

Approved: March 15, 2006  
Effective Date: March 24, 2006

At its regular meeting on March 15, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Amend Article IX, Site Plan Review, § 273-75 M. Landscaping. (2).**

Add **§C** to the zone districts.

- M. (2) "In any C, I, PV, TS, SC, or MU/C Zone district, the area required for setback from a residential district boundary line shall be suitably landscaped with evergreen shrubs or trees, or such evergreens in combination with embankment, fences and/or wall, so as to provide a transition from such districts to the residential district."

273:79.1

Draft: May 12, 2009

**Stone Wall Protection**

~~Proposed~~ Amendment to Subdivision Code Re; Protection of Stone Walls  
**Approved**

Add to Article IV Design and Construction Standards, the following;

"272-50 Protection of Stone Walls

The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent feasible, existing stone walls shall be preserved and maintained. Existing stone walls should be used in demarcating property lines between lots to the extent feasible. Where the preservation of a stone wall is not possible, the wall should be relocated along new property lines. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

~~Proposed~~ Amendment to Zoning Code Re; Protection of Stone Walls  
**Approved**

Add to Article IX Site Plan Review, 273-75 M. Landscaping; the following;

"(8) Stone Walls. The preservation of stone walls is important in maintaining the character of Guilford's country landscape. To the extent possible existing stone walls shall be preserved and maintained and should be used in demarcating property lines. Where the preservation of a stone wall is not possible, the wall should be relocated on the lot. The Commission may require the creation of conservation easements or similar instruments to insure long term protection of stone walls."

07 JUL 25 PM 4: 17

APPROVED: July 18, 2007  
Effective Date: July 27, 2007

At its regular meeting on July 18, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amend the *Zoning Code* by adding the underlined to §273-75. N. Signs:

§ 273-75.N. Signs. Signs shall conform to the requirements of Article VII and shall be of a design, including size, location, shape, color and illumination, as to harmonize with the building and other elements of the site plan. **A sign plan design shall be submitted that includes all proposed sign locations, design, type of material, type of lettering style, colors, dimensions, height; above grade, method of mounting, method of lighting, and position on walls. The plan shall include a drawing showing the sign(s) dimensioned and to scale on the façade of the building it will be attached to and any freestanding sign.**

273:80.1

(Amendment -07.18.07 – 273-75 N signs site plan)

shielded, such as by visors or baffles, to minimize spillage of light beyond the outside edge of the object illuminated.

P. Building design. Buildings and other structures shall conform to the following:

- (1) The exterior design, including finish and color, shall conform to Subsections A and B. Exterior walls of any building that are visible from any street or other lot shall present a finished appearance by means of materials consistent with the design of the building as a whole.
- (2) No mechanical equipment shall be located on the roof of a building if visible from any street or any other lot, unless such equipment is housed or screened from view in a manner consistent with the architectural design of the building.<sup>16</sup>

**§ 273-76. Special standards.**

The following special standards apply to particular uses, areas or districts for which approval of a site plan by the Commission is required:

- A. Guilford Town Center District. For a use that is subject to approval of a site plan and located on a lot in the Guilford Town Center District, the site development, including paving, driveways, landscaping, screening, exterior lighting and other features, shall have a design that supports the character of and is reasonably compatible with nearby historic buildings and sites within the district, thereby avoiding an appearance, traffic congestion, obtrusive lighting and other factors that tend to detract from the historic character of such buildings or sites or tend to depress maintenance or rehabilitation thereof.

**§ 273-77. Nonconformities.**

The Commission, upon due notice and public hearing as required by law, may grant a special permit authorizing construction, reconstruction, enlargement, extension, moving or structural alteration of buildings and structures or site development on a lot having existing improvements that fail to conform to the standards of this article and/or authorizing continuation, enlargement, extension, moving or reconstruction of site improvements that fail to so conform, if the Commission finds that the following standards are met:

- A. The proposed construction shall result in a general improvement of the lot with regard to safe access, suitable drainage and adequate landscaping.
- B. Nonconforming signs and lighting shall be brought into a conforming or more nearly conforming condition.
- C. Adequate provisions shall be made for landscaping in the area required for setback from a residential district boundary line.

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16. Editor's Note: Former Subsection Q, regarding the Traffic Management District, which immediately followed this subsection, was repealed 12-11-2000.

- D. There shall be no increase in the nonconformity of buildings and other structures and site improvements.

**§ 273-78. Procedures.**

Procedures concerning site plan submission and approval are set forth in § 273-97.

**ARTICLE X**  
**Special Permit Requirements**

**§ 273-79. General provisions.**

In accordance with the standards and requirements hereinafter specified, the Commission may grant a special permit for the establishment of one or more of the uses for which a special permit must be secured as required by these regulations. All requirements of this article are in addition to other requirements applicable in the district in which the special permit use is to be located. Procedural requirements for the submission and consideration of an application for a special permit are specified in § 273-99.

**§ 273-80. Standards.**

The Commission shall approve an application to permit establishment of a use for which a special permit is required if it shall find that the proposed use and the proposed buildings and structures will conform to the following standards, in addition to such special standards for particular uses as may be imposed:

- A. The location, type, character and size of the use and of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent lots or impair the value thereof.
- B. The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes.
- C. The streets serving the proposed use are adequate to carry prospective traffic and provision is made for entering and leaving the property in such a manner that no undue traffic hazard or congestion will be created.
- D. The lot on which the use is to be established is of sufficient size and dimensions to permit conduct of the use and construction and maintenance of buildings, structures and facilities, including sanitary facilities, in a manner that will not be detrimental to the neighborhood or adjacent lots.
- E. Architectural design. The architectural design and style of all buildings and other structures to be erected on the lot shall be such as not to conflict with the architectural design and style of adjacent properties.

## F. Effects on historic properties or districts. [Amended 9-19-2001]

- (1) The establishment of a special permit use shall not have a significant adverse effect on a historic property or historic district. A property is considered historic if it is listed in the Survey of Historic Architecture of Guilford, Connecticut 1981-82 or as amended, prepared by the Guilford Preservation Alliance. A historic district is an area so designated by the U.S. Department of the Interior as a National Register Historic District. An activity or use is considered to have an adverse effect when the effect may diminish the historical and/or architectural integrity of the property's location, design, setting, materials, workmanship, or association. Adverse effects also include but are not limited to:
  - (a) Physical destruction, damage or alteration of all or part of the property, including the removal or alteration of any historic material or distinctive architectural features;
  - (b) Isolation of the property from its setting or alteration of the character of the property's setting; and
  - (c) Introduction of visual, audible or atmospheric elements that are out of character with the property or alter its setting.
- (2) In considering this standard, the Commission shall concern itself with the property which is the subject of the special permit application, and only in the case where the property is in a National Register Historic District will it consider impacts on property not part of the application.

## G. Drive-through service at restaurants shall be allowed in accordance with § 273-20, Table 2B, Line No. 28d, and where the following standards are met:

- (1) The drive-through area of service shall be limited to a separate traffic lane which is separately designated for use by drive-through service patrons.
- (2) The drive-through service lane shall be at least 10 feet in width.
- (3) The drive-through service lane shall be located in an area where it will not unduly interfere with the orderly flow of traffic generated by non-drive-through patrons.
- (4) Adequate queuing for vehicles approaching the drive-through service facility shall be provided.

## H. Standards for granting special permits for movie theaters, playhouses, nightclubs and adult entertainment establishments. In addition to the standards described in this section and recognizing the special nature of these facilities, including the potential for high volumes of vehicular traffic and the hours of patronage of these facilities, the Commission shall consider the following: [Added 11-20-1996]

- (1) The impact of traffic generated by the activity on adjacent state and Town roads, including the impact on scenic character.
- (2) The impact of the proposed use on adjacent and close-by residential neighborhoods.

- (3) The impact of the proposed activity on the ability of the Town to provide services to the establishment, including the provision of police and emergency services.
- I. Standards for dog day-care facilities. In addition to the standards specified above, the following additional standards must be met: [Added 11-6-2002]
  - (1) No facility may be located within 100 feet of a residential dwelling or 200 feet of a residential zone district.
  - (2) No outside area for dog containment is permitted. This prohibition shall not apply to outside exercise areas.
  - (3) The use must be in a building which is properly sound-proofed, ventilated and with drainage and septic disposal approved by the Director of Health.
  - (4) The facility must be approved by appropriate State of Connecticut authorities.
  - (5) There must be a plan approved by the Commission for cleanup of outside areas used by the dogs on the lot or adjacent lots.
  - (6) No overnight housing of dogs is permitted.
  - (7) In granting a permit the Commission may specify a maximum number of dogs to be allowed, and in no case shall more than 30 dogs be allowed.
  - (8) All dogs must be properly licensed.

J. [AMENDED JULY 16, 2003] SEE PAGE 273:85  
273:24.1

**§ 273-81. Additional requirements.**

In granting a special permit, the Commission shall have the power to impose such additional standards and requirements, including limitations on the time for construction or commencement of use, as it deems necessary to carry out the purposes of these regulations.

**ARTICLE XI  
Planned Residential Developments**

**§ 273-82. General provisions.**

Planned residential development (PRD) is a use of land, buildings and other structures specified in § 273-16D and in Table 2A (§ 273-16) as permitted in residential districts by special permit under the requirements of this article. The sections that follow set forth the criteria for approval of PRD special permits, as well as the standards for approval of PRD project design and management programs. While the PRD use is not mandatory for the development of residential areas of the Town, it is the intent of the Comprehensive Plan of Zoning to encourage PRD's that can conform to special permit criteria. Application and review procedures for PRD's are set forth in §§ 273-100 and 273-101.

**§ 273-83. Criteria for special permit.**

- A. Findings. The Town of Guilford will experience continuing residential growth. For most of the period of time that zoning regulations have been in effect for the Town, new residential development has typically consisted of single-family dwellings on individual building lots in new subdivision layouts. There is a continuing backlog of unused but approved building lots.
- (1) In the aggregate, these layouts, while providing sites for additional dwellings, have also:
    - (a) Consumed large amounts of acreage that previously contained agricultural, forest and conservation resources.
    - (b) Resulted in construction of many miles of new streets requiring Town maintenance.
    - (c) Been randomly scattered around the Town and have necessitated undue extension of municipal services.
    - (d) Caused damage to or have failed to fit the natural features of the environment.
    - (e) Produced housing that is beyond the means of or fails to meet the needs of a substantial segment of Guilford families.

