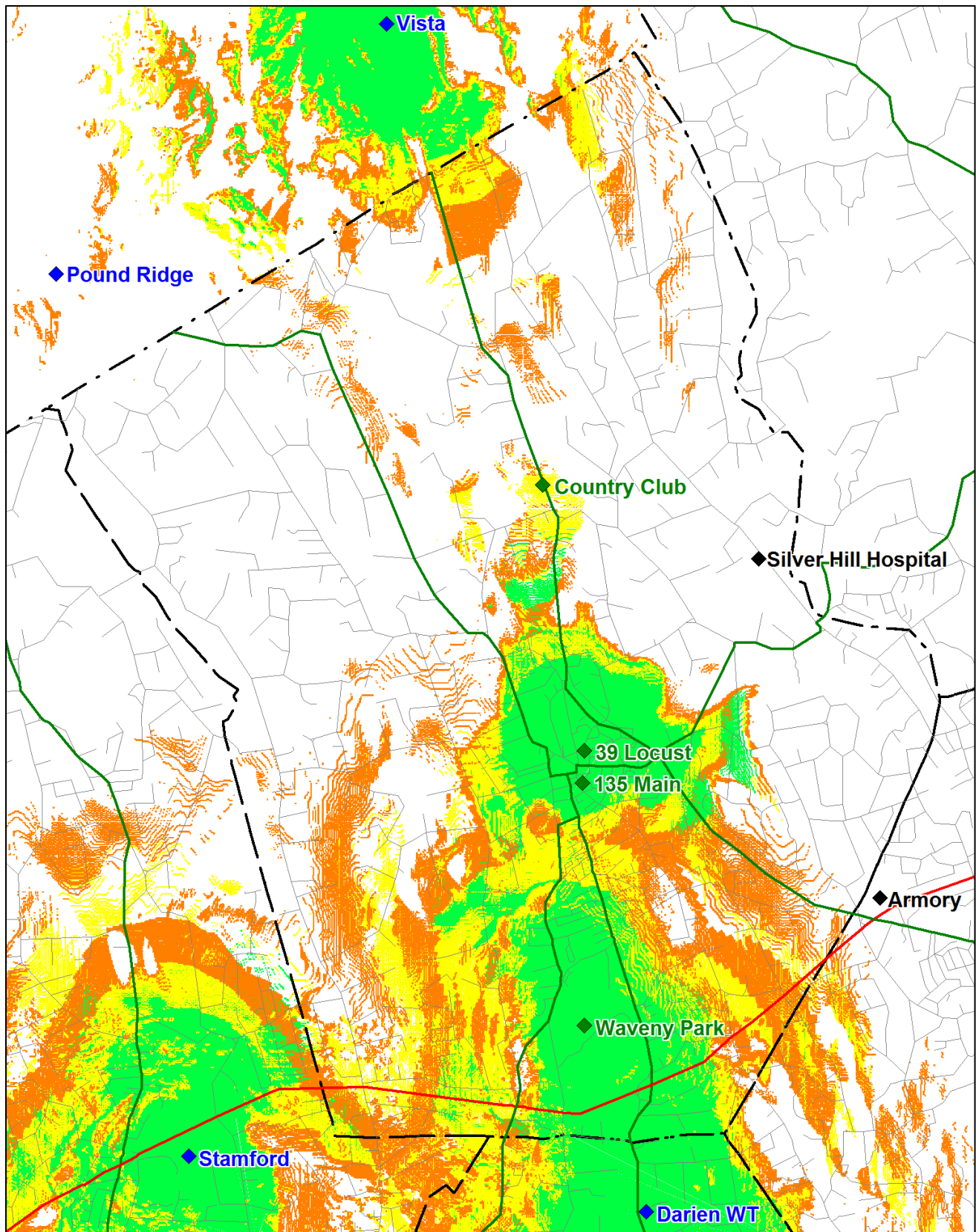




**Figure 15: Verizon Active Sites – 700 MHz Predicted Coverage**



**Figure 16: Verizon Active Sites – 1900 MHz Predicted Coverage**



### Verizon Observations Summary

Coverage from existing sites reaches approximately 2/3 of the Town area at 700 MHz, 1/2 at 850 MHz and only 1/3 of the Town at 1900 MHz. Adding in the Approved sites at Armory and Silver Hill Hospital fills in some of the coverage holes NE and SE of Downtown. The biggest holes are N of Downtown, W of route 124 and E of route 123 along Valley Rd. There are also noticeable gaps E of Downtown.

The plots give a general pictorial representation of coverage levels and gaps. However, with the inherent variability of the predictions, it's not meaningful to attempt to identify specific neighborhoods that may not be receiving adequate service.

## T-Mobile Results Overview

T-Mobile only has 2 active UMTS or LTE sites in town (39 Locust and Waveny Park). The Connecticut site database says both AT&T and T-Mobile are active at Country Club but the Survey indicated that T-Mobile is only operating 1900MHz GSM service here. This 2G technology was not considered within the scope of this study and no Drive Test data was collected for 2G. However, as T-Mobile could potentially upgrade the Country Club site to UMTS technology, we considered this site active for purposes of 1900 MHz coverage predictions and analysis.

There are 3 active periphery sites providing coverage inside New Canaan borders (Darien WT, Stamford and Pound Ridge).

T-Mobile provides primary voice and data service over UMTS technology in the 1900 MHz band. The 2100 MHz provides secondary voice and data service through UMTS technology.

### *T-Mobile Drive Test Results*

The PCS band only provides coverage in about 1/3 of the Town around and between Downtown and Waveny Park. There is minimal coverage N of Downtown as their Country Club site is only transmitting 2G technology and this data was not collected. The dense foliage and reduced signal propagation at higher frequencies decrease coverage compared to the other network operators. Coverage from 39 Locust is restricted because the antennas are below tree height.

As expected, the AWS (2100 MHz) band coverage is noticeably worse than the PCS band, only covering about 1/4 of the Town. This is due to the reduced signal propagation of the slightly higher frequency of the transmissions.

The T-Mobile Drive Test data maps are provided on the following pages. The colored dots represent collected signal strength measurements along the drive routes. The legend for each indicates the meaning of each color.



Figure 17: T-Mobile 1900 UMTS Drive Test

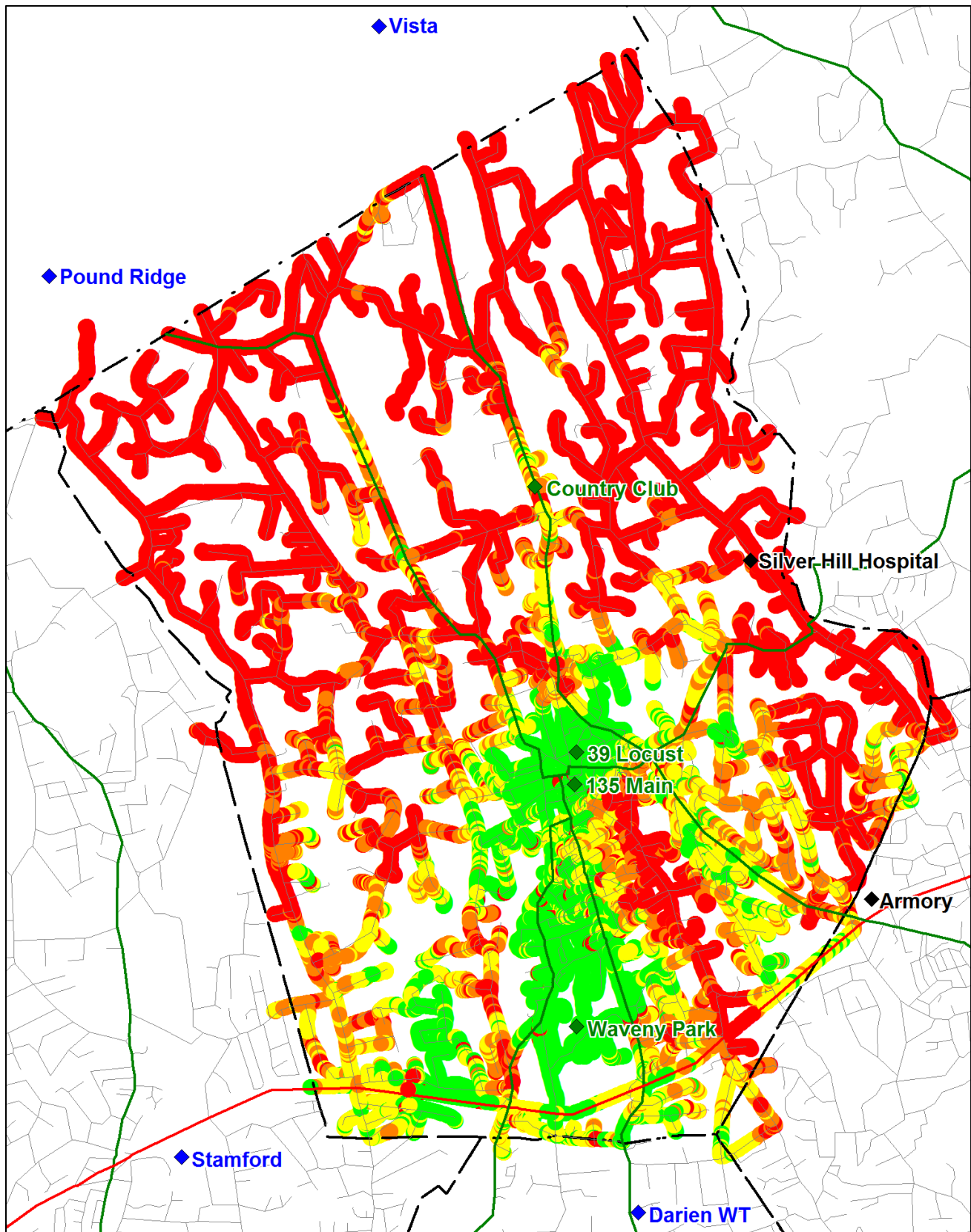
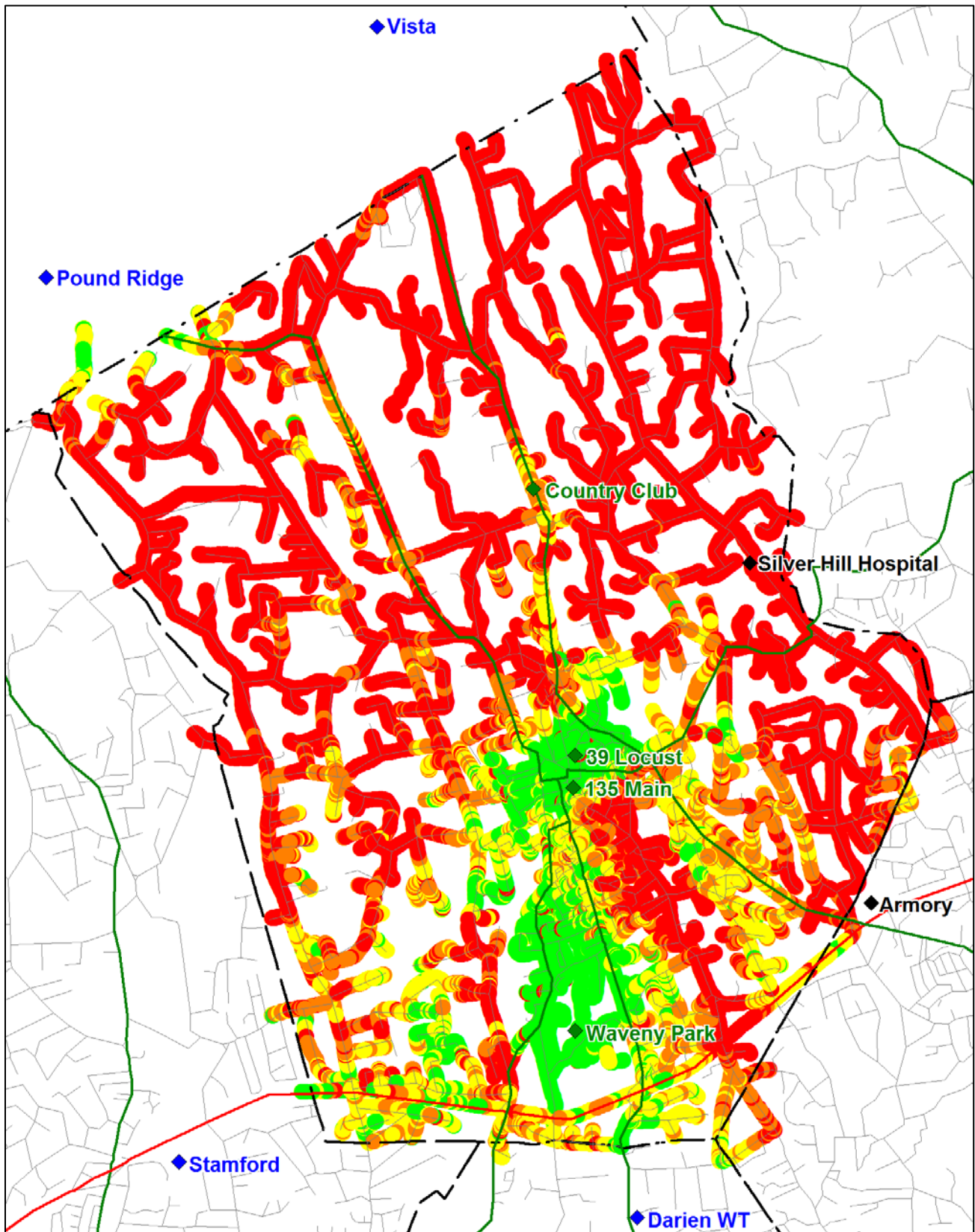


Figure 18: T-Mobile 2100 UMTS Drive Test



### *T-Mobile Coverage Prediction Results*

The PCS band provides coverage in about 1/2 of the Town around and between Downtown and Waveny Park. The dense foliage and reduced signal propagation at higher frequency decrease coverage compared to the lower frequencies of the other network operators. Coverage from 39 Locust is restricted because the antennas are below tree height. Coverage from Country Club was considered as T-Mobile could potentially upgrade their current 1900 MHz GSM service at that site to UMTS.

The NY site at Pound Ridge provides some coverage on the fringes of Town but its position outside the town border in thick forest provides little benefit to the Town itself. By factoring in the "Approved" site at Silver Hill Hospital, an island of coverage is created around the site which has a minimal border with Country Club and a sizable gap with 39 Locust.

As expected, the AWS (2100 MHz) band coverage is significantly worse than the PCS band, only covering about 1/4 of the Town. This is due to the exclusion of the Country Club site and reduced signal propagation at the slightly higher frequency of the transmissions.

The T-Mobile Predicted Coverage maps are provided on the following pages.