**§ 273-80. J.** If an application for a special permit involves an activity regulated pursuant to C.G.S. sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application to the Inland Wetlands Commission no later than the day the application is filed for a special permit. [AMENDED JULY 16, 2003]

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DOG CARE FACILITIES

1. Amend 273-20, Table 2B #48 to read "Dog Care Facilities"
2. Delete 273-80 I and replace with the following;

I. Standards for dog care facilities. In addition to the standards specified above, the following additional standards must be met:

- (1) No facility (buildings and containment areas) may be located within 100 feet of a residential dwelling or 150 feet of a residential zone district.
- (2) Outside areas shall be used for supervised exercise only and may not be used for overnight containment.
- (3) The use must be in a building which is properly sound-proofed, ventilated and with drainage and septic disposal approved by the Director of Health.
- (4) The facility must be approved by the appropriate State of Connecticut authorities.
- (5) There must be a plan approved by the Commission for cleanup of outside areas used by the dogs. Said plan shall include consideration of stormwater impacts and disposal of solid wastes.
- (6) When overnight housing of dogs is proposed, the Commission may require additional setbacks from residential uses or zones in order to insure the use and enjoyment of residential property.
- (7) All dogs boarded for the night must be housed in individual kennels.
- (8) In granting a Special Permit, the Commission may specify a maximum number of dogs to be allowed, and in no case shall more than 35 dogs be allowed.
- (9) All dogs must be properly licensed.
- (10) No such facility shall be used for the breeding or sale of dogs.

- (2) Since 1969 and as an alternative to typical subdivision layouts, the regulations have also provided for PRD's, consisting of single-family detached dwellings or attached dwellings, garden apartments or townhouses, upon grant of a special permit. Prior to the effective date of this section, approved PRD's have increased the supply of alternative dwelling types and have become the more marketable form of housing construction. There is a backlog of approved but unbuilt dwelling units in PRD's. It is found that the PRD's:
    - (a) May encourage a faster rate of growth than established under the Growth Management Program of the Comprehensive Plan of Development and Conservation.
    - (b) Have not materially produced housing within the means of lower-income Guilford families.
    - (c) Have in some cases produced architectural effects and grouping of population not in harmony with existing neighborhoods.
    - (d) Have not in some cases fitted building and site development to the natural features of the environment.
  - (3) There are tracts of land in the Town which, subject to consideration on a case-by-case basis, are capable of use under alternative forms of residential development that avoid the above results and accomplish the objectives hereinafter specified.
- B. Objectives. A PRD shall consist of single-family detached dwellings or attached dwellings, garden apartments or townhouses or a combination thereof which achieve both of the following primary objectives:
- (1) Preservation of open space, such as open space resources and/or conservation resource areas, as set forth in Program Nos. 1 and 5 of the Comprehensive Plan of Development and Conservation for the Town of Guilford, Connecticut, and which is either:
    - (a) Significantly beneficial to the community by preserving unusual open space features within the PRD or constituting part of an open space and conservation resource system covering a larger area; or
    - (b) A significant portion of and enhancement to the design of the PRD by achieving a contrast between building and nonbuilding areas and supporting the character of the neighborhood and the community.
  - (2) Architecture and site development of design merit, contributing to the appearance and beauty of the Town and achieving convenience of residential living and economies in the use of energy and in all cases shall also:
    - (a) Be located on a tract of land having the capability of supporting such alternative form of development;

- (b) Have a harmonious relationship to adjacent neighborhoods, such as, with regard to but not limited to, the location and bulk of buildings, maintenance of privacy and traffic access; and
  - (c) Constitute a form of residential development which achieves both of the above objectives in a manner more effective than a subdivision of individual building lots permitted on the tract.
- C. Additional objectives. PRD's may also and are encouraged to achieve positive preservation of farmland in active use and other managed open space and lower-cost dwelling units, and, in support thereof, PRD's which achieve these objectives may contain additional dwelling units, as long as the primary objectives are also achieved.

D. Area requirements. The following land area and dwelling unit density requirements are applicable to any planned residential development (PRD): *[amended: 11-14-2007] prep. 273.86.1a*

- (1) Tract. The tract or lot containing a PRD shall have at least the following minimum area of contiguous, predominantly undeveloped land; provided, however, that a special permit for a PRD on a tract of lesser area may, at the discretion of the Commission, be approved when the PRD contains an open space reservation which adjoins and supports a permanent open space reservation on another lot.

District	Acres	
R-1, R-2, R-3 and R-4	10	<i>then 5</i>
R-5, R-6 and R-7	15	<i>then 7</i>
<del>R-6, R-7</del> and R-8	25	<i>see p. 273.86.1a</i>

- (2) Dwelling units. The maximum number of dwelling units in a PRD is determined based in part upon a computation of the number of bedrooms (see § 273-2C for the definition of "bedroom") in relation to land area and land constraints within the PRD as follows:

- (a) First, the net square-foot land area of the PRD is determined by subtracting the area of the following land constraints from the total PRD land area:
  - [1] The area of existing wetlands (see § 273-2 for the definition of "wetlands");
  - [2] The area of existing watercourses (see § 273-2 for the definition of "watercourses") having, at seasonal high flow or impoundment, an area of 1/2 acre or more; and
  - [3] The significant area of steep slopes (greater than 25%).

- (b) ~~In Development Program Area A,~~ *Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7,* the net square-foot land area of the PRD is divided by the following factor designated for each district and multiplied by 3.75 bedrooms:

*[amended 7-20-05] see p. 273.86.1*

APPROVED; Nov. 14, 2007  
Effective Date; Nov. 23, 2007

At its regular meeting on Nov. 14, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Proposed Amendment to Zoning Code Re: PRD Minimum Tract Area

Amend 273-83 D. Area requirements. (1) Tract. As follows;

(1)	<u>District</u>	<u>Acres</u>
	R-1, R-2, R-3 and R-4	10 except where at least 1 affordable housing unit is provided and then 5
	R-5, R-6 and R-7	15, except where at least 1 affordable housing unit is provided and then 7
	R-8	25"

273:86.1a

(Amendment -11.14.07 - 273-83 D Aff hsg PRD tract)

Approved; July 20, 2004  
Effective Date; August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Proposed Amendments to the Zoning Code Regarding Development  
Program Areas A and B**

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . . , and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
5. Amend 273-100. Special permit for planned residential development, D. as follows; "D. PRD Application, Zone R-8. Zone R-8 is established under these regulations in recognition of the lack of community services, severe limitations for land development and presence of important conservation resources. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in the R-8 Zone.
  - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
  - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:126.1

District	Factor
R-1, R-2 and R-3	20,000
R-4	30,000
R-5	40,000
R-6	60,000
R-7	80,000
<del>R-8</del>	<del>80,000</del>

zone R-8, [amended 7-20-05] sec. p. 273:86.1

- (c) In ~~Development Program Area B~~, the net square-foot land area of the PRD is divided by a factor of 80,000 and multiplied by 2.75 bedrooms.
  - (d) Within this maximum bedroom count, the number of bedrooms in each dwelling unit may be varied, provided that the total number of bedrooms does not exceed such count. In no PRD, however, shall there be less than 9,000 square feet of net square-foot land area for each dwelling unit. When the PRD tract includes land in two or more zone districts in Development Program Area A, the total number of bedrooms will be calculated as above for each area in a separate district and added to determine the total allowed. The concentration of dwelling units to be allowed by the Commission in any portion or section of a PRD will be based upon the type of public utilities and facilities provided to adequately serve this density and to meet the public health standards as established in the State Sanitary Code and upon the amount and location of open space provided.
- (3) Transfer from farm land. The number of bedrooms permitted in the PRD under Subsection D(2), when approved by the Commission, may be increased by two bedrooms for each acre of farm land or other managed open space outside the PRD for which the development rights have been purchased by the applicant and conveyed to the Town of Guilford or a nonprofit organization approved by the Commission, provided that it is demonstrated that the PRD plan, including provisions for access, water supply and sewage disposal, has the capability of supporting the additional dwelling units and there is not less than 9,000 square feet of net square-foot land area for each dwelling unit in the PRD.
- (4) Affordable dwelling units. The number of bedrooms permitted in the PRD under Subsection D(2), when approved by the Commission, may be increased when such bedrooms are in affordable dwelling units as defined by Section 8-39a of the Connecticut General Statutes, provided that:
- (a) The total increase by such units shall not exceed 50% of the total otherwise permitted under Subsection D(2) and exclusive of any additional units permitted under Subsection D(3);
  - (b) It is demonstrated that the PRD plan, including provision for access, water supply and sewage disposal, has the capability of supporting the additional dwelling units; and

- (c) There is not less than 7,500 square feet of net square-foot land area for each dwelling unit in the PRD.
- E. Criteria for special permit. Each planned residential development (PRD), to be eligible for authorization by a special permit approved under § 273-100 of these regulations, shall:
- (1) Meet the objectives specified in Subsections B and C;
  - (2) Conform to the area requirements specified in Subsection D; and
  - (3) Have the capability of conforming to the design standards and management standards set forth in §§ 273-84 and 273-85 of this article.

**§ 273-84. Design standards.**

- A. General. Each planned residential development (PRD) shall have a design that conforms to and implements the criteria for a special permit set forth in § 273-83 of this article and conforms to the standards hereinafter specified. The design of the PRD is of utmost importance to protect property values, prevent future property deterioration, promote good community living standards, provide for feasible management control, preserve open space and natural features and serve the purposes of these regulations. Site layout and architectural design shall take advantage of topography, provide visual and acoustical privacy between dwelling units and provide for landscaping of all areas disturbed by the development and should complement any adjoining neighborhood. Consistency of scale and architectural design throughout the various structures of the PRD shall be maintained.
- B. Utilities. The following standards are applicable to water supply, sewage disposal and other utilities within the PRD:
- (1) Water supply. The PRD shall be served by a public water supply system or a water supply system as approved by the Town Engineer and the Town Director of Health. When a PRD is located within any area served by a public water supply or when located within such distance of such public water supply system as to make extension thereof economically feasible, such public water supply system shall be extended to serve the PRD. The water supply system shall be so designed and constructed as to provide adequate fire protection with hydrants, or fire ponds shall be provided as required by the Town Fire Marshal.
  - (2) Sewage disposal. The PRD shall be served by an on-site sewage disposal system meeting Town and State Department of Health regulations and, as applicable, regulations of the State Department of Environmental Protection. The system shall be approved by both the Town Engineer and Town Director of Health. It shall also be approved by the Town Water Pollution Control Authority and state agencies, as the same have jurisdiction. In addition, leaching fields or other in-ground disposal facilities shall be located at least 50 feet from any existing wetland or watercourse, shall be located on land having a slope of less than 15% and shall be constructed

so that primary contact for leaching is to suitable virgin soil, at an elevation not less than four feet above bedrock and two feet above seasonal high water table.