Figure 19: T-Mobile Active Sites – 1900 MHz Predicted Coverage

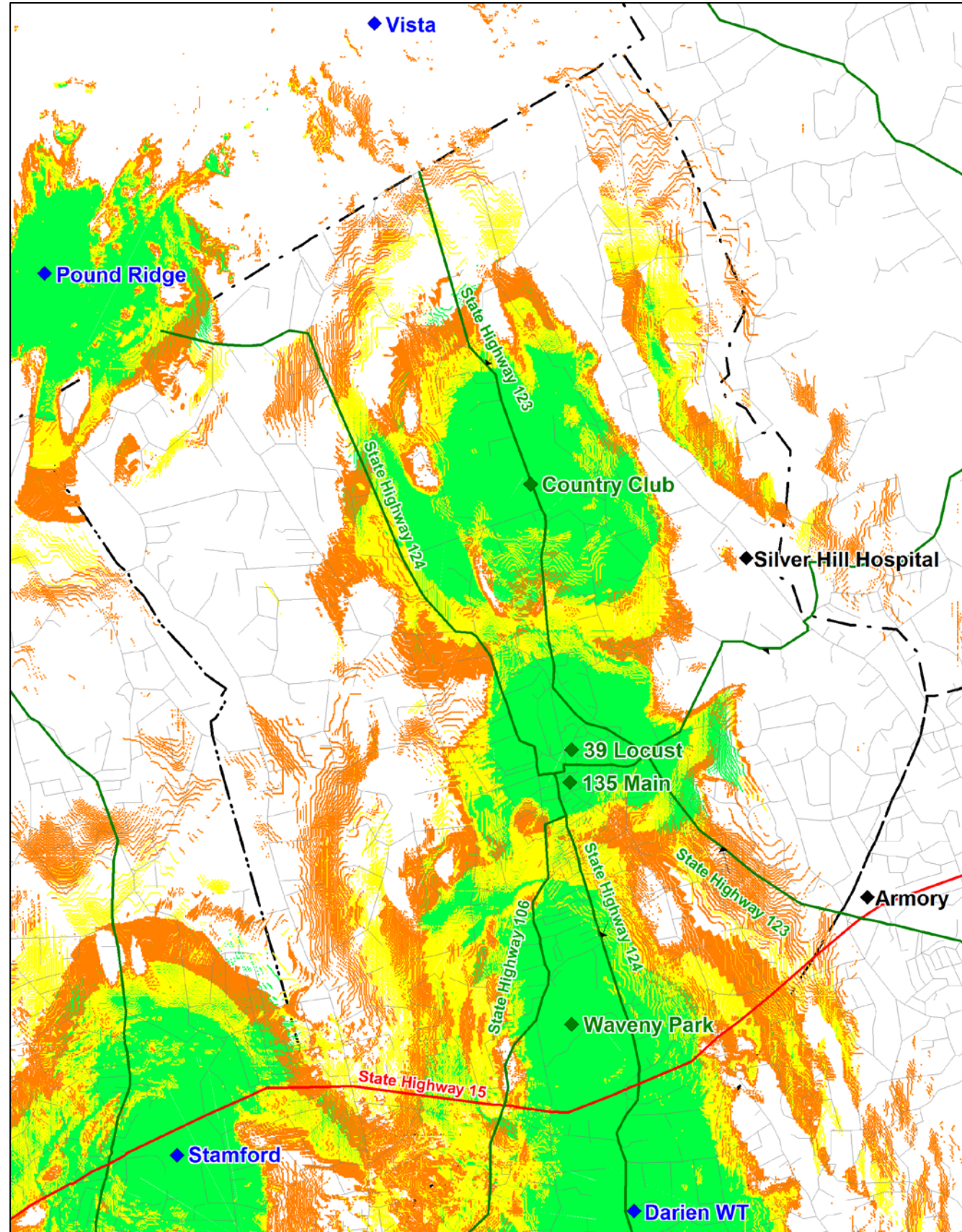
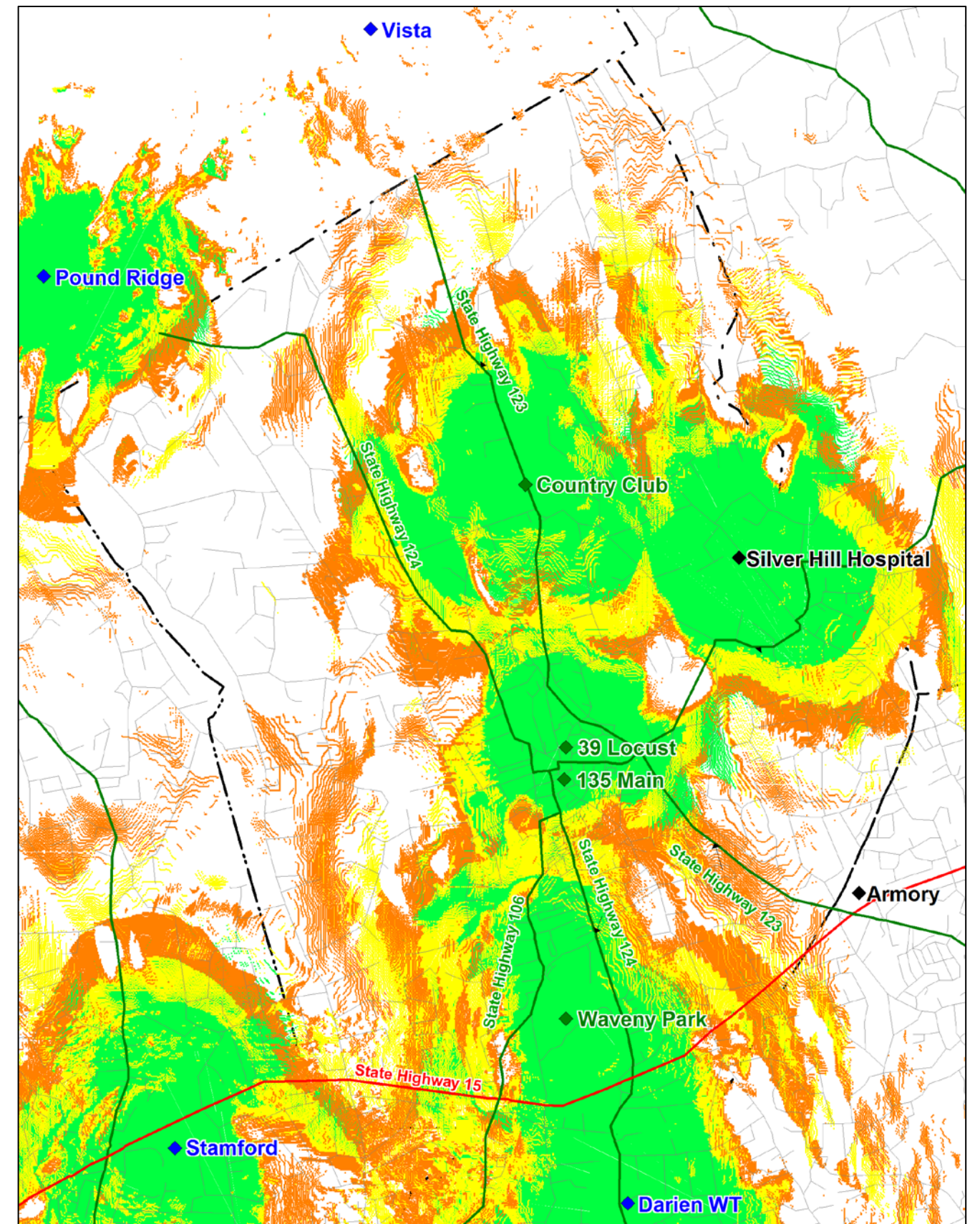
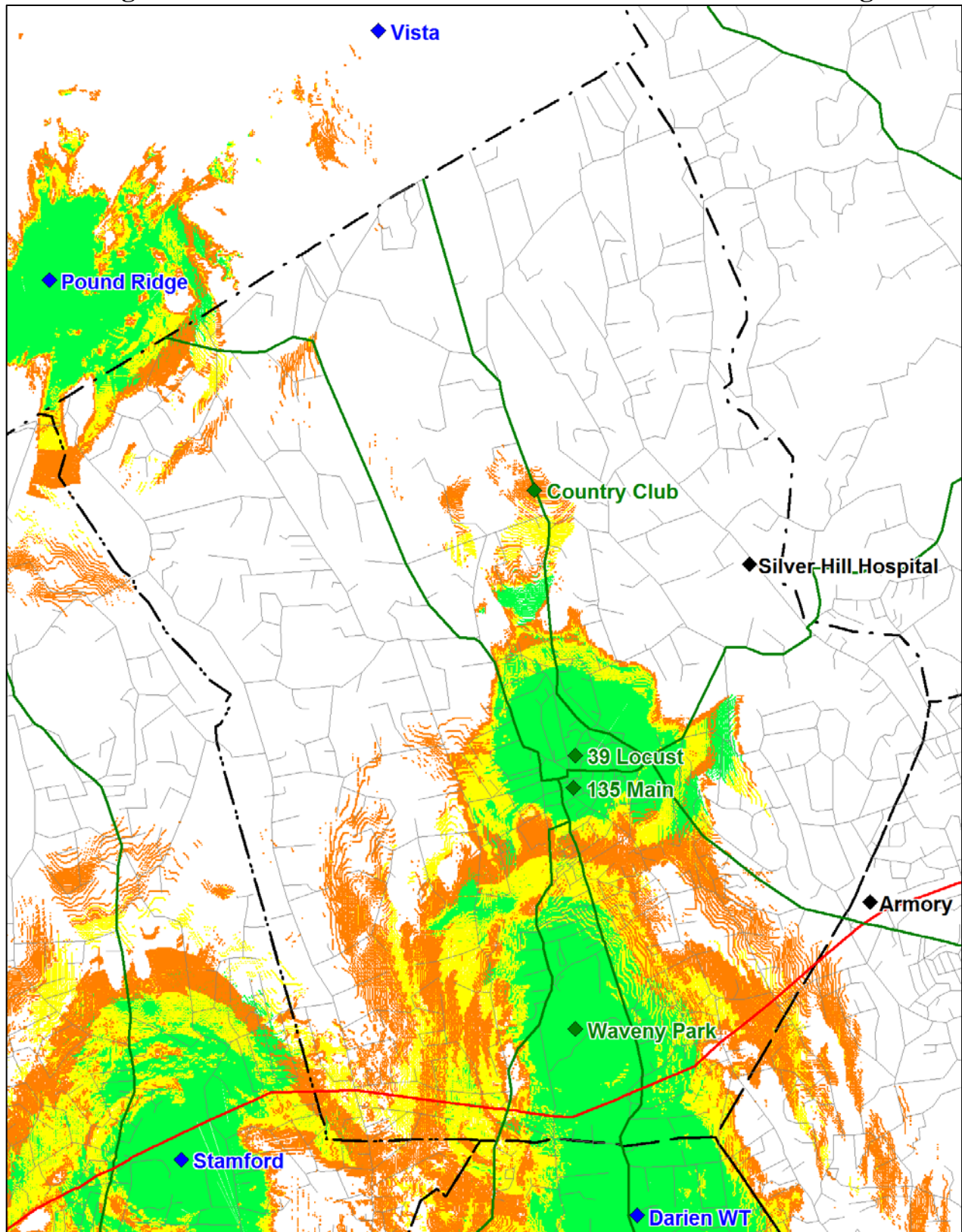


Figure 20: T-Mobile Active & Approved Sites – 1900 MHz Predicted Coverage





**Figure 21: T-Mobile Active Sites – 2100 MHz Predicted Coverage**



### T-Mobile Observations Summary

Coverage from existing sites reaches approximately 1/2 of the Town area at 1900 MHz and only 1/4 of the Town at 2100 MHz. PCS coverage predictions assume that T-Mobile will upgrade their service at Country Club to UMTS. Coverage areas are only around and between Downtown and Waveny Park. Adding in the Approved site at Silver Hill Hospital creates an island of coverage around the site but there is still a sizable gap between sites NE of Downtown, N of Rte 106 and NE of Rte 123.

The plots give a general pictorial representation of coverage levels and gaps. However, with the inherent variability of the predictions, it's not meaningful to attempt to identify specific neighborhoods that may not be receiving adequate service.

## Sprint Results Overview

Sprint only has 2 known active sites in town (39 Locust and Waveny Park). There are 3 active periphery sites providing coverage inside New Canaan borders (Darien WT, Stamford and Vista).

Sprint provides primary voice and data service over CDMA and EVDO technologies in the 1900 MHz band.

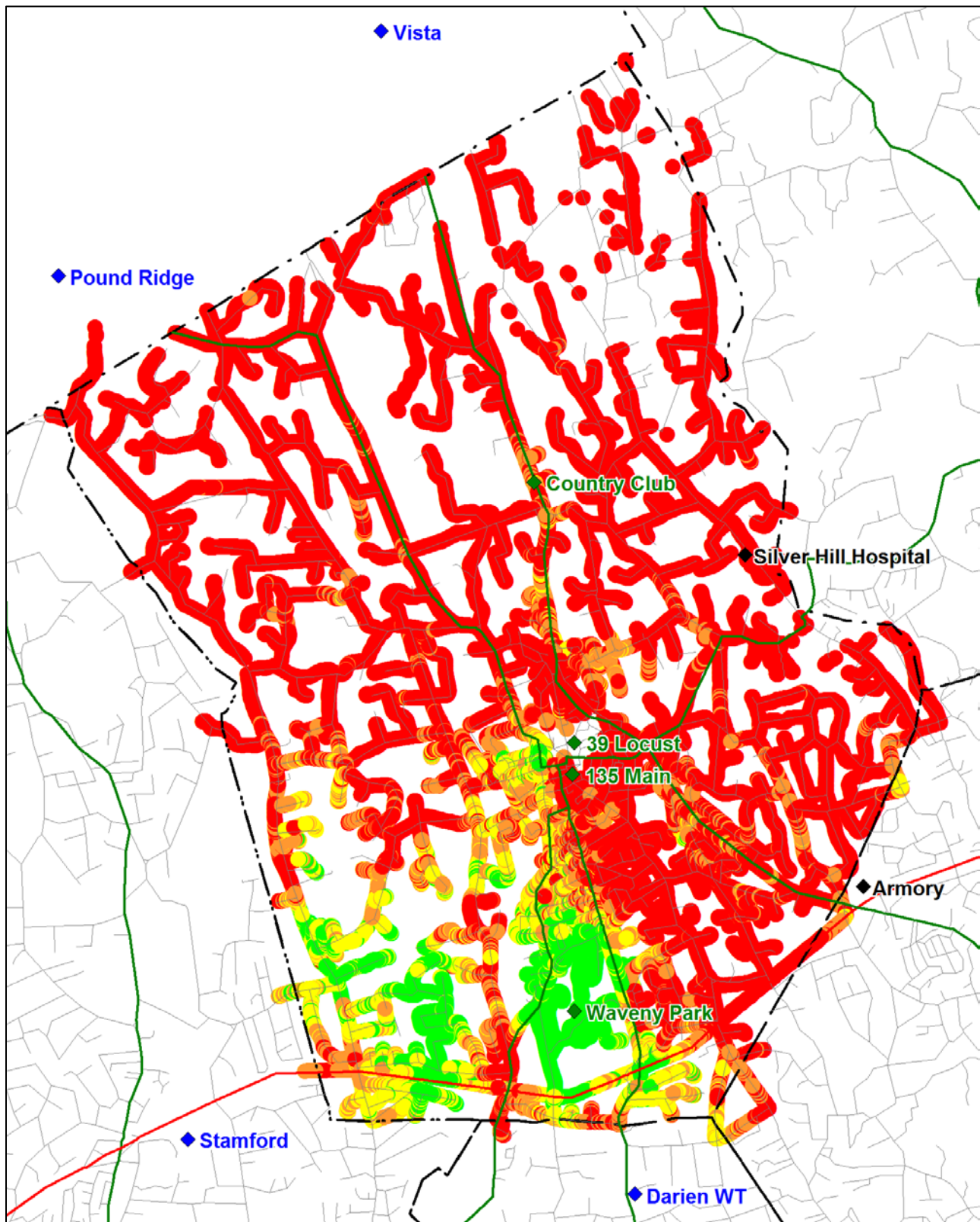
### *Sprint Drive Test Results*

Based on the other carriers' results, Sprint was expected to provide coverage in the PCS band for about 1/4 of the Town around and between Downtown and Waveny Park. According to the Drive Test data, there is coverage in only about 1/6 of the Town. However, the team was not able to identify a common primary reference channel across all sites for the Sprint 1900 MHz band. Without a reference channel, the system couldn't necessarily lock onto the correct signals so the collected drive test data only partially represents their 1900 MHz coverage. It's impossible to know how much data was missed but 50% is a rough estimate.

The Sprint Drive Test data map is provided on the following page. The colored dots represent collected signal strength measurements along the drive routes. The legend for each indicates the meaning of each color.