- (3) Drainage. Storm drainage shall be designed in accordance with the standards of Chapter 272, Subdivision of Land. In Development Program Area B, storm drainage shall be designed with sufficient detention facilities to cause no increase in the rate of runoff to any wetlands or watercourse within the PRD or outside the PRD where the drainage system may discharge.
  - (4) Erosion control. Provision shall be made for erosion and sedimentation control, as provided in the Chapter 272, Subdivision of Land.
  - (5) Other. Whenever reasonably possible, all electric and telephone utilities shall be placed underground. Where overhead rather than underground electric or telephone lines are proposed, a detailed statement showing the reason for same shall be submitted.
- C. Circulation and access. The following standards are applicable to access to and within the PRD and the provision of off-street parking:
- (1) Access. The PRD area shall be served from or have access to an accepted, improved Town road or state highway that provides adequate circulation and access to other sections of the Town. Where such Town road is not deemed adequate to serve the PRD, the applicant may participate in the improvement of said Town road in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards. Ease of entrance to and exit from the development, with minimum impact on normal traffic flow, shall be of prime importance.
  - (2) Circulation. Interior streets and driveways shall be designed to eliminate through traffic, reduce traffic speeds and provide for adequate circulation within the development and to its facilities and open space. Walkways, courts and paths shall provide pedestrian access to and between residential structures, supporting facilities and community open space and shall be separated from vehicular traffic, whenever reasonably possible.
  - (3) Interior driveways.
    - (a) All interior driveways of the PRD tract are to be owned, maintained and serviced by the owner or an association and shall have a minimum paved roadway width as follows:
      - [1] One-way circulation with no parallel parking allowed: 12 feet.
      - [2] Two-way circulation with no parallel parking allowed: 20 feet.
    - (b) Where parking for peak demand [beyond that required by Subsection C(6)] is to be provided along interior streets, it shall be provided with either paved parallel, angular or right angle bays, in addition to the above pavement widths. As a minimum standard, all paving, drainage and construction criteria shall otherwise be in accordance with Chapter 241, Streets and Sidewalks,

Article IV, Road Standards, for local residential streets. All interior driveways shall be maintained by the association in good and safe condition.

- (4) Streets. The principal access roads within the PRD shall be built as public roads in accordance with Chapter 241, Streets and Sidewalks, Article IV, Road Standards. [Amended 7-10-1996]
  - (5) Street and driveway construction. Any street or driveway within the PRD shall be graded, have a compact subbase, have drainage facilities installed and be at least completed to the extent required by § 241-10 of Chapter 241, Streets and Sidewalks, Article IV, Road Standards, prior to the issuance of a certificate of zoning compliance for any structure or dwelling unit served by said street or driveway.
  - (6) Parking. Off-street parking spaces shall be provided at a minimum of 2.0 spaces per dwelling unit. Parking may be provided beneath dwelling units, in separate parking garages or in open parking areas. For permitted supporting facility uses, off-street parking shall be provided at a minimum of one space for each 200 square feet of ground floor area and one space for each 400 square feet of public second floor area. Parking facilities shall be designed as an integral part of the site development design and arranged to prevent undue concentration of parking facilities and shall be screened through ample use of trees, shrubs, hedges or walls. Access to dwelling units from parking facilities shall be by walkway or within structures.
- D. Supporting facilities. The following types of supporting facilities to serve the residents of the PRD are permitted: recreation facilities, such as golf courses, tennis courts, swimming pools, bridle paths and arts and crafts centers; community services, such as meeting rooms; administrative office space for PRD associations; storage for owners' or tenants' boats; trash removal facilities; and school bus pickup shelters. It is the intent of these regulations to permit service facilities to the extent required to meet the needs of the particular PRD based upon its location, overall size and ultimate population. When specifically approved by the Commission, such supporting facilities may be open to nonresidents of the PRD by membership or to the general public, such facilities to be operated on a not-for-profit basis. In considering such expanded use of supporting facilities, the Commission shall take into consideration the impact of the use on adjoining properties and on adjacent neighborhoods, as well as the interests of the residents of the PRD itself. The creation of supporting facilities for use beyond the PRD shall only be allowed in PRD's approved subsequent to the effective date of this amendment. The following additional standards are applicable to retail services:
- (1) Where a PRD is designed to contain over 100 dwelling units or over 300 bedrooms and its nearest boundary line is located one mile or more by existing road from the nearest retail commercial zone district existing at the time of the PRD submission for Commission approval, an area for limited retail stores may be established in the PRD development plan. These stores shall be limited to uses providing primarily for the service and convenience of the PRD residents and, in total, shall not exceed 20 square feet in gross area for each dwelling unit in the PRD and shall require Commission approval for each proposed use. It shall be the burden of the applicant

to show that commercial uses are intended to serve primarily the residents of the PRD.

- (2) Construction of commercial structures shall not be authorized until actual construction of the minimum residential units or bedrooms, as required above, is underway.
  - (3) If an area is designated for commercial use in the overall PRD and the minimum required residential construction is not undertaken, said area shall be converted to common open space as established under Subsection E or such other use as the Commission may approve.
- E. Open space. All land not used for the construction of dwellings, supporting facilities, parking, vehicular circulation or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established. Except when required for Town use, it shall be dedicated for use by the residents of the PRD with adequate controls to assure its maintenance and with restrictions or covenants prohibiting or restricting building on it. Where applicable, open space shall be arranged to meet the location and type of open space generally as set forth in the Comprehensive Plan of Development and Conservation. When the PRD area is to contain 300 bedrooms or more or its location in relation to existing Town facilities, such as schools and public recreation areas, is such that new Town facilities to serve the residents of the PRD will be required, the Commission may require that open space be reserved for such Town facilities.
- F. Setbacks. Minimum setbacks of all structures from the PRD tract boundary line shall be in accordance with the zone district in which they are located. Where a PRD adjoins an existing single-family home development or an approved subdivision, the Commission may require additional setbacks and/or natural screening, not to exceed 100 feet in depth, to ensure privacy for adjoining residences. Setbacks between buildings will be such as to provide light, visual and acoustical privacy for all dwelling units and access space for servicing, fire protection and maintenance equipment.
- G. Height. No building or other structure shall exceed a height of 40 feet or three stories, whichever is less. Separate auxiliary garages for cars shall not exceed a height of 15 feet. Height is to be measured above the average finished grade at the exterior of the building and shall not apply to church steeples, existing barns and silos, water towers, chimneys, service structures housing mechanical equipment located on the roof of a building or master television aerials located on a roof.
- H. Lighting. All outdoor lighting shall be designed to prevent light from intruding directly into residential units and no exterior light shall be placed so as to shine directly outside of the PRD area. Streetlighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for safety of vehicular and/or pedestrian circulation.
- I. Signs. All signs shall be designed as an integral part of the PRD design concept. All sign designs shall be submitted to the Commission for approval and shall otherwise meet the requirements of Article VII of these regulations for residential districts. A sign identifying the PRD may be constructed at each entrance road to a PRD tract. Each such

sign shall not exceed 10 square feet in area. Commercial signs, when required for a permitted use, shall be limited to one sign for each approved retail or commercial use. No individual commercial sign shall exceed eight square feet in area, with an aggregate total not to exceed 40 square feet for all permitted commercial uses. These signs in other respects shall meet the requirements of Article VII.

**§ 273-85. Management.**

- A. **General.** Each planned residential development (PRD) shall be established with suitable legal organization and arrangements for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance. The management system shall be established in a timely manner, shall support the criteria for a special permit set forth in § 273-83 of this article and shall cover elements hereinafter specified.
- B. **Method of ownership.** Dwelling units may be for sale or rental in individual, public, cooperative or condominium ownership. Documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Commission for approval. All open space and supporting facilities shall be under specified common ownership with provision for maintenance, liability, financing and the rights of access and use by residents of the PRD which is acceptable to the Commission, except as certain open spaces may be conveyed to the Town of Guilford or a nonprofit corporation approved by the Commission or as facilities may be conveyed to the Town.
- C. **Open space.** Proper covenants and restrictions shall be imposed upon open space areas intended for preservation.
- D. **Supporting services.** Where there are common properties and services in the PRD, such as roads and driveways, water supply systems, sewage disposal systems, recreational facilities and open spaces, proper provisions shall be made for ownership, operation, maintenance and financing thereof on a private basis and without responsibility or liability for Town participation.
- E. **Development rights.** The form of development rights for farmland and other managed open space purchased to enable additional dwelling units shall be subject to the approval of the Commission and shall have the effect of permanently preserving such farmland and open space from building development, subdivision, extraction of earth materials and other activities inconsistent with farm and open space utilization. The ownership of such development rights, such as by the Town or a nonprofit corporation, shall be subject to the approval of the Commission.
- F. **Lower-cost dwellings.** Proper documentation shall be provided to affirm the availability of dwelling units for sale to or rental occupancy by middle-to-lower-income families. Such documentation is subject to the approval of the Commission and, in the case of rental units, may consist of contracts between the applicant and the Housing Authority of the Town of Guilford or other appropriate governmental agency. The applicant may request the Commission to establish for the particular PRD a schedule of sale or rental amounts reflecting current estimates of middle-to-lower family income.

Approved; March 15, 2006  
Effective Date; March 24, 2006

At its regular meeting on March 15, 2006 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Amend Article XII, § 273-86. Retail sale of alcoholic beverages.**

as follows;

Amend B. (3) by adding: PV, TS, SC, PV2, TS2 and SCW Zone Districts to list of Zone Districts in which retail package stores are allowed.

**B. (3) "In any district except the C-1, C-2, C-3, C-4, PV, PV2, SC, SCW, TS and TS2 Districts."**

273:93.1

(Amendment -03.15.06 - Alcoholic Beverage)

ARTICLE XII  
Regulations for Specific Uses and Districts

§ 273-86. Retail sale of alcoholic beverages.

- A. Purpose. The purpose of this section is the establishment of reasonable control over the retail sale of alcoholic beverages in the Town of Guilford so as to protect the public health and welfare and prevent adverse effects on public and semipublic properties.
- B. Distance standards. No building or land shall be used and no building shall be erected or altered that is intended, arranged or designed to be used for a retail package store if any part of such building or land is situated:
- (1) Within a radius of 1,500 feet of any other building or land used for a retail package store.
  - (2) Within a radius of 500 feet of any part of a lot used or approved by the Commission for a college, school, convent, church, hospital, library or any camp, barracks or training field of the armed forces.
  - (3) In any district except the C-1, C-2, C-3 and C-4 Districts. *[amended 3-15-2006]*  
*PV, TS, JC, PV2, TS2 + SCW. See p. 273:93.1*
- C. Special permits. All requests for a retail package store shall be made by special permit in accordance with and under the standards established in Article X, Special Permit Requirements, and under the procedures established by § 273-99, Special permit procedure, of these regulations, as amended. Request for and approval of a special permit by the Commission will be required before applying to the Liquor Control Commission for a permit, but will in no way be assumed to abrogate, effect or imply any action by said Liquor Control Commission.
- D. Definitions. "Retail package store" is defined as a store for the sale for use off the premises of beer, wine and liquors, which store has such products as its major stock for sale. It does not include restaurants, taverns, stores engaged chiefly in the sale of groceries or drug stores.

§ 273-87. Water supply storage towers. *[Amended 2-19-1997]*

- A. General. In accordance with the standards of Article X and the requirements hereinafter specified, the Commission may grant a special permit for the erection of a water supply storage tower in any I-1 or I-2 District. Procedural requirements for the submission and consideration of an application for a special permit are specified in § 273-99.
- B. Standards. The Commission shall approve an application for special permit for a water supply storage tower if it shall find that the proposed tower will conform to the following standards, in addition to those specified in Article X:
- (1) The tower shall not exceed 100 feet in height above ground level.
  - (2) The tower shall not result in the impairment of scenic vistas or significantly reduce the value of adjoining properties.

- (3) The tower shall be part of a utility that directly serves the residents of the Town of Guilford.
  - (4) Adequate landscaping to buffer the ground level equipment and structures from adjoining properties shall be provided.
  - (5) No exterior lighting of the tower shall be allowed other than that required by federal or state regulations and security lighting of any ground-level equipment.
  - (6) No signs other than those required for safety shall be allowed.
- C. In granting a special permit for a water supply storage tower, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

**§ 273-88. Windmills.**

- A. General. In accordance with the standards of Article X and the requirements hereinafter specified, the Commission may grant a special permit for the erection of a windmill on any lot 40,000 square feet or larger. Procedural requirements for the submission and consideration of an application for a special permit are specified in § 273-99.
- B. Standards. The Commission shall approve an application for a special permit for a windmill if it shall find that the proposed windmill will conform to the following standards, in addition to those specified in Article X:
- (1) The height above average ground level of the windmill permanent structure shall not exceed 75 feet.
  - (2) The setback requirements from property lines shall be a minimum of 40 feet from any property line and shall meet the requirements of § 273-28.
  - (3) The windmill shall not result in the impairment of scenic vistas or significantly reduce the value of adjoining properties.
  - (4) Adequate landscaping to buffer the ground level equipment and structures from adjoining properties shall be provided.
  - (5) The operation of the windmill in an average twenty-mile-per-hour wind shall produce no more than the following readings on the A Scale (dBA) at the closest point of contact of any adjoining property line:

Ambient Reading (without windmill)	Maximum Permitted Reading With Windmill Operating
45 dB	55.4 dB
50 dB	56.2 dB
55 dB	61.0 dB
60 dB	61.2 dB

## Amendment to the Zoning Code Regarding Wind Energy Systems

Delete Section 273-88 and substitute the following;

### 273-88. Wind Energy Systems

- A. Purpose . Wind energy is an abundant, renewable, and nonpolluting energy resource. It is the purpose of this regulation to promote the safe, effective and efficient use of wind energy systems subject to reasonable conditions that will protect the public health, safety and welfare.
- B. Applicability. This section applies to all proposals to construct wind energy facilities except those facilities regulated by the Connecticut Siting Council, as set forth in Conn. Gen. Stat. Sec. 16-50i(a)(3), as the same may be amended from time to time.
- C. Definitions
  - Wind Energy Systems – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to, transmission lines and support structures, storage, collection and supply equipment, substations, transformer, service and access roads and one or more wind turbines.
  - Wind Turbine – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, accelerator platform, and one or more rotors with two or more blades for each rotor.
  - Height – The vertical distance from the average natural ground level at the main tower edges to the highest point of the structure, including any blade, lightning rod or antenna. If a blade extends above the tower at any point in its arc, then the tip of the rotor blade at its highest point shall be used.
  - Rated Nameplate Capacity – The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

- Wind Monitoring or Meteorological Tower – A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

D. General Requirements. No wind energy system shall be erected, constructed, installed or modified so as to change its bulk or height, without first obtaining a Special Permit in accordance with Article X of this Code and this section. Wind energy systems shall be allowed in all zones, subject to the issuance of a Special Permit. No Special Permit shall be granted unless the Commission finds in writing that;

- The specific site in an appropriate location for such use.
- No material adverse effect on the neighborhood has been shown.
- No serious hazard to pedestrians or vehicles has been shown
- No nuisance will be created by operation of the use.
- Adequate and appropriate facilities will be provided for the proper operation of the use.
- The application conforms to all other standards of Article X.

The Commission may impose reasonable conditions, safeguards and limitation on time and use, and may require the applicant to implement all reasonable measures to mitigate adverse impacts of the facility.

E. Wind Monitoring or Meteorological Towers shall be permitted subject to issuance of a building permit for a temporary structure provided that such structures not exceed 2 feet tower face width and 200 feet in height.

F. General Siting Standards For Wind Energy Systems

1. Height – Wind energy systems shall be no higher than 400 feet in height as defined in 273-88C.
2. Setbacks – Wind turbines shall be setback, as measured from the center of the tower; (a) from the nearest existing habitable structure, a distance equal to 1.5 times the overall blade tip height for a wind turbine that has exposed blades and 1.1 times the overall height for a wind turbine that has shrouded blades and (b) 100 feet from the nearest property line or public right of way. The Commission may increase or reduce the minimum setback distance as appropriate based on site-specific considerations if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this section.
3. Color and Finish – Wind turbines shall be a neutral, non –reflective color that blends with the surrounding environment.

4. Lighting- Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the facility shall be limited to that required for safety and operational purposes.
5. Signage – Signs on the facility shall comply with this Code’s requirements for signs and shall be limited to those necessary to identify the owner and manufacturer, provide for emergencies or as otherwise required by State or Federal law. No advertising signs shall be allowed.
6. Appurtenant Structures – Structures appurtenant to the facility shall comply with applicable standards of this Code. Such structures shall be architecturally compatible with each other and the surroundings and shall be landscaped and screened from surrounding properties.
7. Support Towers – Monopole towers are the only permissible support towers for wind energy systems.
8. Shadow/Flicker – Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.
9. Scenic Vistas and Historic Areas – The development of wind energy systems shall not significantly impair scenic vistas nor have an adverse impact on historic areas or properties. Scenic vistas are as described in the *Plan of Conservation and Development 2002*, Section 2.2 Policy A: Preserve Guilford’s Character and Cultural Landscape (as it may be revised). Historic areas or properties are as listed in the National Register of Historic Districts or Properties or as Local Historic Districts as approved by the Town of Guilford.

#### G. Abandonment

Any wind facility which has reached the end of its useful life, or has been abandoned, shall be removed. This shall include physical removal of all above ground structures and equipment, disposal of all solid and hazardous wastes, and restoration of the site to its pre-development condition. The Commission may require the applicant for a wind energy system to provide a form of surety, either through an escrow account, bond or otherwise to cover the cost of removal in the event the Town must remove the facility. A Special Permit for a wind energy system shall be valid for 25 years, unless extended or renewed by the Commission pursuant to this section.

## F. Application Requirements

In addition to the requirements of Article X, the following materials shall be submitted as part of a Wind Energy System Special Permit application;

- Visualizations – View representations shall be provided from sites selected by the Commission including from populated areas, public streets, or areas of public use. These representations may include balloon tests, photographs, computer simulations or other methods of visualization as may be required by the Commission.
- Landscape Plan – A plan of landscaping the facility shall be submitted.
- Operation and Maintenance Plan – The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operation maintenance of the wind energy system.

Ambient Reading  
(without windmill)  
65 dB

Maximum Permitted Reading  
With Windmill Operating  
65.4 dB

- C. In granting a special permit for a windmill, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purposes of these regulations.

**§ 273-89. Floodplain District.**

- A. Boundaries and elevations. The Floodplain District consists of the special flood hazard areas, namely Zone A, Zone A1 - 30 and Zone V1 - 30, which are delineated on the Flood Insurance Rate Map dated August 19, 1986, prepared by the Federal Emergency Management Agency, and as such zones may be amended from time to time by such Agency, which map is hereby made a part of these regulations and is hereinafter referred to as the "Flood Insurance Rate Map." The special flood hazard areas are areas of the Town where there is a one-percent chance of flooding in any given year. The Flood Insurance Rate Map also identifies base flood elevations above mean sea level for Zone A1 - 30 and Zone V1 - 30.<sup>17</sup>
- B. Requirements. The following requirements are applicable in the Floodplain District and are in addition to requirements of these regulations applicable in the underlying district:
- (1) Permit required.
    - (a) Within the Floodplain District, no building or other structure shall be constructed, moved or substantially improved unless a flood hazard area permit therefor is obtained from the Town Engineer in accordance with Chapter 174, Flood Damage Prevention.
    - (b) For the purpose of this requirement, "substantial improvement" means any repair, reconstruction or improvement of a building, the cost of which equals or exceeds 50% of the market value of the building either before the improvement or repair is started or, if the building has been damaged and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building to comply with existing state or Town health, sanitary or safety code specifications that are solely necessary to assure safe living conditions or any alteration of a building listed on the National Register of Historic Places or the Connecticut State Inventory of Historic Places.
  - (2) Within the Floodplain District, there shall be no paving, other than normal maintenance and repair of roads and driveways, and no excavation, removal,

<sup>17</sup> Editor's Note: Amended at time of acceptance of Code (see Ch. 270, General Provisions, Art. II).

grading or depositing of earth materials, other than bona fide landscaping operations on a lot in accordance with § 273-67B, unless such flood hazard area permit therefor is obtained from the Town Engineer.

- (3) The map and plans, including plot plans and site plans, required under these regulations to be submitted in connection with an application for a certificate of zoning compliance or approval of interior lots, a site plan or a special permit and pertaining to a lot any portion of which is located in a Floodplain District shall show the following additional information:
  - (a) The boundaries of the Floodplain District.
  - (b) Base flood elevations above mean sea level.
  - (c) The lowest floor elevation, including basement, above mean sea level for any existing or proposed building.
- (4) In commercial and industrial districts and Commercial Design Districts, no outside storage areas for supplies, merchandise, equipment or refuse and no outside manufacturing, processing or assembling of goods shall be located in the Floodplain District, unless adequate provision is made to prevent flotation of materials and equipment and to minimize flood damage within the Floodplain District.