Figure 22: Sprint 1900 UMTS Drive Test

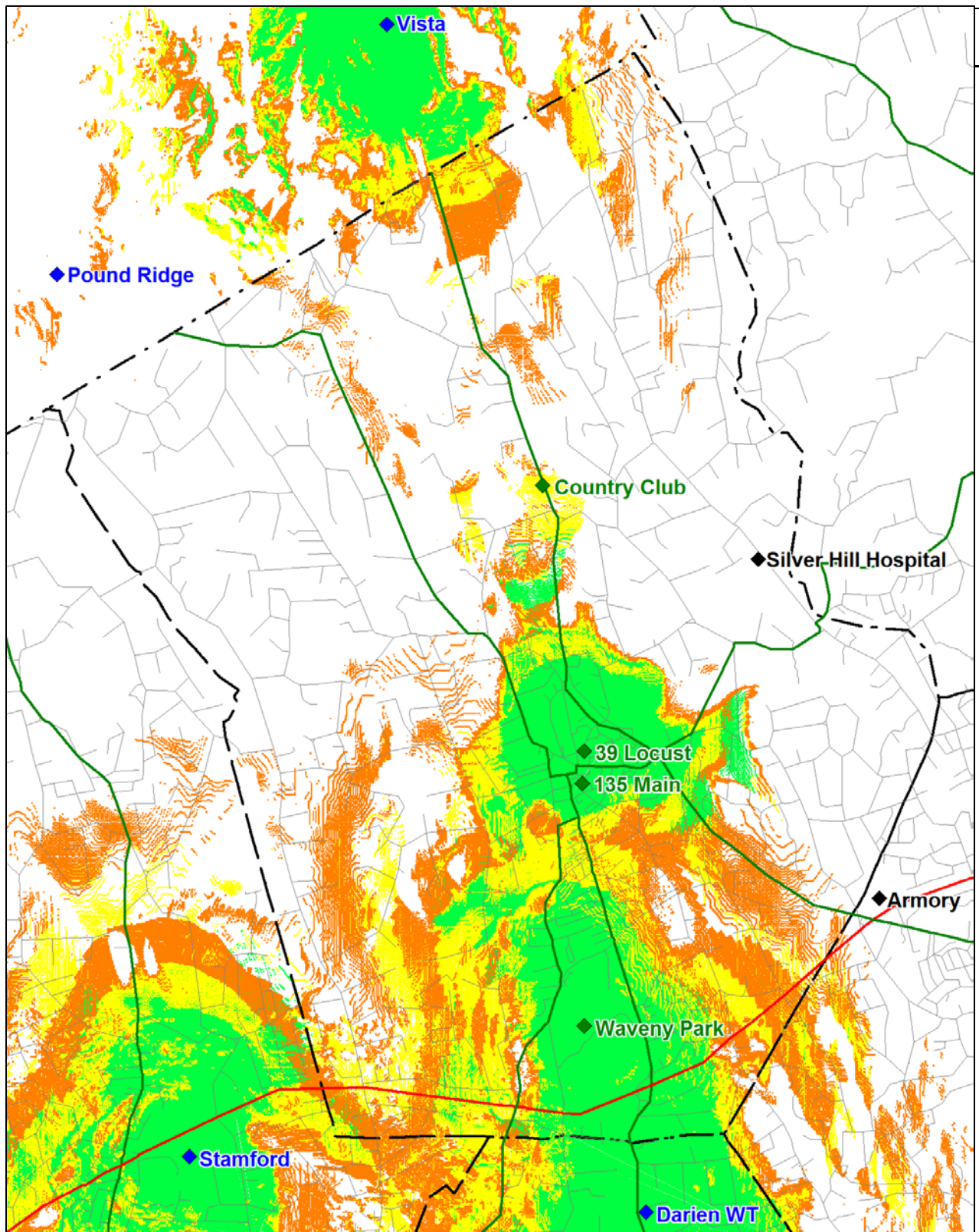


### *Sprint Coverage Prediction Results*

As expected, Sprint's predicted 1900 MHz sites provide coverage for about 1/4 of the Town around and between Downtown and Waveny Park. The NY site at Vista provides some coverage on the fringes of Town but its position outside the town border in thick forest provide little benefit to the Town itself.

The Sprint Predicted Coverage map is provided on the following page.

**Figure 23: Sprint Active Sites – 1900 MHz Predicted Coverage**



### Sprint Observations

Coverage from existing sites reaches only 1/4 of the Town. There are no active Sprint applications for additional sites so the impact of Approved sites was not considered.

## **Wireless Study Conclusions**

### **Summary of Observations**

AT&T has the best coverage footprint in the Town of New Canaan with its primary voice service in the 850 MHz frequency band on three active cell sites within the Town: Country Club, 135 Main and Waveny Park.

AT&T covers about 2/3 of the Town area with its 850 MHz primary voice service and 3/4 of the town with its 700 MHz primary data service. Notable holes are areas W of route 124, E of 123 along Valley Rd, SE of Downtown and N of the Country Club. Coverage from 135 Main is restricted because the antennas are below tree height. The other holes appear to be due to terrain features.

Verizon has the second best footprint, covering about 2/3 of the Town with its 700 MHz primary data service and 1/2 of the Town with 850 MHz primary voice service. This is due to the lack of an active site N of Downtown. They have the same holes as AT&T W of route 124, and E of 123 along Valley Rd and SE of Downtown likely due to terrain features. Coverage from 39 Locust is restricted because the antennas are below tree height.

T-Mobile covers about 1/2 of the Town with its 1900 MHz voice and data services. The dense foliage and higher frequency decrease coverage compared to the lower frequencies of AT&T and Verizon. Coverage from 39 Locust is restricted because the antennas are below tree height.

Sprint with only 2 sites in Town and operations in higher frequency bands, only cover about 1/4 of the Town area. Coverage from 39 Locust is restricted because the antennas are below tree height.

The table below summarizes the approximate coverage footprints in the Town for each carrier.

**Table 4: Coverage Footprints by Carrier**

Carrier	Approximate Footprint (% Area of the Town)	
	Primary Wireless Voice Service	Primary Wireless Data Service
<b>AT&amp;T</b>	67%	75%
<b>Verizon</b>	50%	67%
<b>T-Mobile</b>	50%	50%
<b>Sprint</b>	25%	25%

Adding in the Approved sites at Armory and Silver Hill Hospital fills in many of the coverage holes but AT&T still would have coverage holes E of Downtown, W of route 124 and E of route 123 along Valley Rd.

### Possible Solutions

Existing Outdoor Voice service coverage footprints for the operators range from 1/4 to 2/3 of the Town area. Verizon would need a site N of Downtown equivalent to Country Club if they wanted to match AT&T's footprint. If T-Mobile upgrades their Country Club site to UMTS technology, they would still be at a disadvantage vs AT&T and Verizon because of their higher frequency of operation. Sprint would be in the same boat as T-Mobile if they could find an equivalent site N of Downtown.

Adding in the Approved sites at Armory and Silver Hill Hospital fills in many of the coverage holes NE and SE of Downtown at 850 MHz for AT&T and Verizon but Silver Hill Hospital would be an island of coverage for T-Mobile at 1900 MHz even with an upgrade to UMTS at the Country Club site.

Even with the Country Club site and both Approved sites, AT&T still would have coverage holes E of Downtown, W of route 124 and E of route 123 along Valley Rd as reproduced on the next page. Most of these areas are residential so In-Building voice service would be the likely target for customers.



Figure 24: AT&T Active Sites – 850 MHz Predicted Coverage

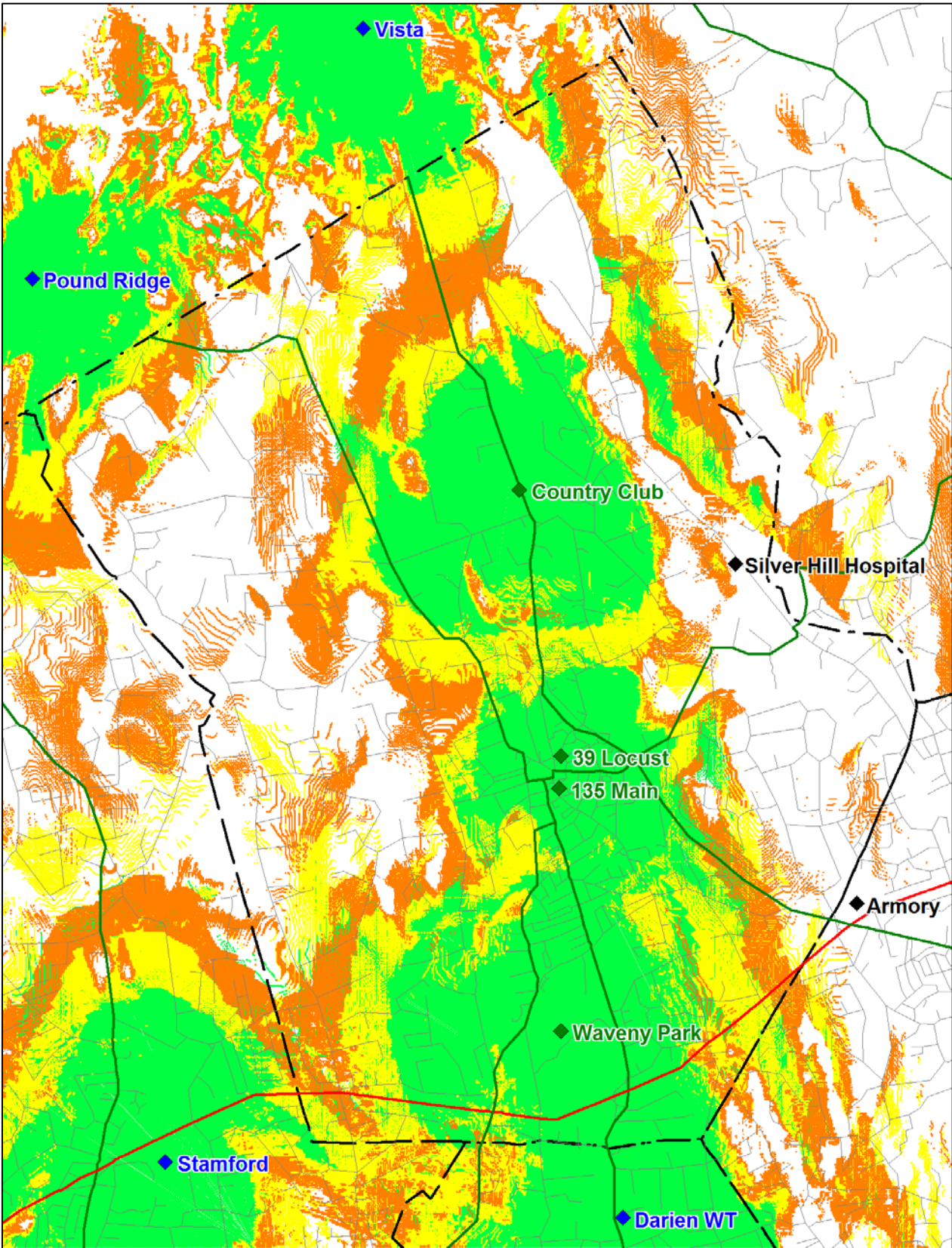
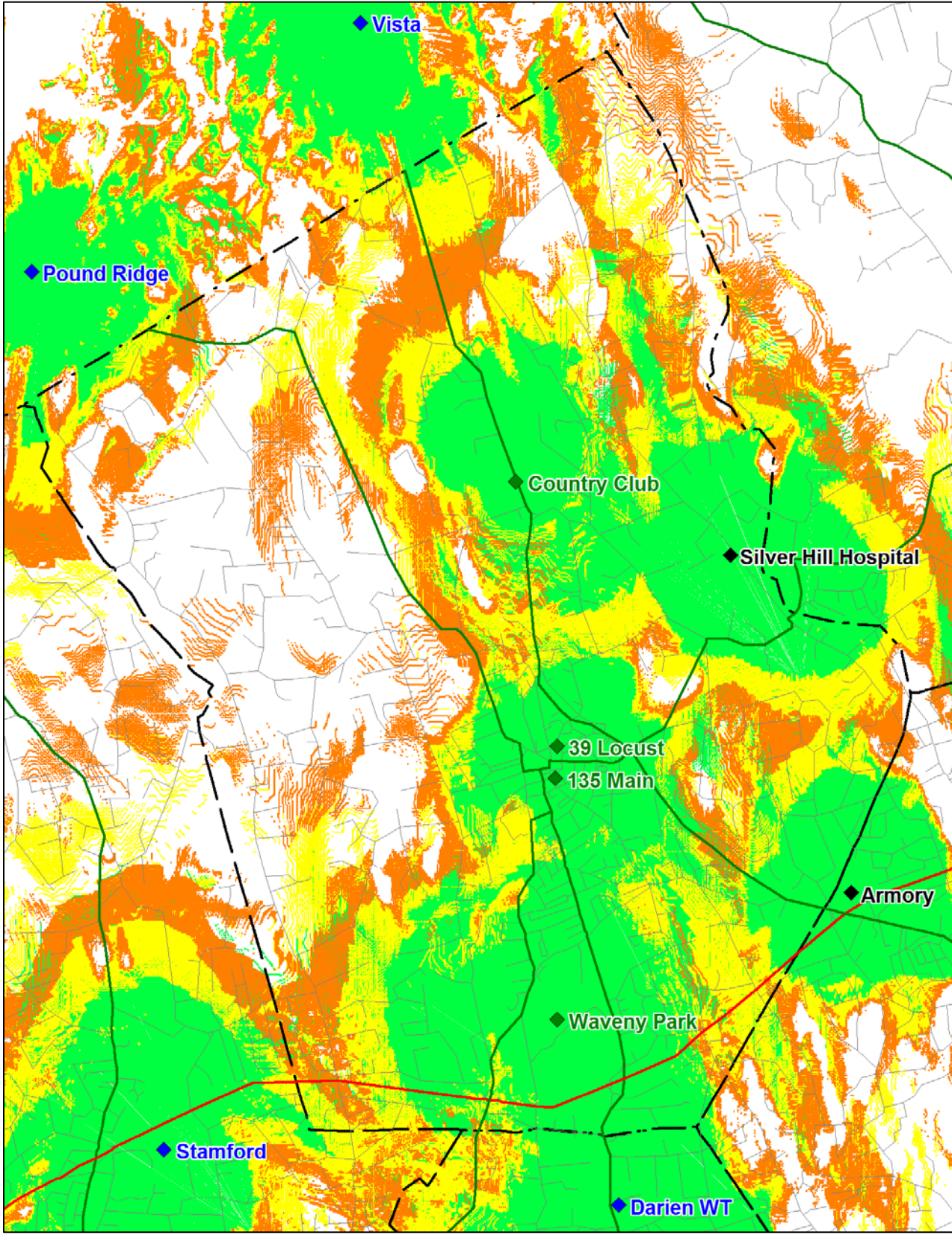


Figure 25: AT&T Active & Approved Sites – 850 MHz Predicted Coverage





Possible solutions to these gaps along with their respective trade-offs are:

1. Traditional Macro sites targeted to fill in the gaps.
  - ✓ On the plus side, these sites are straightforward and would provide predictable coverage improvements based on the models we derived for this study
  - X On the minus side, they can detract from the environment of the communities they aim to serve.
  - X Another minus in the cases of Valley Rd and SE of Downtown where terrain is the main issue, they would have to be located specifically where they could cover down the valleys that are blocking signals
2. Stealth Macro sites targeted to fill in the gaps.
  - ✓ On the plus side, these sites would provide predictable coverage improvements as above and could blend in with the community environment
  - X On the minus side, they have the same issue with specific terrain issues as traditional Macro sites
  - ✓ Some kinds of stealth sites like slim monopoles with internal antennas, can be reasonable to construct if there are suitable sites available for this option
  - X More complex stealth sites like monopines, steeples, cupolas, etc. can be very expensive to construct and only suitable to select locations, if available
3. Distributed Antennas Systems (DAS)
  - ✓ On the plus side, these sites can provide highly targeted coverage to specific problem areas if those areas are accessible where the antennas can be installed
  - ✓ If DAS nodes can be installed in the same right-of-way as a utility lines, requisite fiber and power can be readily available.
  - X On the minus side, DAS nodes typically operate at 5-10% of the power and 25% of the height as an equivalent Macro site. This gives them significantly reduced signal propagation particularly in areas like New Canaan where they would be below the level of the dense, tall trees. Their coverage footprint would be ~5% of the area of an equivalent Macro site.
  - X Unless these antennas can be installed off the roads, they might not provide the in-home coverage desired
4. Small Cells
  - ✓ On the plus side, these can provide targeted coverage similar to DAS above
  - X On the minus side, these have many of the same pitfalls as DAS above with the added need for more individual cells vs distributed antennas

All of the 4 options are potential, viable solutions with their own benefits and tradeoffs. An ultimate solution to address coverage gaps would have to consider many issues such as budgets, zoning issues, construction logistics, community aesthetics and others. Detailed study of each problem area would be required to determine the best solution on a case-by-case basis.

## **Glossary of Terms**

**Advanced Wireless Services (AWS)** – the name commonly given by the wireless industry to the frequency band from 1710 to 1755 MHz for uplink and from 2110 to 2155 MHz for downlink.

**Wireless Carrier** – a wireless service provider (AT&T, et. al.)

**Code division multiple access (CDMA)** – a wireless radio access technology where multiple users share the channel by adding a unique code for each data signal that is being sent to and from each of the radio transceivers.

**Cellular band** – the 850 MHz frequency band, licensed by the original cellular carriers AT&T and Verizon.

**Coverage** – the geographical area over which the signal strength or quality level of a given radio frequency is available for specific defined levels of service.

**Coverage availability** – a statistical representation of the likelihood that a wireless caller is receiving a particular service level.

**Coverage Levels (Indoor, Outdoor, In-Vehicle)** – a signal level that represents service coverage for different user locations

**Distributed antenna system (DAS)** – a network of spatially separated, low-power, small radio nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

**Decibel (dB)** – a measurement that expresses the ratio of two amounts of power by use of a logarithmic formula, " $10 \log (P2/P1)$ " where "log" represents the common or base 10 logarithm.

**Downlink (DL)** – in mobile wireless networks, the transmission path from the base station (cell site) to a mobile station (cell phone).

**dBm** – a measurement that expresses the ratio of two amounts of power by use of the logarithm relative to 1 milliwatt (0.001 Watts).

**Effective Radiated Power (ERP)** – a standardized theoretical measurement of transmitted radio frequency (RF) energy at the output of an antenna.

**Enhanced 911 (E911)** – a US emergency telephone calling system that provides an emergency dispatcher with the physical address or other geographic reference information and number of the telephone when a user initiates a call for help.

**Evolution-Data Optimized (EVDO)** – a wireless transmission standard, typically for broadband Internet access.

**Fade margin** – the amount of signal loss, expressed in decibels, that a radio signal in a communication path is expected to change due to transmission impairments.

**Global System for Mobile Communication (GSM)** – a second-generation (2G) digital mobile phone technology.

**Frequency band** – the range of frequencies defined for a specific type of radio service. Frequency bands for the major wireless operators are defined by the Federal Communications Commission (FCC).

**Link budget** – a mathematical accounting of all of the gains and losses in a telecommunications channel from the transmitter, through the medium (free space, cable, waveguide, fiber, etc.) to the receiver.

**Long term evolution (LTE)** – commonly referred to as a 4<sup>th</sup> generation technology (4G LTE), LTE is an evolution set of projected improvements to the 3rd generation wireless systems and). These improvements include 100 Mbps+ data transmission rates, increased system capacity and shorter transmission latency times.

**Maximum Path Loss** – the maximum signal attenuation a radio signal can tolerate before it is no longer able to deliver the lowest level of designed service.

**Morphology** – the classification of the character of foliage, buildings and other obstacles in a particular area, generally assigned labels like Dense Urban, Urban, Suburban and Rural.

**Path Loss** – the reduction in power density (attenuation) of an electromagnetic signal as it propagates through space.

**Personal Communications Service (PCS)** – the name given by the wireless industry to the frequency band from 1850-1990 MHz.

**Radio propagation model** – an empirical mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance and other conditions.

**Small Cell** – low-powered radio access nodes that have a range of a fraction of a traditional Macro cell.

**Signal Strength** – the magnitude of the electric field at a reference point at a distance from the transmitting antenna.

**Uplink (UL)** – in mobile wireless networks, the transmission path from the mobile station (cell phone) to a base station (cell site).

**Universal Mobile Telecommunications System (UMTS)** – a wireless telecommunications standard developed and maintained by the International Telecommunication Union (ITU). Its air interface is called Wideband CDMA (WCDMA), a variant of CDMA technology for simultaneous voice and high-speed data service. UMTS is generally considered part of the 3<sup>rd</sup> generation of mobile wireless technologies (3G).

## **Appendix A: Assumptions Made**

1. Antenna azimuths were identified where possible, else standard configurations of 0/120/240 degrees were assumed.
2. Specific antenna types were not identified, a typical antenna was chosen for the coverage predictions: the Commscope SBNHH-1D65C for 700/850/1900/2100 MHz with 65° horizontal beamwidth.
3. Non-terrain obstructions were not considered

## **Appendix B: Link Budgets Used**

The target service levels assumed above for each technology must be translated into equivalent target Downlink received signal levels at the user's mobile station (cell phone). The technology-specific Link Budgets in the table below determine the maximum amount of signal losses that may occur between the cell site transmitters and mobile station receivers to achieve a sufficient target signal quality level.

**Table 5: Link Budgets Used by Technology**

TECHNOLOGY	ERP (dBm)	ERP (W)	Max Path Loss (dB)	Outdoor (50 kbps DL, 90%)	In-Vehicle (512kbps DL, 90%)	Residential (1Mbps DL, 90%)
LTE	34.0	2.5	150	-116 dBm	-110 dBm	-102 dBm
CDMA/EVDO	51.0	125.9	148	-97 dBm	-91 dBm	-83 dBm
UMTS/HSPA	51.0	125.9	148	-97 dBm	-91 dBm	-83 dBm

## **Appendix C: Evaluation of Possible Sites**

### **Coverage Baselines**

#### *AT&T Coverage Baseline*

AT&T has 3 active sites in New Canaan (Country Club, 135 Main and Waveny Park), two Approved sites (Armory and Silver Hill Hospital) as well as 4 active periphery sites that provide coverage inside New Canaan's borders (Darien WT, Stamford, Pound Ridge and Vista). The baseline coverage for AT&T is their primary voice layer at 850 MHz.

#### *Verizon Coverage Baseline*

Verizon has 2 active sites in New Canaan (39 Locust and Waveny Park), two Approved sites (Armory and Silver Hill Hospital) and 3 active periphery sites providing coverage inside New Canaan (Darien WT, Stamford and Vista). The baseline coverage for Verizon is their primary voice layer at 850 MHz.

#### *T-Mobile Coverage Baseline*

T-Mobile has 3 active sites in town (Country Club, 39 Locust and Waveny Park), one Approved site at Silver Hill Hospital and 3 active periphery sites that can provide coverage inside New Canaan (Darien WT, Stamford and Pound Ridge). The baseline coverage for T-Mobile is their primary voice and data service in the 1900 MHz band.

#### *Sprint Coverage Baseline*

Sprint has 2 known active sites in town (39 Locust and Waveny Park), no Approved sites and 3 active periphery sites providing coverage inside New Canaan (Darien WT, Stamford and Vista). The baseline coverage for Sprint is their primary voice and data service in the 1900 MHz band.

### **Coverage Maps**

The graphics on the following pages will show:

- 1) The baseline coverage for each carrier.
- 2) Baseline coverage for each carrier with Major Gaps within the Town borders identified in **red**