#### § 273-90. Water Supply District.

- A. General. The Water Supply District is a class of district in addition to and overlapping one or more of the other districts. In any Water Supply District, no land, building or other structure shall be used; no building, other structure or facilities shall be constructed, reconstructed, enlarged, extended, moved or structurally altered; and there shall be no excavation, removal or deposit of earth materials, except in accordance with this section, in addition to the provisions applicable in the underlying district.
- B. Purpose. In the delineation of the Water Supply District, it is recognized that there are areas of the Town of Guilford that drain into surface reservoirs and intakes to transmission tunnels for potable water supply serving other municipalities. Such surface water supply resources are also potential sources of supply to serve the Town of Guilford. In such water supply drainage areas, strict limitations on the use of land, buildings and other structures for human habitation, on the construction of buildings, other structures and facilities and on the excavation, removal and deposit of earth materials are necessary to conserve the hydrological cycle of water resources, to protect the public health and safety, to prevent water contamination and erosion and sedimentation and to promote the provision of safe and sufficient public water supply.
- C. Boundaries. The Water Supply District consists of all areas of the Town of Guilford within the natural watershed of Lake Gaillard in the Town of North Branford, the Menunkatuck Reservoir, any intake in the Town of Guilford for water transmission tunnels to Lake Gaillard and surface water supply reservoirs of the Wallingford Water

Company. A representation of the boundaries of the Water Supply District is delineated on the Zoning Map.<sup>18</sup>

- D. Requirements. In any Water Supply District, no building or other structure or facilities shall be constructed, reconstructed, enlarged, extended, moved or structurally altered and there shall be no excavation, removal or deposit of earth materials until an application for a certificate of zoning compliance has been submitted to the Zoning Enforcement Officer. The application for a certificate of zoning compliance shall be approved by the Zoning Enforcement Officer when he or she determines that the following standards have been met in addition to other applicable requirements of these regulations:
- (1) No more than 10% of any lot shall be covered by buildings, other structures and paved areas, and such covered areas shall be distributed on the lot in such a manner as to avoid any major continuum or concentration of covered area that would exceed 40,000 square feet. All other portions of the lot shall have suitable vegetative cover or be left as undisturbed natural terrain.
  - (2) Provision for waste and sewage disposal shall be approved, in writing, by the Town Director of Health and shall also conform to no less than the following standards:
    - (a) All sewage disposal systems shall be gravity systems. No sewage lift pump stations shall be provided.
    - (b) Unless otherwise approved by the Town Director of Health, leaching fields and similar facilities shall be located at least 100 feet from any wetland or watercourse and on virgin soil at least four feet above bedrock, at least two feet above seasonal high water table and on land having a slope of less than 15%.
  - (3) No building or other structure or paved area shall be located within 50 feet of any wetlands or watercourse, except that this limitation shall not apply to buildings, other structures and paved areas approved in connection with a public utility water company facility nor to necessary driveways and access roads approved by the Commission.
  - (4) Storm drainage runoff from buildings, other structures and paved areas shall be designed to assure that no contaminants will reach any wetlands or watercourse and shall be designed to recharge into the ground or discharge outside the Water Supply District.
  - (5) Adequate provision shall be made for control of erosion and sedimentation to prevent siltation of wetlands and watercourses both during and after construction of buildings, other structures and site development, in accordance with the standards of Chapter 272, Subdivision of Land.

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18. Editor's Note: The Zoning Map is on file in the offices of the Town Clerk and the Planning and Zoning Commission.

**§ 273-91. Coastal site plan review requirements under Public Act No. 79-535.<sup>19</sup>**

A. Applicability. All buildings, uses and structures fully or partially within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary Map for the Town of Guilford shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes. Pursuant to Section 22a-109(b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:

- (1) Gardening, grazing or harvesting of crops.
- (2) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages or utility sheds. "Minor addition" means an addition not exceeding 20% of the first floor area or 1,000 square feet, whichever is less, and which addition does not require more than a ten-percent addition to the existing off-street parking area to meet the requirements of Article VI of these regulations.
- (3) Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property, including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings.
- (4) Construction of new or modification of existing on-premises fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach.
- (5) Construction of a new single-family dwelling or construction of a major addition to [larger than a minor addition as defined in Subsection A(2)] or major modification of an existing single-family dwelling, but only when such dwelling is not located in or within 100 feet of the following coastal resources as defined in Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments and beaches and dunes.
- (6) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.
- (7) Interior modifications to buildings.
- (8) Minor changes in use of a building, structure or property, except those changes occurring on property adjacent to or abutting coastal waters, or the change from a water-dependent to a non-water-dependent use.

B. In accordance with the provisions of Section 22a-109(b) of the Connecticut General Statutes, the foregoing exemptions from coastal site plan review requirements are

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19. Editor's Note: See Section 22a-91 et seq. of the Connecticut General Statutes.

Proposed Section 273-91 Coastal Site Plan Review and the Coastal Area Overlay District

DEC 17 PM 2:00

**A. Purpose.** The purpose of this section is to regulate development in order to protect the coastal resources of Long Island Sound in accordance with Chapter 444 Coastal Management Act of the Connecticut General Statutes, to further the purposes of § 273-1 in accordance with the Commission's regulatory powers pursuant to C.G.S. § 8-2, and to incorporate the recommendations set forth in the Municipal Coastal Program dated August 2008 accepted by the Commission and the Board of Selectmen and made a part of the Plan of Conservation and Development.

**B. Applicability.** All buildings, uses and structures fully or partially within the coastal boundary as defined by C.G.S. § 22a-94 and as delineated on the Coastal Boundary Map for the Town of Guilford and shown on the Zoning Map of the Town of Guilford as the "Coastal Area Management Boundary" (the "Coastal Area Overlay District") shall be subject to the coastal site plan requirements and procedures in C.G.S. §§ 22a-105 through 22a-109. The following site plans, plans and applications for activities or projects to be located fully or partially within the coastal boundary and landward of the mean high water mark within the Coastal Area Overlay District shall be defined as "coastal site plans" and shall be subject to the requirements of this section:

(1) Site plans submitted to the Commission for any building, use, structure, or shoreline erosion control structure in accordance with C.G.S. § 22a-109;

(2) Plans submitted to the Commission for subdivision or resubdivision in accordance with C.G.S. § 8-25;

(3) Applications for a special permit submitted to the Commission in accordance with C.G.S. § 8-2;

(4) Applications for a variance submitted to the Guilford Zoning Board of Appeals in accordance with subdivision (3) of C.G.S. § 8-6; and

(5) A referral of a proposed municipal project to the Commission in accordance with C.G.S. § 8-24.

**Exemptions:** Pursuant to C.G.S. § 22a-109(b), the following activities are exempt from coastal site plan review:

(i) Gardening, grazing and the harvesting of crops;

(ii) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds (except when such addition or modification is located within one hundred feet (100') of critical coastal resources). "Minor addition" means an addition not exceeding ten percent (10%) of the total floor area or two hundred (200) sq. ft., whichever is less, and which addition does not require more than a 10% addition to the existing off-street parking area to meet the requirements of Article VI of these regulations;

(iii) (a) Construction of new or modification of existing structures or improvements incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, and detached accessory buildings (except when such structure or improvement is located within one hundred feet (100') of critical coastal resources), and

(b) docks having landings less than thirty six (36) sq. ft. landward of the mean high tide line, provided that any railings shall be no higher than four feet (4') and shall be, to the maximum extent possible, of see-through construction;

(iv) Construction of new or modification of existing on-premise structures including fences, walls, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined in C.G.S. § 22a-93(7), obstruct required view lanes, or restrict access along the public beach;

(v) Construction of an individual single-family residential structure or construction of a major addition to or major modification of an existing single-family residential structure (larger than a minor addition or modification as defined in subsection B(ii) above), except when such structure is located within one hundred feet (100') of critical coastal resources;

(vi) Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;

(vii) Interior modifications to buildings; and

(viii) Minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters, or the change from a water-dependent use to a non-water dependent use.

“Critical coastal resources” are tidal wetlands, intertidal flats, coastal bluffs and escarpments, rocky shorefronts, and beaches and dunes.

Notwithstanding the provisions of this subsection, shoreline flood and erosion control structures shall not be exempt from the requirements of this section. As defined in C.G.S. § 22a-109(c), “shoreline flood and erosion control structure” means any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline.

**C. Coastal Site Plan Contents.** Applications for approval of a coastal site plan filed with the Commission shall comply with the provisions of Article IX, as the same may be applicable; provided in the event such proposed activity requires Special Permit approval, then said application shall conform to the provisions of Article X. In addition to such other requirements set forth herein, a coastal site plan shall include:

(1) A plan showing the location and spatial relationship of coastal resources on and contiguous to the site;

- (2) A description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction;
- (3) An assessment of the capability of the resources to accommodate the proposed use;
- (4) An assessment of the suitability of the project for the proposed site;
- (5) An evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources;
- (6) Evidence of compliance with the low impact development practices in accordance with 273-91 L; and
- (7) Proposed docks.\*

\*Applicants are reminded that federal, state and local permits may be required for coastal structures and that approval of a Coastal Site Plan does not negate the need for such other permits and approvals.

Any applicant submitting a coastal site plan shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of C.G.S. § 22a-92.

**D. Public Hearings.** For any use where a coastal site plan review is required and where such use is located within one hundred feet (100') of a critical coastal resource, a public hearing shall be held by the Commission.

**E. Criteria and Process for Coastal Site Plan Review.** The Commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the Connecticut General Statutes, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed below to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable. The provisions of this Section shall not be construed to prevent the reconstruction of a building after a casualty loss.

(1) In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both coastal resources and future water-dependent development opportunities, the Commission shall:

(i) consider the characteristics of the site, including the location and condition of any of the coastal resources defined in C.G.S. § 22a-93;

(ii) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and

(iii) follow all applicable goals and policies stated in C.G.S. § 22a-92 and identify conflicts between the proposed activity and any goal or policy.

(2) The Commission approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria listed above shall state in writing the findings and reasons for its action.

(3) In approving any activity proposed in a coastal site plan, the Commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the Commission:

(i) is consistent with all applicable goals and policies in C.G.S. § 22a-92;  
and

(ii) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

**F. Uses Requiring Special Permits.**

(1) In addition to those uses otherwise requiring a Special Permit, the following uses wholly or partially within the Coastal Area Overlay District, if permitted in the underlying district, shall further require a Special Permit in accordance with Article X:

(i) All non-residential uses, including the expansion of existing non-residential uses, except retail stores, offices, financial institutions, personal service establishments and restaurants located more than two hundred fifty feet (250') from a critical coastal resource defined in Section B above.

(ii) Multi-family uses greater than two-family dwellings.

(2) In order to encourage access and reasonable use of the coastal resources, the Commission also may permit by Special Permit the following water-dependent and related uses in non-residential districts within the Coastal Area Overlay District even if not permitted by the underlying non-residential district: marinas, boat launching areas, bait and tackle shops, public parks, and establishments for the sale, storage or repair of boats, marine engines, marine equipment and marine supplies.

**G. Uses Not Permitted Within the Coastal Area Overlay District.** Because certain uses are found by the Commission to pose an unacceptable risk of negative impacts on coastal resources, the following uses shall not be permitted within the Coastal Area Overlay District, regardless whether such uses may otherwise be permitted in the underlying district:

- Foundries;
- Painting shops except when involved in boat-repair;
- Blacksmiths;
- Machine shops except as accessory to a permitted principal use;
- Sheet metal shops except as accessory to a permitted principal use;
- Welding shops except as accessory to a permitted principal use;
- Tire recapping shops;

- Bulky waste transfer or processing operations;
- Mining, deposit and/or processing of sand, gravel or rock or other material except when subject to Connecticut DEP regulation of processing or disposal of dredged material;
- Motor vehicle washing establishments; and
- Oil storage and propane filling stations except as accessory to a water dependent principal use, except that any legally existing oil and propane filling stations in existence as of 12/25/2009 may be continued, and may if approved by special permit, be extended and expanded provided such use does not expand outside of the lot(s) upon which it existed as of 12/25/2009.