Figure 26: AT&T Baseline Coverage – Active & Approved Sites @ 850 MHz

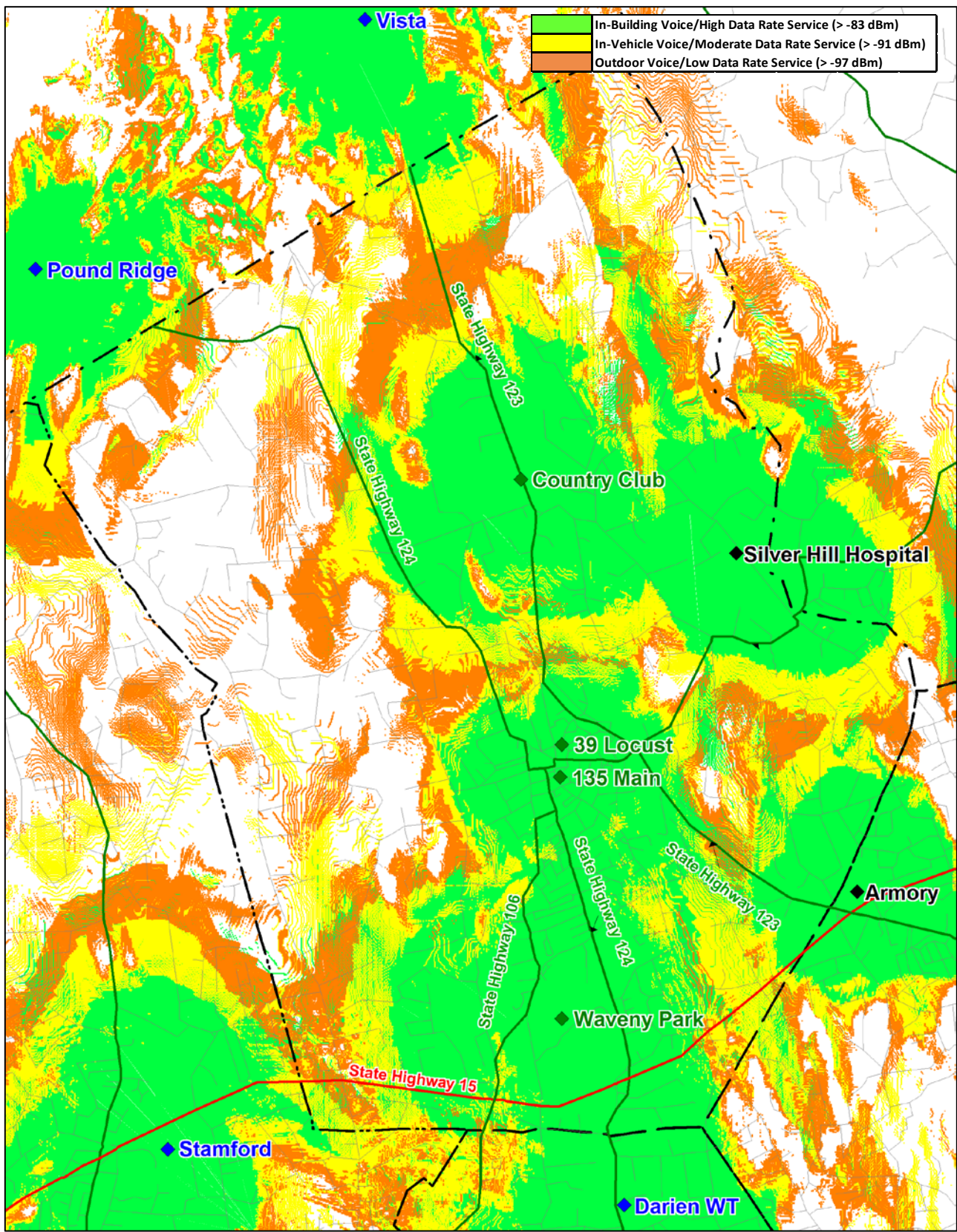


Figure 27: AT&T Baseline Coverage with Major In-Town Gaps

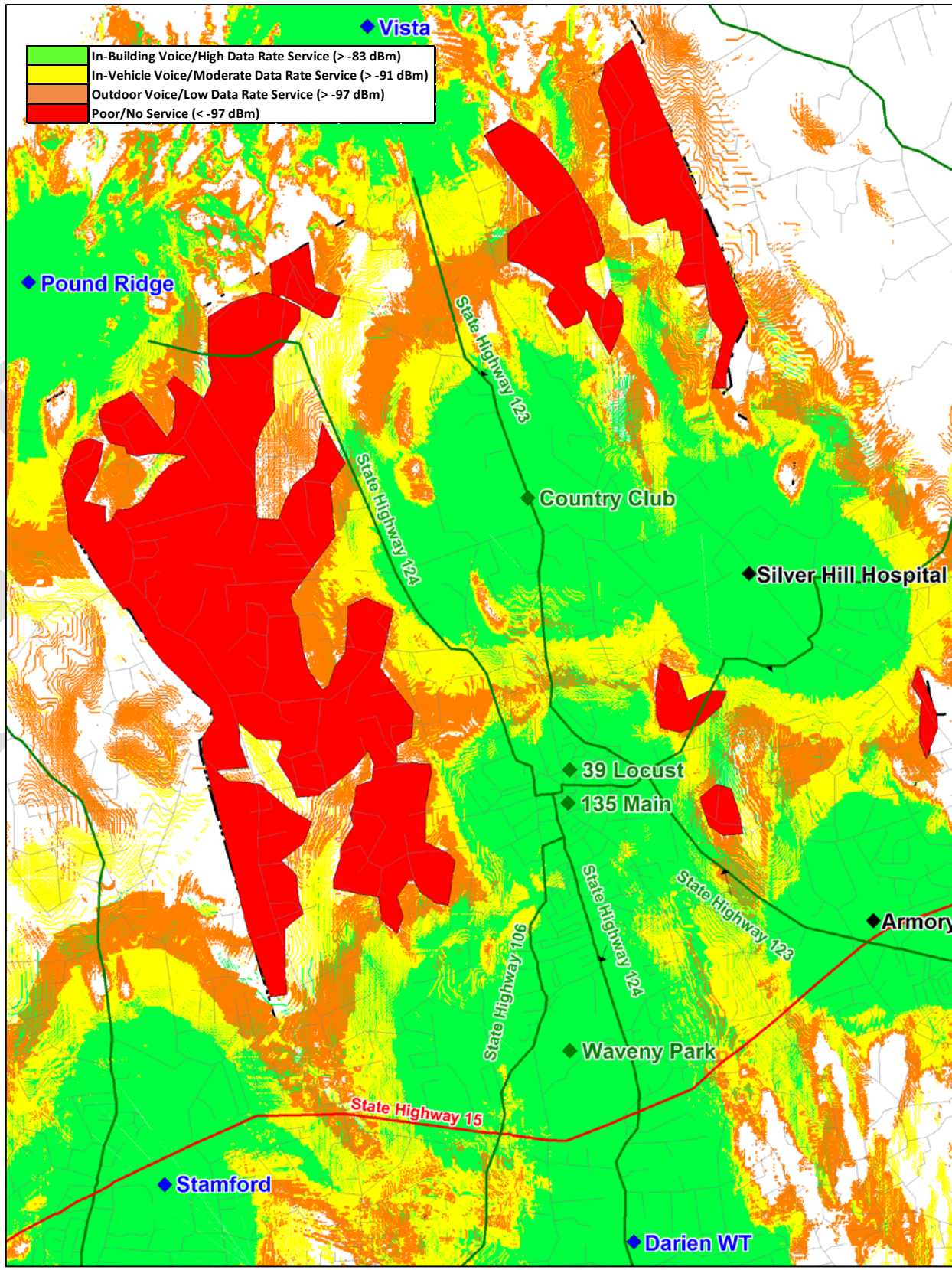




Figure 28: Verizon Baseline Coverage – Active & Approved Sites @ 850 MHz

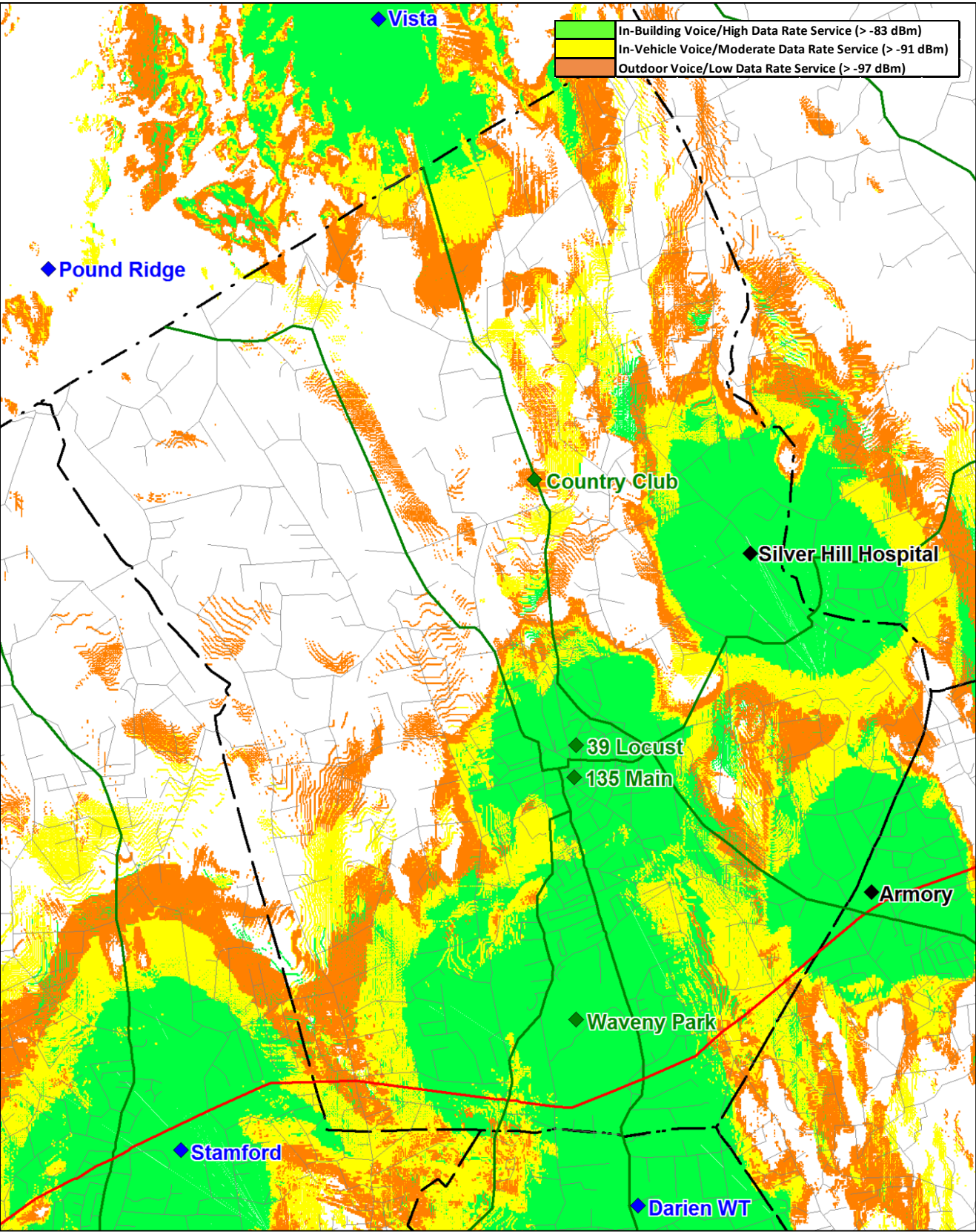


Figure 29: Verizon Baseline Coverage with Major In-Town Gaps

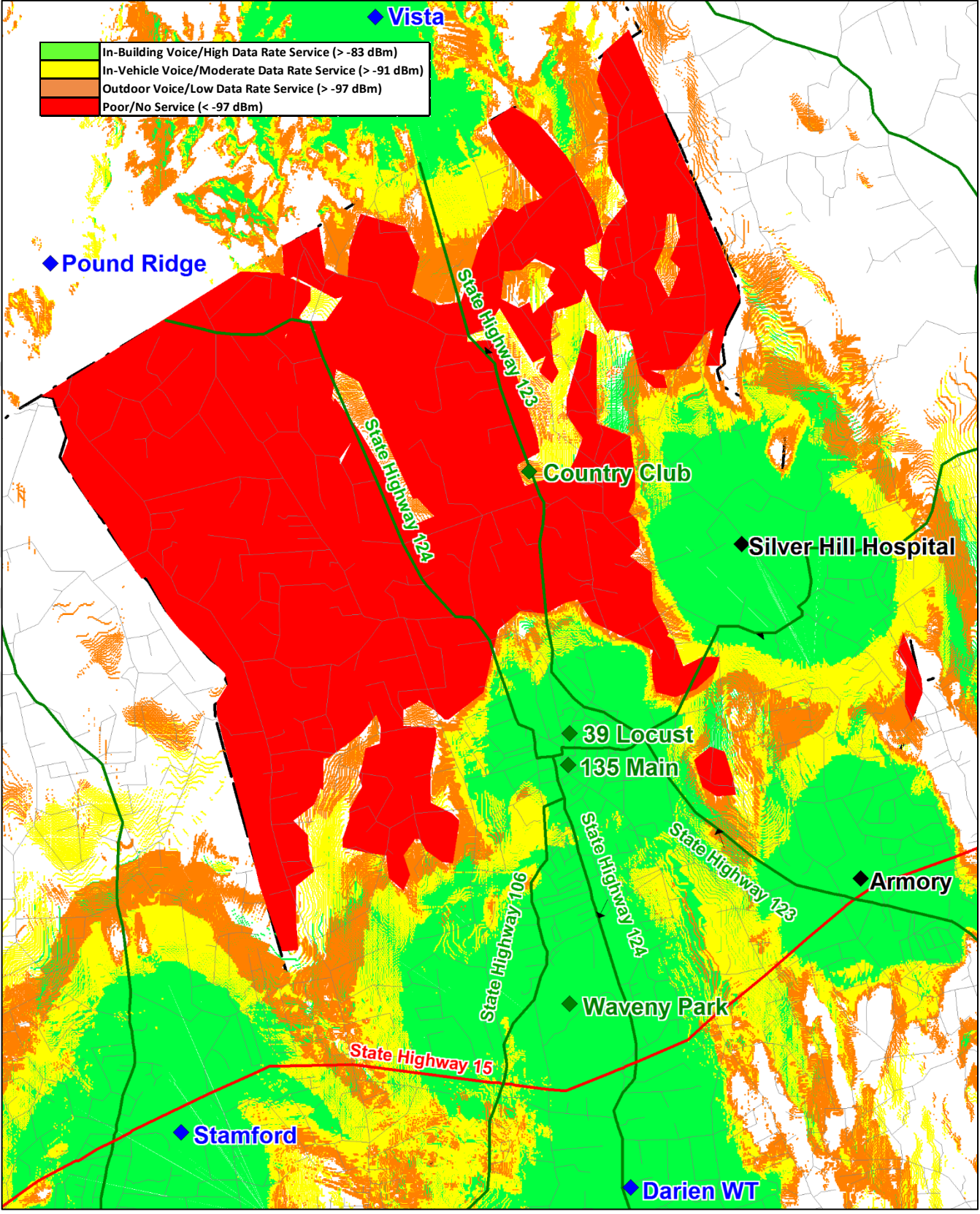




Figure 30: T-Mobile Baseline Coverage – Active & Approved Sites @ 1900 MHz

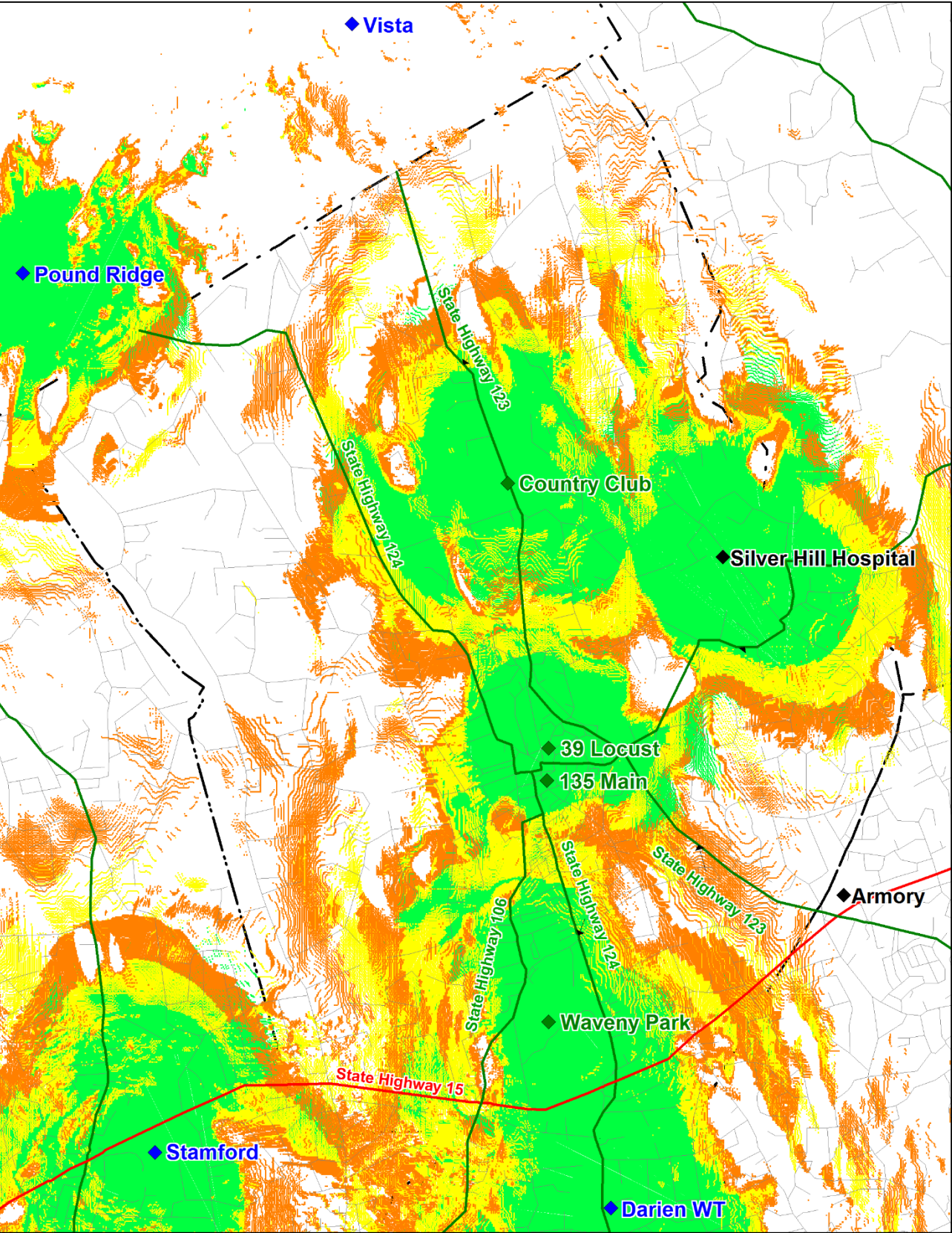


Figure 31: T-Mobile Baseline Coverage with Major In-Town Gaps

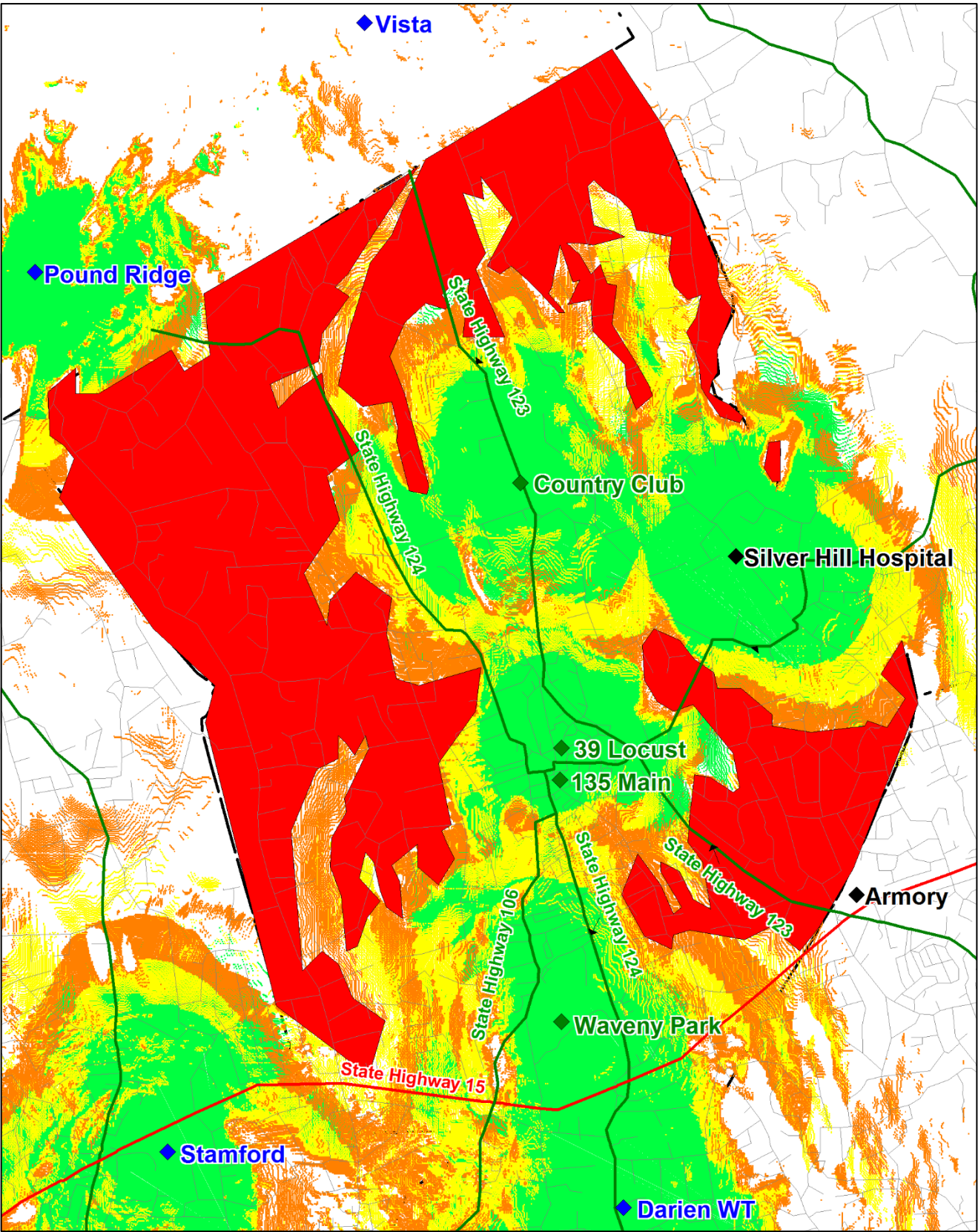




Figure 32: Sprint Baseline Coverage – Active Sites @ 1900 MHz

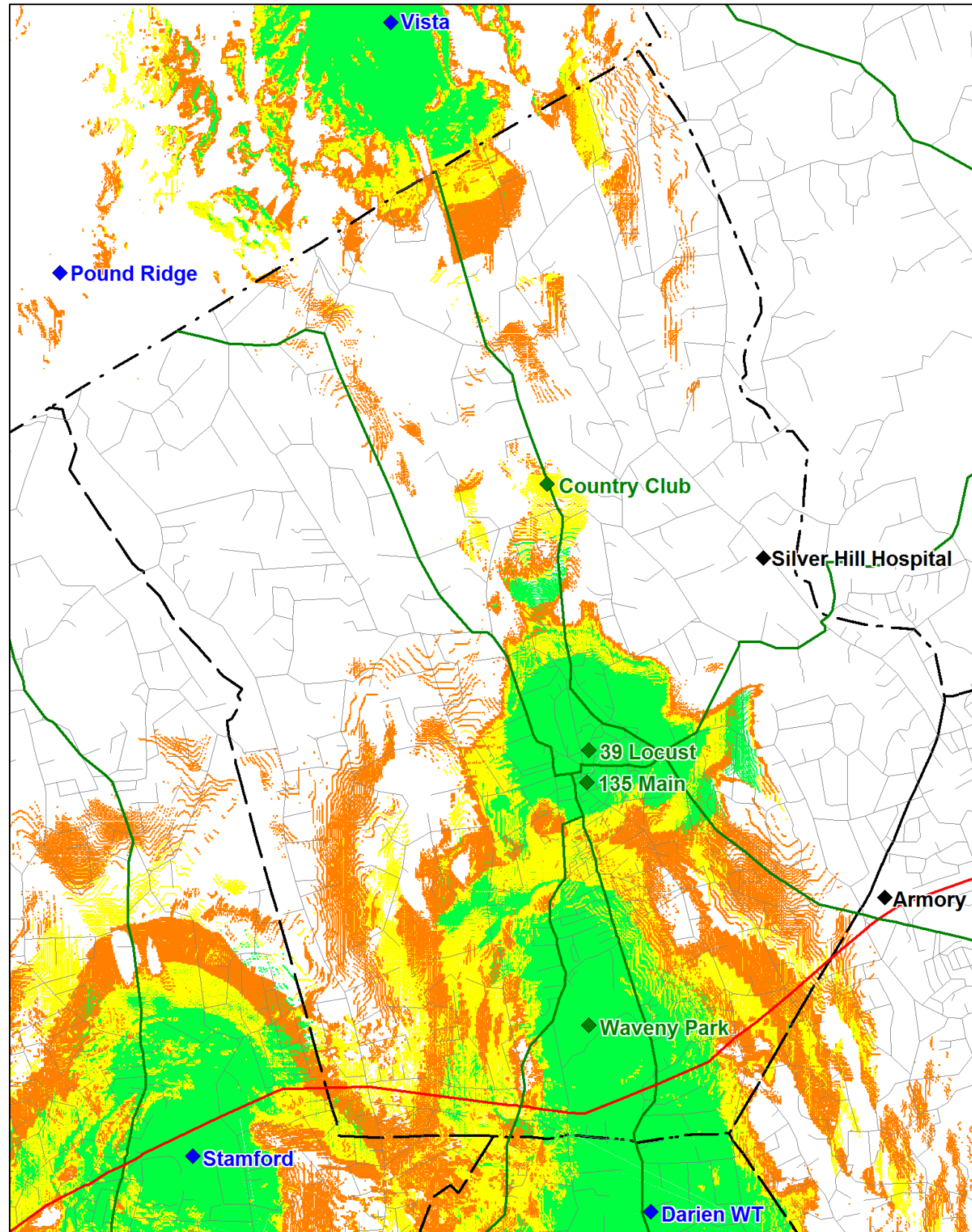
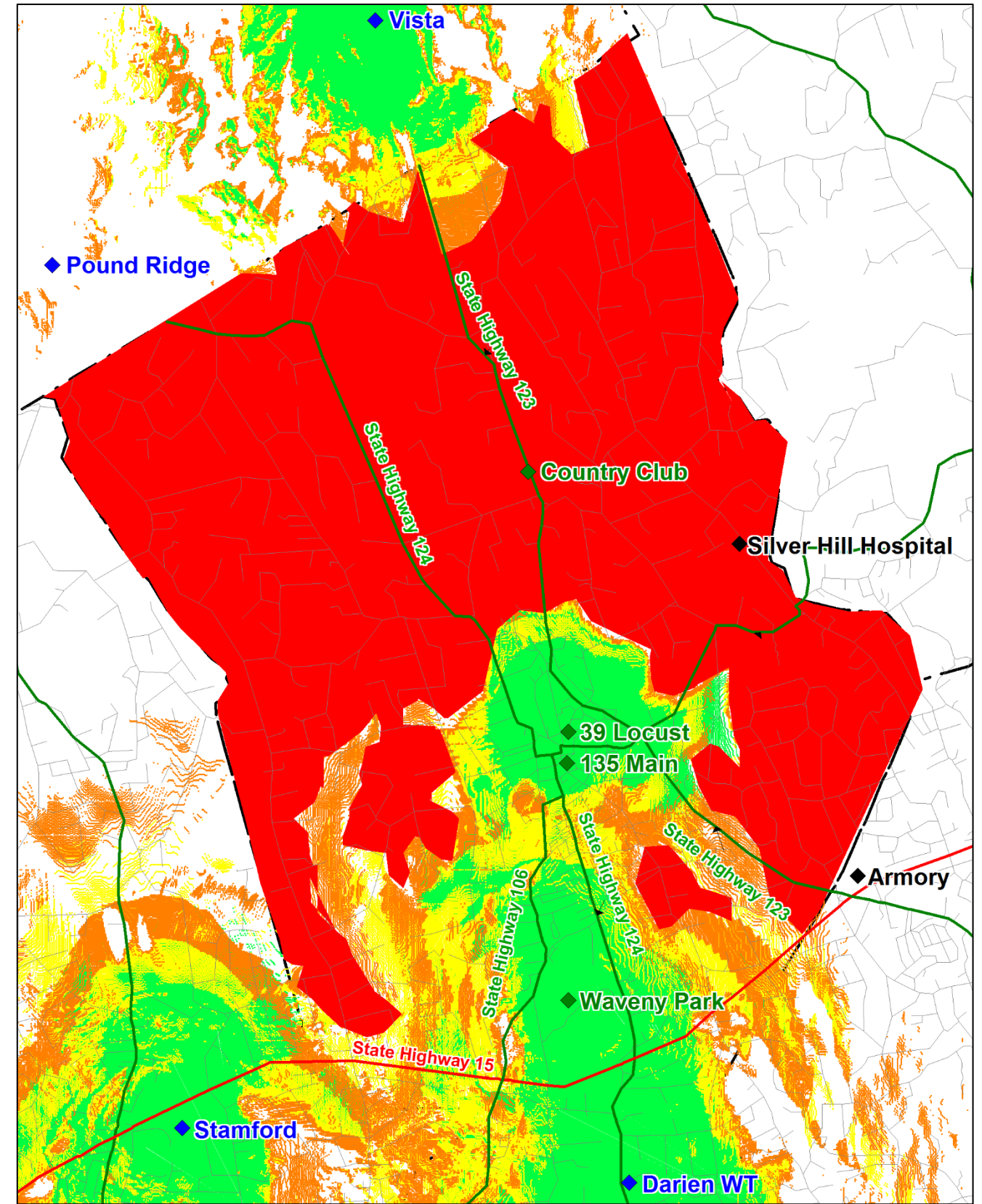