H. **Setbacks from Critical Coastal Resources.** In addition to all required front, side and rear yard setbacks, the following minimum setbacks between a proposed structure or impervious surface and any critical coastal resources shall be required for all uses within the Coastal Area Overlay District;

<u>Development Depth</u>	<u>&lt;50 ft</u>	<u>50-100 ft.</u>	<u>&gt;100-200 ft.</u>	<u>&gt;200 ft.</u>
Min. setback from: Tidal Wetland and Intertidal Flats	25ft.	35 ft.	50 ft.	100 ft.
Coastal Bluffs and Escarpments	25 ft.	35 ft.	50 ft.	50 ft.
Beaches or Dunes	25 ft.	35 ft.	50 ft.	50 ft.
Rocky Shorefronts	25 ft.	25 ft.	35 ft.	50 ft.

**Definitions:**

**Development Depth** – Distance between the critical coastal resource and an existing structure or impervious surface or, if the lot is unimproved, the front building line of the lot.

**Minimum Setback** – Required minimum distance between a proposed structure or impervious surface, and the critical coastal resource.

Setbacks from critical coastal resources may be increased when the Commission finds that the rate of erosion of the critical coastal resource or the rate of encroachment of coastal waters is likely to require a larger setback in order to protect the critical coastal resource. Dock landings are exempt from setbacks from critical coastal resources, and may be exempted from side yard setbacks, provided a written statement of consent for construction of such dock is submitted, signed by the adjoining property owner.

I. **Special Standards in Non-Residential Zones.** Because reduced coverages have been found essential by the Commission to protect coastal resources and to mitigate adverse impacts on coastal resources, for non-residential uses and zones within the Coastal Area Overlay District, the maximum impervious surface allowed shall be 10% less than the underlying district requirement. For instance, if the maximum permitted impervious surface for a zone was 50%, in the Coastal Area Management District, the limit would instead be 40%. Upon a specific finding by the Commission of significant mitigation by a user and incorporation of Low Impact Development practices as required by Subsection L, this required reduction may be waived.

J. **View Standards.** In reviewing applications under this section, the Commission shall take into consideration the impact of the proposed activity or use on views of the coastal resources. In addition, waterfront property shall be developed so that the design and relationship of the development to waterfront as viewed from the water or land, is consistent with a waterfront setting.

(1) Buildings and structures shall be located in such a way as to maintain views of the coastal resources from the nearest public street or right of way used by the public to the greatest extent possible, but at a minimum shall provide one straight-line uninterrupted rectangular view lane per property whose width is not less than the required minimum side yard width for the principal structure in the district in which the property is located. Said view lane shall be located within the side yard of the property.

(2) At the end of streets or rights of way that end at the waterfront, a straight-line uninterrupted view lane to the coastal resources shall be preserved whose width is at least 75% of the existing street or right of way.

(3) There shall be no buildings or other permanent obstruction placed in view lanes. No obstruction by fences, shrubbery or trees or other landscape features higher than four feet shall be placed in view lanes between the coastal resources and the nearest public street or right of way used by the public. All major shade trees must have their lowest branches at least six feet above the ground at the time of installation and be maintained in that manner. Any fences placed within view lanes shall be see-through. Protective (see-through) fences or railings which are part of a public pedestrian walkway which are in or pass through a view lane may be built to a height not to exceed four feet. Existing trees and shrubbery within view lanes may be maintained in their present position, but in the spirit of the Plan of Conservation and Development and the requirements of this section, it is recommended that property owners trim existing trees and shrubbery to the maximum extent possible. The replacement of existing trees and shrubbery shall be in conformance with the requirements of this section.

(4) Where two or more lots are combined to form one building lot, the Commission may, in its discretion, increase the width of the required view lane.

(5) For those situations in which, because of the particular juxtaposition of the lot, coastal resource and public street or right of way, a view lane would serve no useful purpose for the passersby on the road, or in which the lot is of such a size that the distance from the

public way to the coastal resources is so large that no appreciable view of the coastal resources would be provided, the Commission may waive the view lane requirements of this section.

**K. Vegetated buffers.** The Commission may require the provision or protection of a vegetated buffer in order to protect and preserve coastal resources. A vegetated buffer, which is an undisturbed area of land covered with permanent stable vegetation adjacent to the resource area, is an effective method for protecting such a resource. The size of the buffer should be appropriate to the quality of the coastal resource and the extent and type of development proposed. Plantings should be salt tolerant native species suited to the coastal resource buffer environment. Mowed lawns are not considered to be vegetated buffers. Buffer plans should be prepared by an appropriate environmental professional.

**L. Low Impact Development Practices.** The applicant shall demonstrate that the use of low impact development ("LID") practices, as recommended in Chapter 4 of the *2004 Connecticut Stormwater Quality Manual* (as the same may be revised) have been incorporated into the proposed project. These practices shall be required except to the extent the Commission determines that strict adherence to LID practices is not practical. New and re-development shall minimize the creation of impervious surfaces.

**M. Public Access.** In order to insure that a project is consistent with water-dependent uses and to mitigate adverse impacts of proposed developments on water-dependent uses, the Commission may require the provision of easements for public access to a coastal resource when such access is practical and for which there is reasonable demand as determined by the Commission in its discretion.

**N. Violations.** In addition to any other enforcement remedies available under law, any person who conducts an activity within the Coastal Area Overlay District without having received a lawful approval from the Commission, or who violates the terms and conditions of an approval, shall, in accordance with C.G.S. § 22a-106a, be liable for a civil penalty of not more than one thousand dollars for each offense. Each offense shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. In addition, and in accordance with C.G.S. § 22a-108, such violations shall be deemed a public nuisance subject to such remedies as set forth in these Regulations and said statutory section.

applicable to buildings, uses and structures meeting the exemption criteria and authorized under any of the following procedures:

- (1) The approval of a site plan under § 273-97 of these regulations.
  - (2) The approval of a special permit under § 273-99 of these regulations.
  - (3) The approval of an application for a certificate of zoning compliance under § 273-96 of these regulations when a site plan or special permit approval is not otherwise required.
  - (4) The granting of a variance from these regulations by the Zoning Board of Appeals under Section 8-6(a)(3) of the Connecticut General Statutes.
  - (5) A Commission report on a referral of a proposed municipal project under Section 8-24 of the Connecticut General Statutes.
- C. For any use where a coastal site plan review is required and where such use is located within 100 feet of a tidal wetland, coastal bluff, escarpment, beach or dune, a public hearing shall be held by the Commission.
- D. Visual access. In reviewing applications under this section, the Commission shall take into consideration the impact of the proposed activity or use on visual access to the coastal resources. Waterfront property shall be developed so that the design and the relationship of the development to the waterfront, as viewed from the water, is consistent with a waterfront setting. [Amended 2-18-1998]
- (1) Buildings and structures shall be located in such a way as to maintain views of the water from the nearest public street to the greatest extent possible, but at a minimum shall provide one straight-line uninterrupted rectangular view lane per property whose width is not less than the required (minimum) side yard width for the principal structure in the district in which the property is located. Said view lane shall be located within the side yard of the property.
  - (2) At the end of streets that end at the waterfront, a straight-line uninterrupted view lane to the water shall be preserved whose width is at least 75% of the existing street right-of-way.
  - (3) There shall be no buildings or other permanent obstruction placed in view lanes. No obstruction by fences, shrubbery or trees or other landscape features higher than four feet shall be placed in view lanes between the water and the nearest public street. All major shade trees must have their lowest branches at least six feet above the ground at the time of installation and be maintained in that manner. Any fences placed within view lanes shall be see-through. Protective (see-through) fences or railings which are part of a public pedestrian walkway which are in or pass through a view lane may be built to a height not to exceed four feet. Existing trees and shrubbery within view lanes may be maintained in their present position, but in the spirit of the Plan of Conservation and Development and the requirements of this section, it is hoped that property owners will trim existing trees and shrubbery to the maximum extent possible. The replacement of existing trees and shrubbery shall be in conformance with the requirements of this section.

- (4) Where two or more lots are combined to form one building lot, the Commission may, in its discretion, increase the width of the required view lane.
- (5) For those situations in which the particular juxtaposition of the lot, water and public road would make providing a view lane serve no useful purpose for passersby on the public road, or in which the lot is of such a size that the distance from the public way to the water is so large that no appreciable view of the water would be provided, the Commission, in its discretion, may waive the view way requirements of this section.
- (6) Setbacks for coastal resources: see § 273-35 of this Code.

#### § 273-92. Groundwater Protection District.

- A. General. The Groundwater Protection District is a class of district in addition to and overlapping one or more of the other districts. The boundaries of the Groundwater Protection District encompass areas drained by surface waters that cross recharge areas of stratified drift aquifers that are existing or designated as potential and important sources of public water supply, based on data established by the U.S. Geological Survey. The purpose of the Groundwater Protection District is to assure that the use of land, buildings and other structures and site development within the district is conducted in a manner that protects the public health and the usability of the groundwater supply resource and avoids degradation of the quality of the groundwater. The boundaries of the Groundwater Protection District are delineated on the Zoning Map of the Town of Guilford.<sup>20</sup>
- B. Prohibited uses. Within the Groundwater Protection District, the following uses are specifically prohibited:
  - (1) Manufacture, use, storage or disposal of hazardous materials (including hazardous wastes) as a principal activity.
  - (2) Dry-cleaning establishments.
  - (3) Furniture strippers.
  - (4) Photo processors.
  - (5) Printers.
  - (6) Gasoline service stations/auto repair shops.
  - (7) Commercial car washes.
  - (8) Machine shops.
  - (9) Underground fuel storage or transmission (i.e., via pipeline) for residential and nonresidential uses.

20. Editor's Note: The Zoning Map is on file in the offices of the Town Clerk and the Planning and Zoning Commission.

- (10) Underground storage or transmission (i.e., via pipeline) of hazardous materials (as an accessory use).
  - (11) Solid waste disposal sites: sanitary landfills, dumps and junkyards.
  - (12) Septage disposal sites: septage lagoons and disposal or spreading of septage on the ground.
  - (13) Community septic systems.
- C. Uses allowed by special permit. Within the Groundwater Protection District, the following uses may be allowed only by special permit in accordance with Subsection D of this section and Article X and § 273-99 of these regulations:
- (1) Medical and dental offices and hospitals.
  - (2) Veterinary clinics.
  - (3) Retail sales and/or aboveground storage of fuel oil or other petroleum products and other hazardous materials.
  - (4) New or enlarged sites for the accommodation or storage of manure, fertilizers, pesticides and herbicides that shall:
    - (a) Have a roof that shall prevent precipitation from coming into contact with these materials.
    - (b) Have a liquidtight floor with no drains other than a sump pit.
    - (c) Be located so that surface water runoff drains away from the storage area.
  - (5) Road salt storage with proper storage and safeguards.
  - (6) Beauty shops.
- D. Special permit application requirements.
- (1) Where a special permit is required, the following information shall be submitted (where relevant) as part of the application:
    - (a) The design of aboveground or below-ground storage tanks or systems, including any dikes, drains and appurtenant structures and types of material to be stored.
    - (b) The amount and composition of any liquid materials or other chemicals that will be handled, stored, generated, treated or disposed of on the property.
    - (c) Provisions for treatment, storage and/or disposal of any liquid materials or other chemicals.
    - (d) The septic tank and leach field location, size and capacity and/or sewage lift stations, force mains and grease traps.
    - (e) The expected types and amount of discharge to the ground and surface water.