Figure 33: Sprint Baseline Coverage with Major In-Town Gaps



## Possible Candidate Sites

### *Identified Possible Site Locations*

Centerline was presented with 3 Private Property locations and 57 Municipal Property locations to evaluate as potential sites for addressing the identified coverage gaps. The graphics on the following pages overlay the site locations with the different carriers' Coverage Gaps.



Figure 34: AT&T Coverage Gaps Overlaid with Possible Site Locations

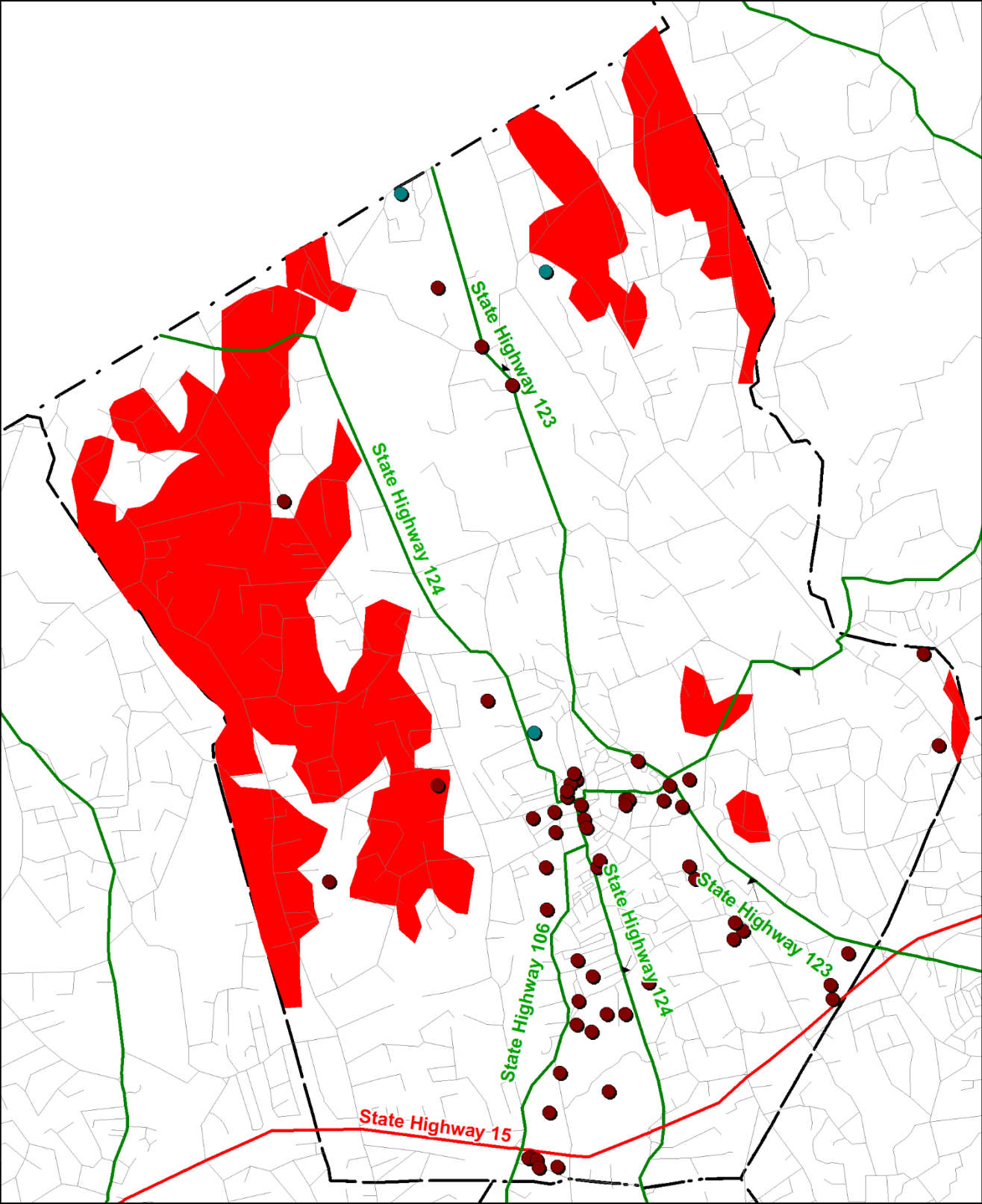
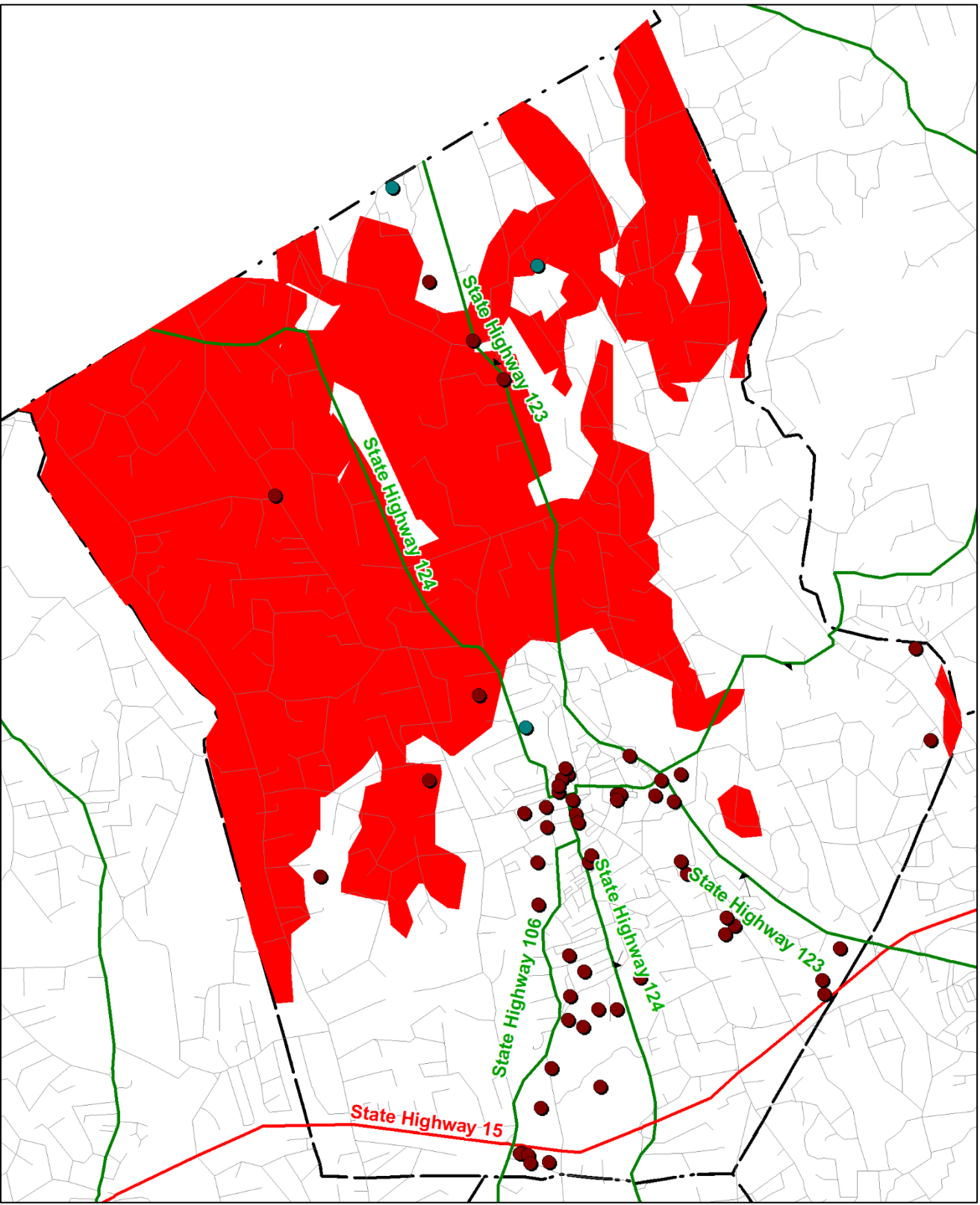
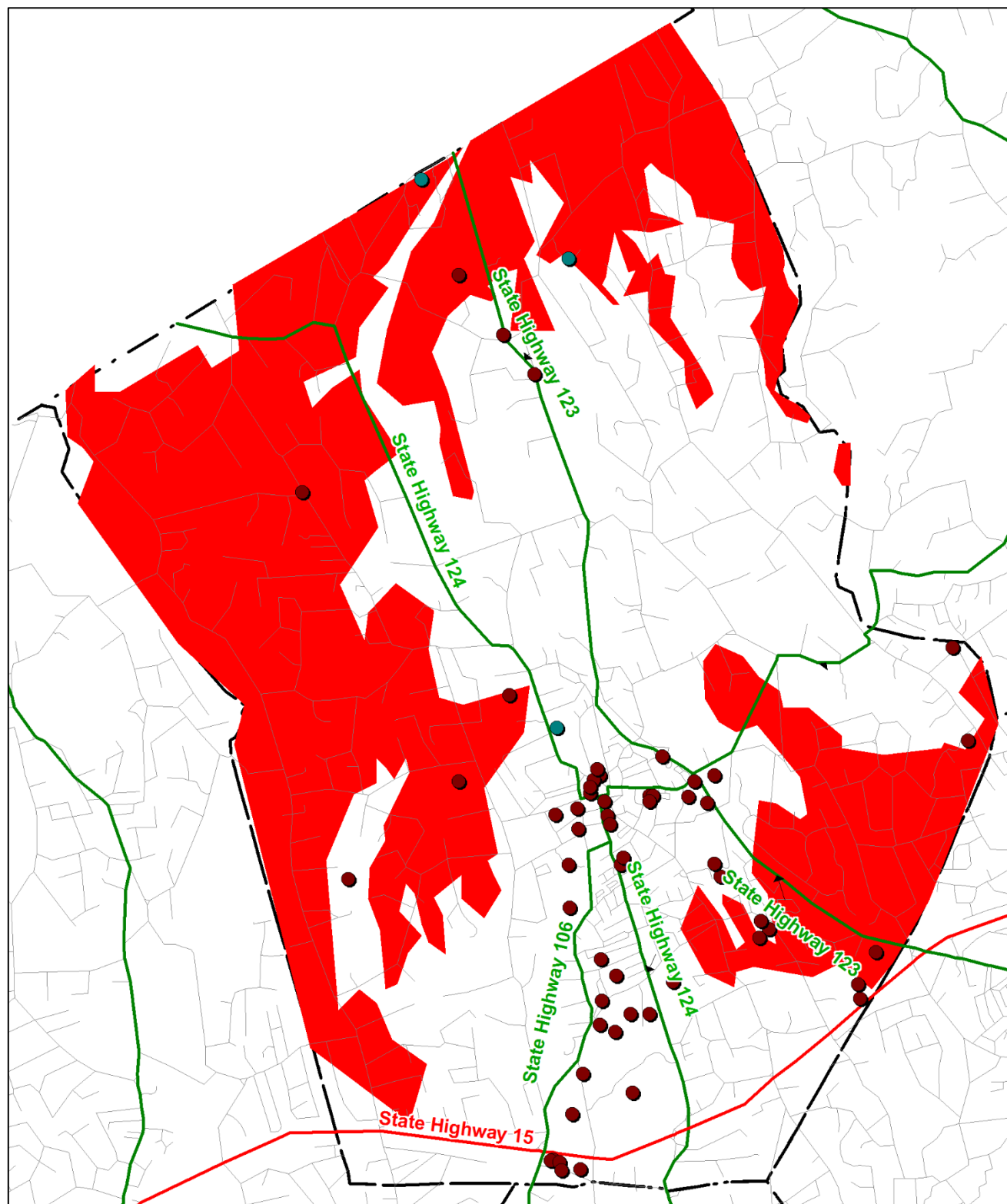


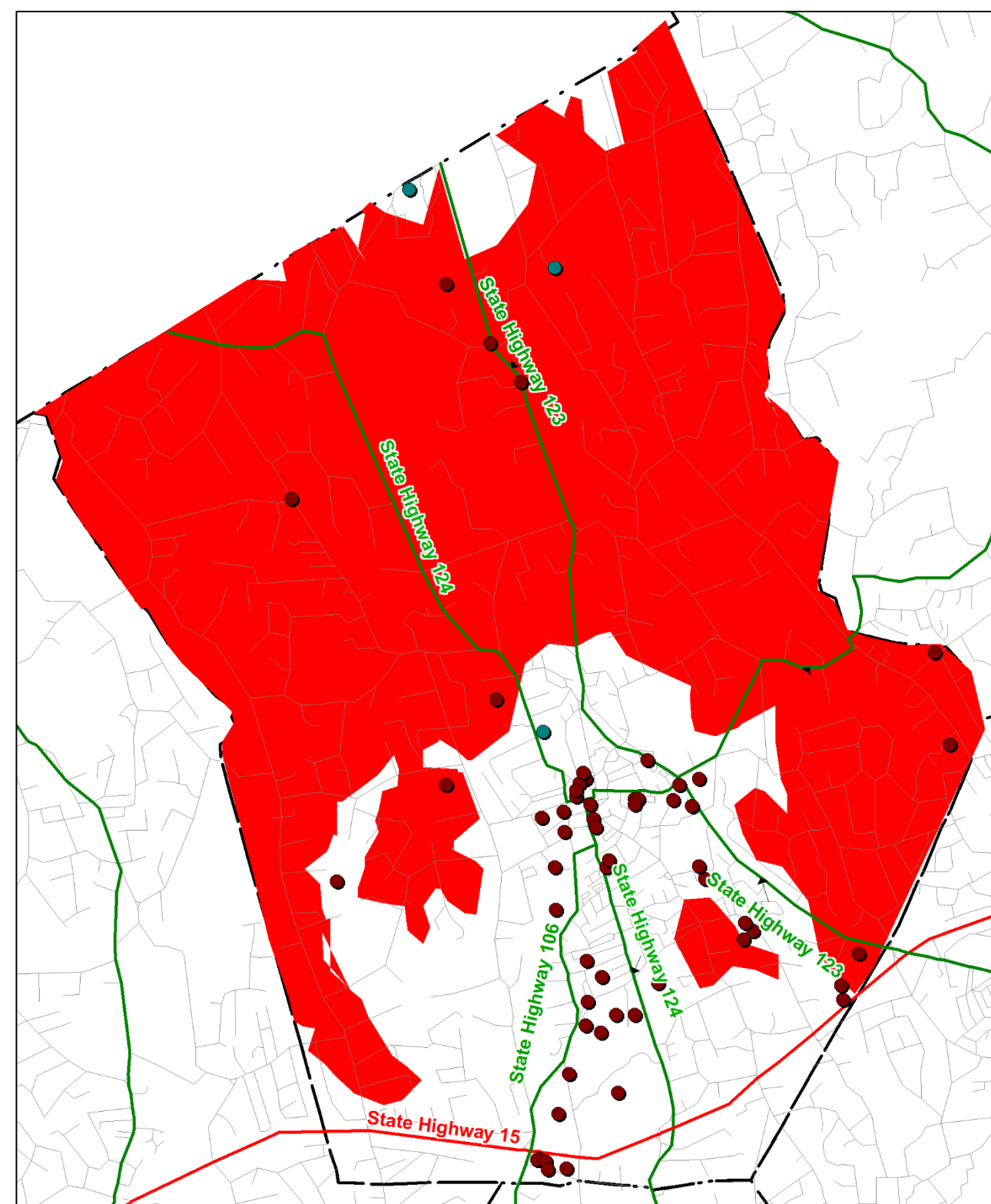
Figure 35: Verizon Coverage Gaps Overlaid with Possible Site Locations



**Figure 36: T-Mobile Coverage Gaps Overlaid with Possible Site Locations**



**Figure 37: Sprint Coverage Gaps Overlaid with Possible Site Locations**



### Identified Likely Site Locations

The sites that are located within the boundaries of the Coverage Gaps are the most likely to be viable cell site locations. Those that are on the perimeter of the Gaps are the next most likely. The sites that fall well outside the Gaps were excluded as candidates. The tables below show each site and its classification. The graphics on the following page show the Most Likely, Next Most Likely and Excluded sites for each carrier labeled on the maps.