- (f) Provisions for stormwater runoff controls which will minimize suspended solids and maximize groundwater recharge, including a detailed drainage plan showing locations of storm drains and points of discharge, building roof and floor drains and points of discharge and locations of dry wells and drainage pipe, whether pervious or impervious. (See also § 273-75G, Erosion and sedimentation.)
  - (g) The location of loading and unloading docks.
  - (h) Provisions for containment of any spills.
  - (i) Location and description of outside storage areas and types of materials to be stored.
- (2) All special permit applications shall be referred to the Connecticut Water Company and the Guilford Water Pollution Control Authority for advice and comment.
- E. Other requirements.
- (1) The total ground coverage by buildings and other structures, outside storage areas, paving, parking and other impervious surfaces shall not exceed 50% of the area of the lot. Anything in excess of 50% will require a special permit. Storm drainage shall be discharged to vegetated surfaces, unless measures and maintenance programs are provided for control and containment of runoff from parking and other paved areas.
  - (2) Dry wells shall be used only where other methods are unfeasible and shall be preceded by oil, grease and sediment traps to facilitate the removal of contaminants.

§ 273-93. (Reserved) <sup>21</sup>

**§ 273-94. Bed-and-breakfasts.**

- A. Purpose. The purpose of this section is to provide a procedure where bed-and-breakfast facilities can be created to satisfy a need for economic development and tourism in the Town of Guilford.
- B. Procedure. In accordance with the standards of this section and Article X and § 273-99 of these regulations, the Commission may grant a special permit to create a bed-and-breakfast facility on a lot in any residential zone. When a special permit application is received pursuant to this section, the Commission shall notify, by mail, all adjacent property owners of the pending application.
- C. Standards.

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21. Editor's Note: Former § 273-93, Westside Economic Development Overlay Zone, was repealed 12-17-2001.

Approved: July 7, 2004  
Effective: July 16, 2004

At its regular meeting on July 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

## 273-92 Groundwater Protection

### 92.1 Legislative Findings and Purpose

#### 92.1.1 Legislative Findings

- A. The Commission finds, pursuant to Section 8-2 of the General Statutes, that groundwater aquifers are an essential natural resource and a major source of public drinking water; that reliance on groundwater will increase because opportunities for development of new surface water supplies are diminishing due to the rising cost of land and increasingly intense development; that numerous drinking water wells have been contaminated by certain land use activities and other wells are now threatened; that protection of existing and future groundwater supplies demands greater action by state and local government; that a groundwater protection program requires identification and delineation of present and future water supplies in stratified drift aquifers supplying drinking water wells.
- B. The Commission finds further that over twenty percent of Guilford residents are served by public water supply wells that draw upon stratified drift aquifers that lie within the Town boundaries, and the other eighty percent rely on private wells.
- C. The Commission recognizes that aquifers are vulnerable to contamination from land use activities and that protection of Guilford's groundwater resources is vital to ensure an adequate supply of safe, potable water.

#### 92.1.2 Purpose

The purpose of this Section 92 is to safeguard public health and safety by reducing risks of contamination of public water supply in the Town of Guilford by establishing Groundwater Protection Overlay Zones, requiring reviews of activities proposed to be conducted within those zones, and prohibiting certain activities within those zones.

### 92.2 Definitions

#### 92.2.1 As used in this in this Section 92, the following definitions apply:

"Affected water company" means any public or private water company owning or operating a public water supply well within a Groundwater Protection Overlay area.

Agriculture and farming are as defined in the Connecticut General Statutes Title 1 Chapter 1, Sec. 1-1.

"Ancillary activity" means a regulated activity which is subordinate to, or supportive of, another regulated activity conducted at the property under consideration, and which ancillary activity involves the use or storage of hazardous material the quantity of which at any one time is less than one percent (1.0%) of the reportable quantity for that material set forth in 40 C.F.R. 302.4 or which is no more than fifty-five (55) gallons, or its equivalent in kilograms or pounds, whichever quantity is less.

"Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable materials to yield significant quantities of water to wells and springs.

"Groundwater Protection Overlay Zone" means that area consisting of well fields or potential well fields, areas of

contribution, and recharge areas which is identified as a Groundwater Protection Overlay Zone on those maps set forth in Section 92.3.1 of these Regulations, within which activities are regulated by this Section 92.

"Area of contribution" means area of contribution as defined in Section 22a-354h of the General statutes and as mapped by Level A mapping pursuant to Sections 22a-354b, 22a-354c, and 22a-354z of the General Statutes and Section 22a-354b-1 of the Regulations of Connecticut State Agencies, or as otherwise may be determined by the Commission.

"Existing well fields" means well fields in use by a public water supply system when mapping is required pursuant to Section 22a-354c of the General Statutes.

"Certified Hazardous Materials Manager" means a qualified hazardous materials manager, certified by the Institute of Hazardous Materials Management, who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and to identify appropriate pollution prevention practices for such activities.

"CFR" means Code of Federal Regulations.

"DEP" means State of Connecticut Department of Environmental Protection.

"DPH" means State of Connecticut Department of Public Health.

"Floor drain" means any opening in a floor or surface which opening or surface is designed to receive materials spilled or deposited thereon, including basement sumps.

"Groundwater" means water that lies below the surface of the earth, filling the spaces or pores in soil and rock.

"Hazardous material" means (i) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, (ii) any hazardous waste as defined in Section 22a-449(c)-101 of the Regulations of Connecticut State Agencies, (iii) any pesticide as defined in Section 22a-47 of the General Statutes, or (iv) any oil or petroleum as defined in Section 22a-448 of the General Statutes. For the purposes of this Section 92, "hazardous material" does not include any gaseous substance, waste, or material; any liquefied gases that are gaseous at room temperature; nor any substance, waste, or material that is solid at room temperature and insoluble in water.

"Hazardous waste" means hazardous waste as defined in Section 22a-449(c)-101 of the Regulations of Connecticut State Agencies.

"Hydrogeologist" means a person qualified to develop and apply standard methods in determination of ground water movement and storage, ground water recharge and discharge; presence, extent, and migration of contaminants; a real extent and thickness of geologic formations; hydraulic conductivities, boundary conditions, and other aquifer properties; well construction; radial flow to a well and well interference. Minimum qualifications include a Bachelor's degree involving major study in hydrogeology, hydrology, geology, or a closely allied field and either two years of associated, professional experience or a Master's degree with major study in hydrogeology, hydrology, geology, or a closely allied field.

"Impervious surfaces" means surfaces, such as roofs and pavement, through which water does not drain.

"Infiltration" means movement of water into an area as it filtrates underground.

"Municipal sewerage system" means municipal sewerage system as defined in Section 7-245 of the General Statutes.

"Owner" means any individual, corporation, partnership, limited partnership, limited liability company, or other business entity that is the owner, lessee, and sublessee of the property under consideration and includes the owner and operator of the business and facility under consideration.

"Pavement deicing chemical" means sodium chloride, calcium chloride, calcium magnesium acetate, and the like.

"Person" means any individual, corporation, partnership, limited partnership, limited liability company, or other business entity, the state and its agencies and political subdivisions, the federal government and its agencies, and any other entity (public or private) however organized.

"Pre-existing nonconforming uses" means uses which were being lawfully conducted on the date of adoption of this Section 92 (and any amendment thereto) but which became nonconforming under the terms of this Section 92 (and any amendment thereto).

"Pollution" means pollution as defined in Section 22a-423 of the General Statutes.

"Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used and/or the quantity and concentration of pollutants in waste generated.

"Potential well fields" means those well fields identified as future sources of supply in the water supply plan of the public water supply system approved pursuant to Section 25-32d of the General Statutes.

"Prohibited activity" means those activities set forth in Section 92.4.3 of these Regulations.

"Public water supply" means public water supply or community water system or public water system or seasonal water system, as each such term is defined in Sections 19-13-B102 of the Regulations of Connecticut State Agencies.

"Recharge area" means the area from which groundwater flows directly to the area of contribution of an aquifer, as such area is mapped by Level A mapping pursuant to Sections 22a-354b, 22a-354c, and 22a-354z of the General Statutes, and Section 22a-354b-1 of the Regulations of Connecticut State Agencies, or as otherwise may be approved by the Commission.

"Regulated activity" means any use allowed, by special permit, or by site plan, in accordance with the Guilford Zoning Regulations which use is proposed to be conducted or located, wholly or partially, within a Groundwater Protection Overlay Zone and includes "ancillary activities. "Regulated activity" does not include pre-existing nonconforming uses (as defined herein) nor the construction, reconstruction, or repair of single-family houses, and their customary accessory buildings. "Regulated activity" does not include subdivision of land, accessory apartments, accessory structures in excess of 750 sq. ft., accessory buildings for human habitation or bed and breakfast facilities.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material.

"Stratified drift" means a predominantly sorted sediment laid down by or in meltwater from glaciers and includes sand, gravel, silt, and clay arranged in layers.

"Storage" means the holding or possession of any hazardous material for a temporary period, at the end of which such hazardous material is treated, disposed of, utilized, abandoned or stored elsewhere.

"Storage tank" means a stationary device, which is designed to store hazardous materials and is constructed of non-earthen materials including but not limited to concrete, steel, fiberglass or plastic.

"Storm water drainage structure" means a catch basin, yard drain, pipe, or other device set at or below the ground surface, whose purpose is the enclosed conveyance of storm water.

"Underground" when referring to a storage tank or storage tank component means that (a) ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and (b) that portion which is below the surface of the ground is not fully visible from the ground's surface.

"Vehicle" means a vessel (as defined by Section 15-170 of the General Statutes) and any vehicle propelled or drawn by any non-muscular power, including without limitation a motor vehicle, aircraft, all-terrain vehicle, or snowmobile.

"Wastewater treatment system" means any operation or process for reducing the concentration of wastes in any solution of water and wastes.

"Well field" means the immediate area surrounding a public drinking water supply well or group of wells.

"ZEO" means the Zoning Enforcement Officer of the Town of Guilford, and any other agent designated by the Commission to enforce these regulations.

92.2.2 Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission.