Appendix D includes a detailed reference Map and Table of Municipal Properties.

**Table 6: Private Properties Evaluations**

Location Name	Site Classification			
	AT&T	Verizon	T-Mobile	Sprint
St Mark's Bell Tower	Excluded	Next Likely	Next Likely	Next Likely
Grace Church	Excluded	Next Likely	Most Likely	Next Likely
St. Luke's School	Next Likely	Most Likely	Most Likely	Most Likely

**Table 7: Municipal Properties Evaluations**

Site Name	Number	Site Classification			
		AT&T	Verizon	T-Mobile	Sprint
49/114/5 - MILL RD	1	Next Likely	Next Likely	Next Likely	Most Likely
48/116/176 - SILVERMINE RD	2	Next Likely	Next Likely	Most Likely	Most Likely
T/67/723 - 60 MAIN ST	3	Excluded	Excluded	Excluded	Excluded
T/43/823 - 61 MAIN ST	4	Excluded	Excluded	Excluded	Excluded
S/213/M48 - EAST AVE	5	Excluded	Excluded	Excluded	Excluded
T/43/811 - 93 ELM ST	6	Excluded	Excluded	Excluded	Excluded
T/78/613 - HOYT ST	7	Excluded	Excluded	Excluded	Excluded
T/78/619 - SUMMER ST	8	Excluded	Excluded	Excluded	Excluded
T/66/915 - SOUTH AVE	9	Excluded	Excluded	Excluded	Excluded
N/78/643 - HOYT ST	10	Excluded	Excluded	Excluded	Excluded
N/65/97A - 64 MAPLE ST	11	Excluded	Excluded	Excluded	Excluded
37/88/53 - 21 MARVIN RIDGE RD	12	Excluded	Excluded	Next Likely	Next Likely
J/235/H41C - DOUGLAS RD	13	Excluded	Excluded	Excluded	Excluded
42/90/47 - MARVIN RIDGE RD	14	Excluded	Excluded	Next Likely	Next Likely
30/8/4 - TALMADGE HILL RD	15	Excluded	Excluded	Excluded	Excluded
30/8/3 - TALMADGE HILL RD	16	Excluded	Excluded	Excluded	Excluded
34/38/14 - SMITH RIDGE RD	17	Excluded	Excluded	Excluded	Excluded
NC Nature Center	18	Next Likely	Most Likely	Most Likely	Most Likely
S/6/72 - LEDGE AVE	19	Excluded	Excluded	Excluded	Excluded
37/214/3 - 54 LITTLE BROOK RD	20	Next Likely	Next Likely	Next Likely	Next Likely
T/211/876 - 16 LOCUST AVE	21	Excluded	Excluded	Excluded	Excluded
T/43/839 - 77 MAIN ST	22	Excluded	Excluded	Excluded	Excluded
R/213/616 - EAST AVE	23	Excluded	Excluded	Excluded	Excluded
R/213/613 - 186 LAKEVIEW AVE	24	Excluded	Excluded	Excluded	Next Likely
L/17/91 - 198 ELM ST	25	Excluded	Excluded	Excluded	Excluded
L/17/939 - PARK ST	26	Excluded	Excluded	Excluded	Excluded
N/64/929 - 76 SOUTH AVE	27	Excluded	Excluded	Excluded	Excluded



K/139/930 - PARK ST	28	Excluded	Excluded	Excluded	Excluded
K/10/911 - 64 RICHMOND HILL RD	29	Excluded	Excluded	Excluded	Excluded
26/12/167 - WEST SCHOOL	30	Next Likely	Next Likely	Next Likely	Next Likely
N/62/928 - 174 SOUTH AVE	31	Excluded	Excluded	Excluded	Excluded
K/10/H5 - 47 OLD STAMFORD RD	32	Excluded	Excluded	Excluded	Excluded
37/88/12 - 73 OLD NORWALK RD	33	Excluded	Excluded	Most Likely	Most Likely
37/88/58 - 135 OLD NORWALK RD	34	Excluded	Excluded	Next Likely	Next Likely
42/90/66 - NEW NORWALK RD	35	Excluded	Excluded	Most Likely	Most Likely
37/232/13 - 468 SOUTH AVE	36	Excluded	Excluded	Next Likely	Next Likely
J/51/H44A - 68 GOWER RD	37	Excluded	Excluded	Excluded	Excluded
42/90/8 - MARVIN RIDGE RD	38	Excluded	Excluded	Next Likely	Next Likely
31/51/110 - FARM RD	39	Excluded	Excluded	Excluded	Excluded
31/51/114 - FARM RD	40	Excluded	Excluded	Excluded	Excluded
31/51/113 - 11 FARM RD	41	Excluded	Excluded	Excluded	Excluded
1/51/112 - FARM RD	42	Excluded	Excluded	Excluded	Excluded
31/51/111 - 3 FARM RD	43	Excluded	Excluded	Excluded	Excluded
30/51/121 - 677 SOUTH AVE	44	Excluded	Excluded	Excluded	Excluded
30/9/H1 - LAPHAM RD	45	Excluded	Excluded	Excluded	Excluded
30/51/119 - 38 LAPHAM RD	46	Excluded	Excluded	Excluded	Excluded
30/8/2 - TALMADGE HILL RD	47	Excluded	Excluded	Excluded	Excluded
30/8/1 - TALMADGE HILL RD	48	Excluded	Excluded	Excluded	Excluded
30/7/A5 - 272 TALMADGE HILL RD	49	Excluded	Excluded	Excluded	Excluded
Irwin Park	50	Most Likely	Most Likely	Most Likely	Most Likely
L/17/934 - 244 ELM ST	51	Excluded	Excluded	Excluded	Excluded
N/62/927 - 156 SOUTH AVE	52	Excluded	Excluded	Excluded	Excluded
R/82/639 - 394 MAIN ST	53	Excluded	Excluded	Next Likely	Next Likely
Incinerator	54	Excluded	Excluded	Next Likely	Next Likely
W. Road & Dan's Hwy	55	Next Likely	Most Likely	Most Likely	Most Likely
Michigan Rd and Rt 123	56	Excluded	Most Likely	Next Likely	Most Likely
Wydendown Rd and Rt 123	57	Excluded	Most Likely	Next Likely	Most Likely

Figure 38: AT&T Coverage Gaps Overlaid with Likely Site Locations

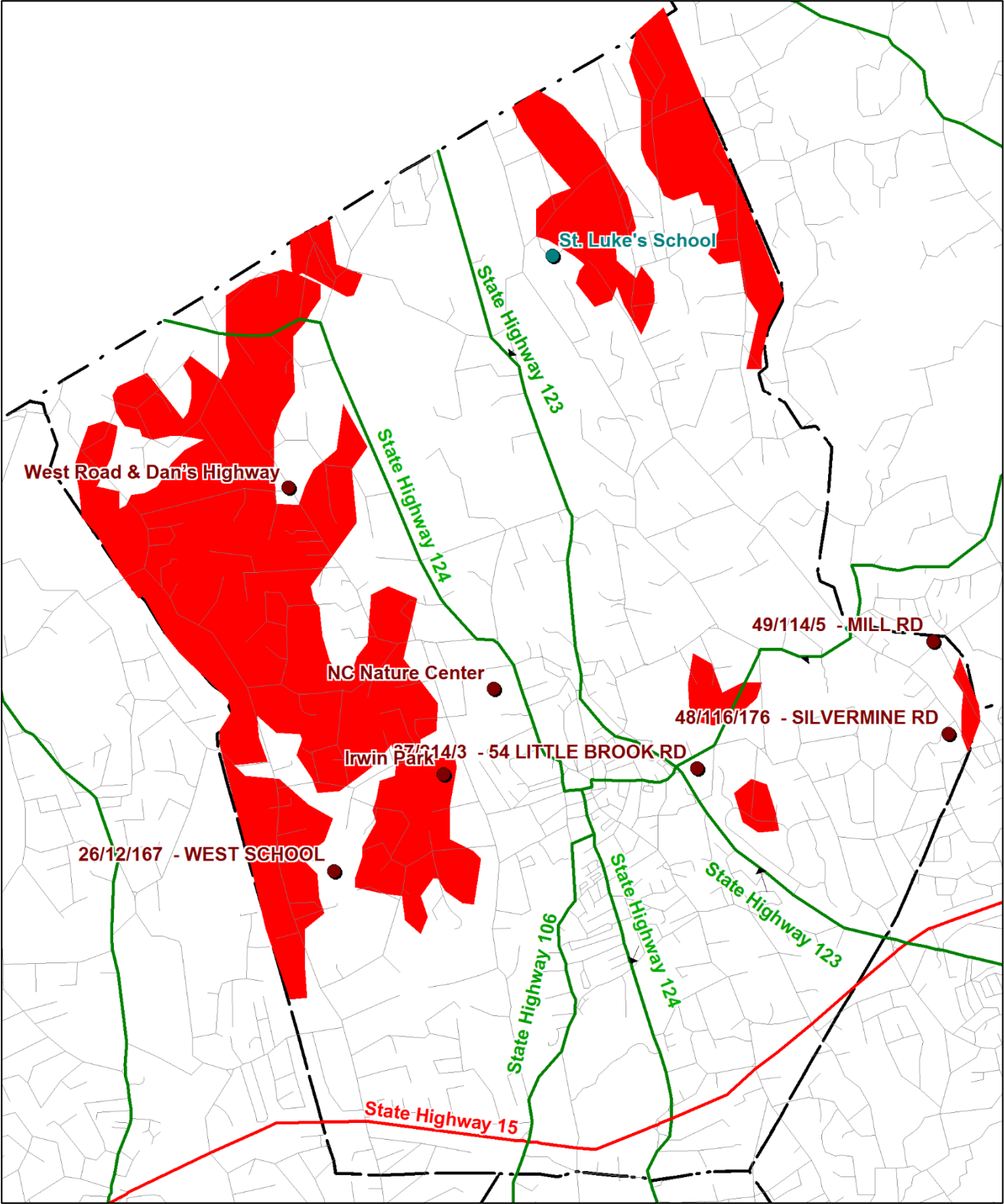


Figure 39: Verizon Coverage Gaps Overlaid with Likely Site Locations

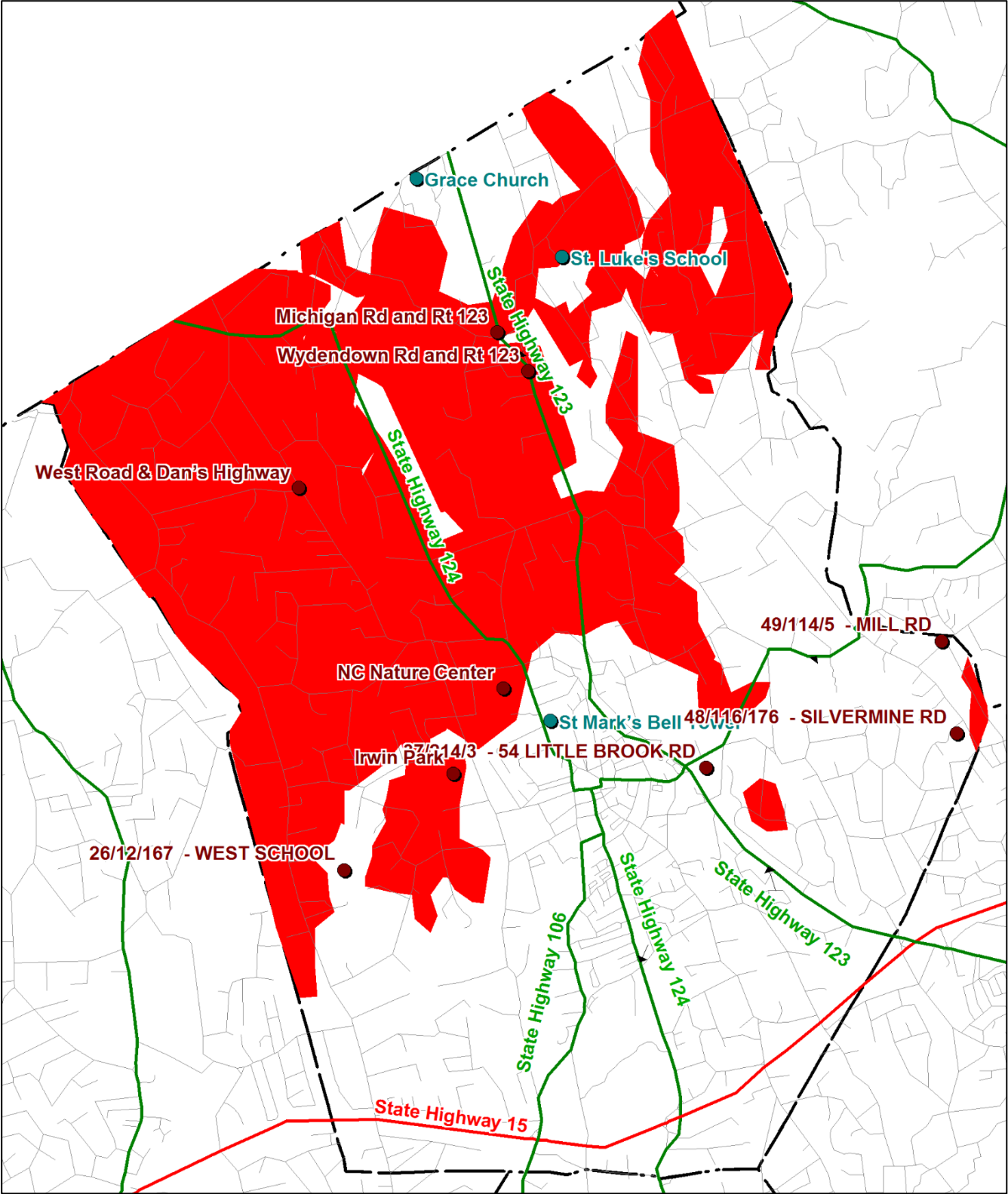


Figure 40: T-Mobile Coverage Gaps Overlaid with Likely Site Locations

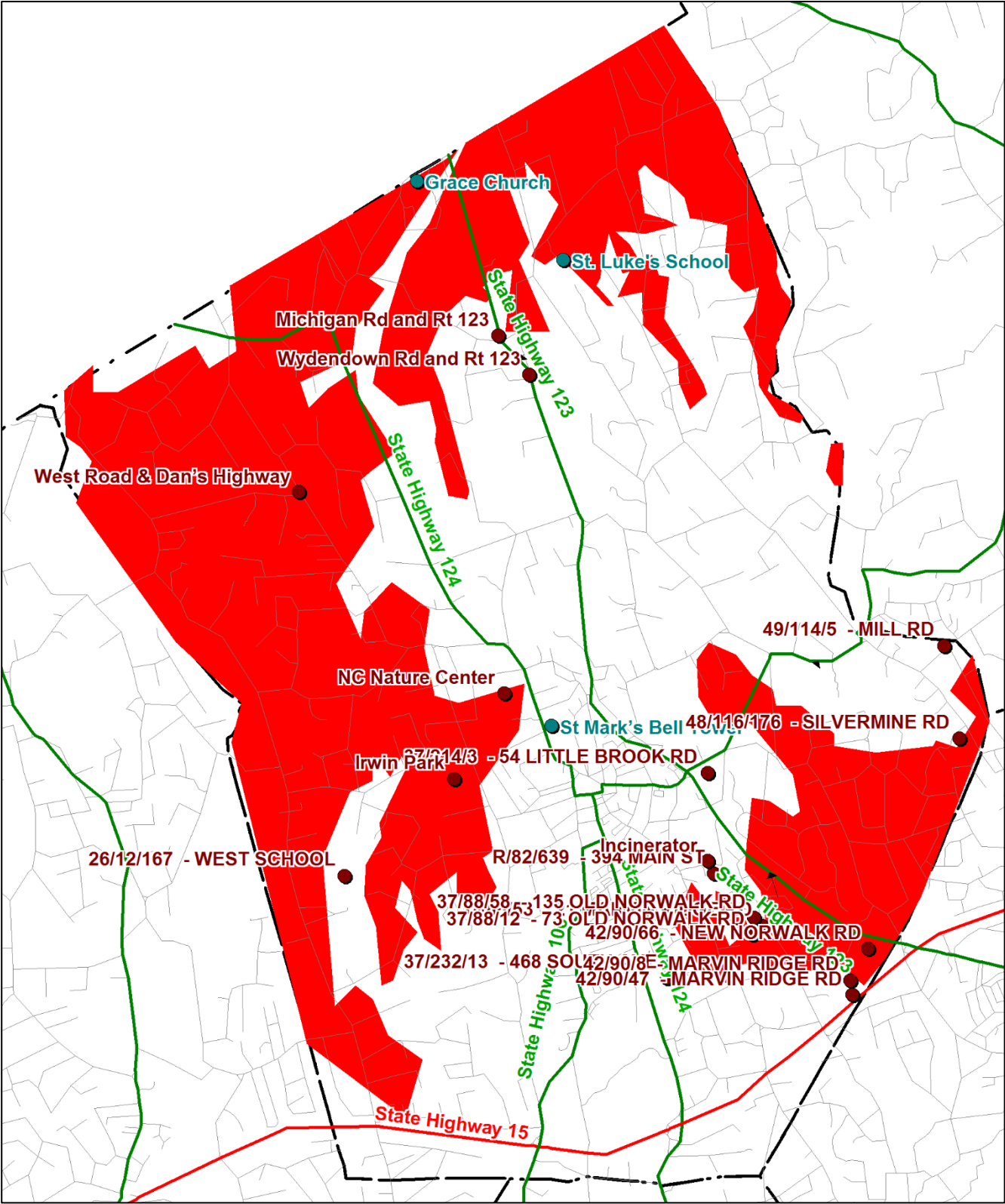
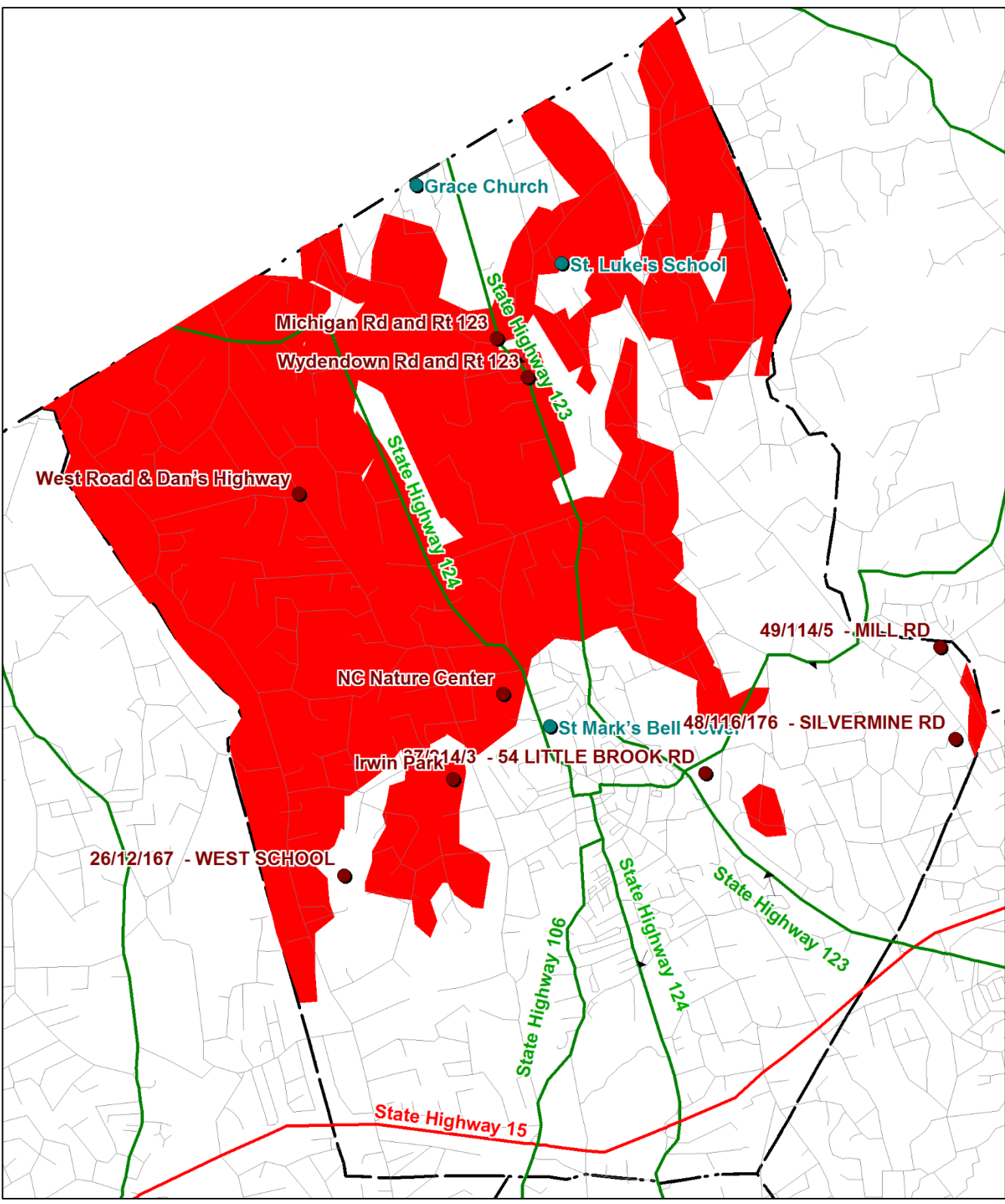


Figure 41: Sprint Coverage Gaps Overlaid with Likely Site Locations



## Site Evaluation Conclusions

Of the 3 Private Property locations provided, all are Most Likely or Next Likely candidates for at least 3 of the carriers. **St. Luke's School** is overall the best Private candidate, being Most Likely or Next Likely for all 4 carriers.

Analysis of the 57 Municipal Property locations provided is summarized as follows:

- 19 are Most Likely or Next Likely candidates for at least 1 carrier
- 18 are Most Likely or Next Likely candidates for at least 2 carriers
- 9 are Most Likely or Next Likely candidates for at least 3 carriers
- 7 are Most Likely or Next Likely candidates for all 4 carriers
- 3 are Most Likely for at least 3 carriers:
  - **NC Nature Center**
  - **Irwin Park**
  - **W. Road & Dan's Hwy**
- Property **Irwin Park** is the overall best Municipal candidate, being Most Likely for all 4 carriers.
- Property **34/38/14 - SMITH RIDGE RD**, could be a Most Likely or Next Likely candidate for all carriers based on its location, but it was previously determined by Verizon to be mostly wetlands.

Detailed analysis using signal propagation predictions will be needed to further qualify each site as a cell site candidate for each carrier.

### *AT&T Conclusions*

For AT&T, one (1) Municipal Property can be considered a Most Likely candidate for a cell site and six (6) as Next Likely candidates.

One (1) Private Property can be considered a Next Likely candidate.

### *Verizon Conclusions*

For Verizon, five (5) Municipal properties are Most Likely candidates and four (4) are Next Likely candidates.

One (1) Private Property can be considered a Most Likely candidate and two (2) as Next Likely candidates.

### *T-Mobile Conclusions*

For T-Mobile, six (6) Municipal properties are Most Likely candidates and twelve (12) are Next Likely candidates.

Two (2) Private Properties can be considered Most Likely candidates and one (1) as Next Likely.

In addition, the Approved site at Armory would be a Most Likely candidate for T-Mobile.

### *Sprint Conclusions*

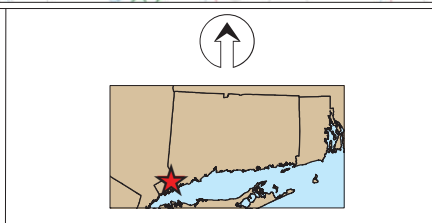
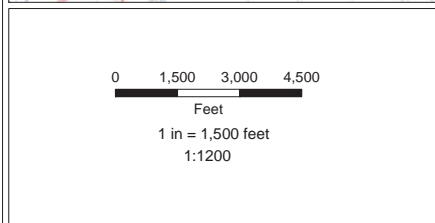
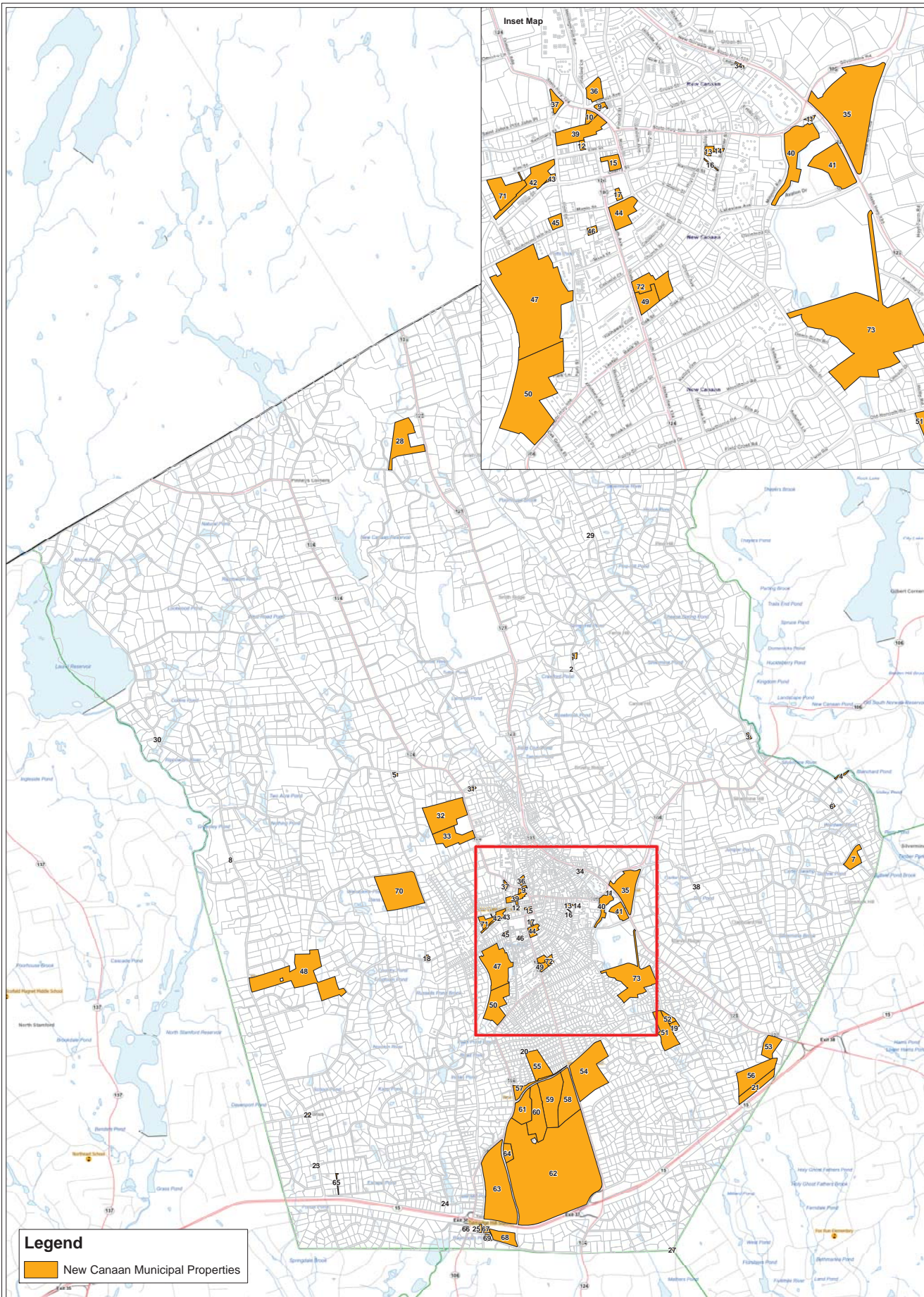
For Sprint, nine (9) Municipal properties are Most Likely candidates and ten (10) are Next Likely candidates.

One (1) Private Property can be considered a Most Likely candidate and two (2) as Next Likely candidates.

In addition, both Approved sites at Silver Hill Hospital and Armory would be Most Likely candidates Sprint.

## **Appendix D: New Canaan Municipal Property Map**





**DRAFT**  
**MUNICIPAL PROPERTY MAP**

Town of New Canaan  
New Canaan, Connecticut

**Tighe & Bond**  
October 2014



# Section 7

# New Canaan Cell Phone Survey

Results Through October 25, 2012

# Do you use cell phones within New Canaan on a regular basis?

Yes	95%
No	5%

459 Respondents

# What Street Do You Live On?

Residents from 175 streets responded to the survey.

There are about 340 streets in New Canaan.

453 Respondents

# How Many Cell Phones Does Your Family Use Within New Canaan?

Respondents reported an average of three cell phones per family.

458 Respondents

# Please Indicate Which Wireless Service(s) You Use

AT&T 275  
Verizon 234  
T-Mobile 49  
Sprint 29  
Others 14

459 Respondents  
Totals to more than 459 because of multiple responses from respondents

# Where in New Canaan Does Your Cell Phone Work Best?

Downtown 401

South 116

East 23

North 13

West 9

423 Respondents

Totals to more than 423 because of multiple responses from respondents



# Where in New Canaan Does Your Cell Phone Get Poor or No Service?

North 287  
East 186  
West 176  
South 79  
Downtown 7

399 Respondents

Totals to more than 399 because of multiple responses from respondents

# Have You Ever Made a Call in New Canaan Which Was Not Completed or Dropped?

Yes 94%

No 6%

456 Respondents

Have You Ever Made a Call in New  
Canaan in an Emergency Situation  
(Police, Fire, Ambulance) Which Was  
Not Completed or Dropped?

Yes 12%

No 88%

436 Respondents

If You Have Ever Made a Call in New  
Canaan in an Emergency Situation  
(Police, Fire, Ambulance) Which Was  
Not Completed or Dropped.....

What Was The Emergency?

Power Lines/Trees Down

Accident

Fire

Medical

Other

436 Respondents

# Do You Support Building More Cell Towers in New Canaan?

Yes 91%

No 9%

450 Respondents

# Do You Support Building More Cell Towers in New Canaan?

## Comments:

Within Reason, Considering Location and Aesthetics  
Absolutely, More the Better, Vital  
Time to Join the 21<sup>st</sup> Century  
Emergency Service Concerns  
Not in My Back Yard  
In My Back Yard  
Towers are Awful or Ugly

Do You Think Cell Phone Service in  
New Canaan Is Acceptable the Way It  
Is and No Further Service  
Improvements or Towers Are  
Necessary?

No 90%  
Yes 10%

452 Respondents



# Do You Think Cell Phone Service in New Canaan is Acceptable the Way It Is and No Further Service Improvements of Towers Are Necessary?

## Comments:

Service is a disaster, lousy, a joke, totally unacceptable.

Need to provide coverage to entire town for emergency services.

Real estate values are affected by poor service.

We're in the 21<sup>st</sup> century, not the Dark Ages...total coverage is expected today.

Worst service in Fairfield County; third-world countries have better service.

I support a tower on public land in northern New Canaan.