92.2.3 Reference to federal, state, and local laws and regulations in this Section 92 include those laws and regulations as they may be amended from time to time.

### 92.3 Groundwater Protection Overlay Zones

#### 92.3.1 Boundaries of the Groundwater Protection Overlay Zones

The boundaries of the Groundwater Protection Overlay Zones are shown on the Zoning Map of the Town of Guilford.

#### 92.3.2 Amendments of Groundwater Protection Overlay Zones Boundaries

##### A. Commission-Initiated Amendment of Groundwater Protection Overlay Zone Boundaries

1. The Commission may amend the boundaries of the Groundwater Protection Overlay Zones as provided by law in order to address new information regarding aquifers, the standards for aquifer mapping, the extent and configuration of contributing or recharge areas for public water supply well fields, and changes in the permitted pumping capacity of well fields or to comply with changes in the General Statutes or the regulations or guidelines of the DEP.

##### B. Petitions Challenging the Commission's Delineation of Groundwater Protection Overlay Zone Boundaries

1. The Commission shall hear and decide challenges to the boundaries of a Groundwater Protection Overlay Zone as provided by law.
2. Any person challenging the Commission's delineation of the Groundwater Protection Overlay Zone boundaries shall file the original and three (3) copies of a petition with the Planning Department on a form provided by it. The petition shall include and be accompanied by the following information:
  - a. The petitioner's name, address, and telephone number;
  - b. If the petitioner is not the record title owner of the property, the property owner's name, address, telephone number, and a written consent to the proposed action set forth in the petition;
  - c. The petitioner's interest in the property (owner, lessee, etc.);
  - d. The address of the property at issue in the petition;
  - e. A list of the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records;
  - f. A map showing the geographic location of the property at issue in the petition; the existing and proposed Groundwater Protection Overlay Zone boundaries; and the proposed development of the property;
  - g. Documentation, certified by a hydrogeologist that the Commission's delineation of the boundaries are not in accordance with the purposes of this section.
  - h. The petition fee:

- i. Such other relevant information as the Commission deems necessary to make an informed decision concerning the petition.
- 3. The petitioner bears the burden of proving that the Commission failed to properly delineate the boundaries of the Groundwater Protection Overlay Zone as provided by law.
- 4. Where, in the opinion of the Commission, it is necessary in order to make an informed decision regarding a petition pursuant to this section, the Commission may retain the services of qualified experts. Where the petitioner presents substantial expert testimony beyond the capability of the Town staff to adequately evaluate, the Commission may charge the applicant an amount not to exceed \$15,000 in order to retain its own independent expert(s).
- C. The boundaries of the Groundwater Protection Overlay Zone may be amended only after the Commission Holds a Public Hearing at which the parties and the public have an opportunity to be heard. The hearing shall be noticed, and conducted as required by these Regulations.
- D. The Commission's decision shall be in writing, and if the Commission decides to amend the boundaries, the Commission shall specify the amendment of the Groundwater Protection Overlay Zone boundary to be made and shall state the reasons why the change was made. The Commission shall provide a copy of the boundary change to the DEP Commissioner.

#### **92.4 Prohibited Activities in Groundwater Protection Overlay Zones**

**92.4.1** Subject to the provisions of Section 92.4.4 regarding ancillary activities, the activities set forth in this Section 92.4.3 are prohibited in all Groundwater Protection Overlay Zones.

**92.4.2** Citations to NAICS codes refer to the "North American Industry Classification System" ("NAICS") codes, copies of which are on file in the Planning Department. The NAICS codes listed in this section refer to major groups as a whole and supersede previous Standard Industrial Classification ("SIC") codes.

#### **92.4.3 Prohibited Activities**

- A. The following waste handling and disposal practices: New private or municipal solid waste disposal areas; private or special solid waste disposal areas; regional solid waste disposal areas; resources recovery facilities; transfer stations; biomedical waste treatment facilities and regional processing centers; hazardous waste water facilities; septage disposal areas; publicly-owned treatment works; wastewater treatment systems which discharge to the groundwater other than those which treat domestic sanitary sewage and sanitary sewage generated from public or private restrooms (provided that the primary use of the facility is not prohibited under this section); and potable water treatment residuals.
- B. The following waste processing systems: Floor drains, dry wells, or other leaching structures intended to convey waste or spillage to the groundwater, excluding septic systems which receive only domestic sanitary waste and excluding non-contaminated roof drainage or storm water runoff to the ground.
- C. The following facilities for the underground storage or transmission of petroleum liquids or hazardous materials: Underground storage tanks, underground distribution systems, and liquid fuel pipelines.
- D. Facilities for the storage, loading, or handling of pavement deicing chemicals.
- E. Airports.
- F. The following textile mills, tanneries, and apparel production facilities: Those which are described in NAICS codes 313 through and including 316 and which specifically engage in dyeing, textile coating or treatment, and fabric printing.
- G. The following wood products manufacturing facilities: Those which are described in NAICS code 321 and which specifically engage in hard or softwood veneer or plywood production, wood preservation,

production of reconstituted wood products, and pulp and paper manufacturing.

- H. The following printing and publishing facilities: Those which are described in NAICS code 323 and which specifically engage in platemaking, commercial lithography, photoengraving, and gravure.
- I. The following production facilities: Those described in NAICS codes 324 and 325 and which specifically engage in the production of chemicals, petroleum or products derived from petroleum, or coal.
- J. The following facilities for the production of rubber and miscellaneous plastic products: Those described in NAICS codes 313, 316, 326, and 339 and which specifically engage in the manufacture of coated rubber products, elastomer and resin cements, tires, and tubes.
- K. The following facilities: Those which are primary metal industries or fabricate metal, clay glass, and electrical parts or engage in manufacturing of metal products, including those described in NAICS codes 327, 331, 332, 333, 335, 336, 334, and 339, and which specifically engage in foundry operations, metal forming, machine shops, chemical processes for mirror or glass coating, metal plating, degreasing shops, and etching operations or which engage in the use, storage, handling, or disposal of hazardous materials.
- L. Facilities for the generation of electrical power by the means of fossil fuel or nuclear power, with the exception of those facilities intended for the generation of electricity during emergencies and those facilities which utilize natural gas as a fuel.
- M. The following facilities involving vehicles or petroleum liquids: Those described in NAICS codes 441 and 454 and which specifically engage in the following: (I) The sale of new or used vehicles, boats, or power equipment and which provide product repair and service for such vehicles, boats, or power equipment; (ii) petroleum terminals; (iii) fuel oil dealers; (iv) vehicle service stations; (v) vehicle body repair and paint shops; (vi) vehicle radiator, tire, exhaust, transmission repair shops, tire retreading facilities, and other facilities for the repair and service of internal combustion engines or vehicles powered by them, including all new uses involving the servicing of vehicles and/or power equipment and also including the storage, warehousing, or parking of vehicles in connection with their repair or service; and petroleum distribution, or petroleum fuel dispensing, activities.
- N. The following facilities for wholesale trade: Those described in NAICS codes 421 and 422 and which specifically engage in coal, ore, and mineral sales; metal and vehicle parts salvage; sales of paints, varnishes, and solvents; and chemical and allied products' sales (with the exception, however, that sales of gases are permitted in the Groundwater Protection Overlay Zone).
- O. The following personal and business service operations: Those described in NAICS codes 812, 811, and 811 and which specifically engage in dry cleaning, industrial laundering, commercial laundering, construction equipment retail, funeral services (excluding those connected to a municipal sewerage system with industrial pre-treatment), photographic processing operations (excluding those connected to a municipal sewerage system with industrial pre-treatment), and furniture stripping and finishing.)
- P. The following laboratory facilities: Those described in NAICS codes 621, 611, and 541 and which specifically engage in biological or chemical research or testing, with the exception of those facilities associated with the testing of a public or private water supply or with photographic processing from radiological examination, or those which are connected to a municipal sewerage system with industrial pre-treatment.
- Q. Any new residential development which includes discharge of sodium chloride backwash waters from water treatment systems to any groundwater.
- R. Any new residential development which includes the use of garage floor drains or basement floor drains.
- S. The initiation of any home occupation which includes any primary activity or use prohibited in this section.
- T. The production, use, handling, treatment, storage, and/or disposal of hazardous materials if the quantity of such materials so produced, etc. requires reporting to state and/or federal permitting agencies

- U. Commercial lawn care companies which store or mix lawn care chemicals.
- V. Public water supply treatment facilities which result in the disposal of chemical residuals unless DEP Discharge Permits are granted.

**92.4.4** Any prohibited activity (as defined in this Section 92.4.3) which is conducted as an ancillary activity (as defined in Section 92.2 of these Regulations) may be permitted by the Commission as a part of a Groundwater Protection Overlay Zone Special Permit, provided the ancillary activity meets the following conditions:

- A. The ancillary activity takes place solely within an entirely enclosed building;
- B. The total of all ancillary activities to be conducted occupies no more than ten percent (10%) of the floor area of the buildings, and does not exceed 5,000 square feet, where the activities take place;
- C. Any hazardous material used in connection with the ancillary activity is stored in the building at all times;
- D. All waste waters which are generated by the ancillary activity are lawfully disposed of.
- E. The ancillary activity shall not consist of or involve any of the following:
  - 1. Repair, service, or maintenance of internal combustion engines, vehicles powered by them, nor equipment associated with such vehicles.
  - 2. The underground storage of any hazardous material.
  - 3. The above-ground storage of hazardous material the quantity of which at any one time exceeds one percent (1.0 %) of the reportable quantity for that material set forth in 40 C.F.R. 302.4 or exceeds fifty-five (55) gallons, or its equivalent in kilograms or pounds, whichever quantity is less.
- F. The applicant has applied for permission to conduct the ancillary activity in accordance with Section 92.6 of these Regulations.
- G. Notwithstanding the above, ancillary activities conducted as part of an agricultural or farming activity shall be exempt from the requirements of this Section and may be conducted as a use by right. Such activities may include repair and maintenance of farm vehicles, the storage of motor vehicle fuel, and the above ground storage of pesticides that are stored for less than a growing season that are intended for use on the crop(s) during that growing season.

**92.5 Pre-Existing, Nonconforming Uses**

**92.5.1 Continuation of Pre-Existing, Nonconforming Uses**

- A. Uses which were being lawfully conducted on the date of adoption of this Section 92 (and any amendment thereto) but which became nonconforming under the terms of this Section 92 (and any amendment thereto) are termed "pre-existing, nonconforming uses."
- B. Such pre-existing, nonconforming uses are permitted to continue in accordance with Connecticut law regarding nonconforming uses.

**92.6 Groundwater Protection Overlay Zone Special Permit**

**92.6.1 Special Permit Procedure**

- A. No regulated activity (see 92.2 Definitions), including ancillary activities, shall be conducted within any groundwater protection overlay zone without a Groundwater Protection Overlay Zone Special Permit.

- B. A Groundwater Protection Overlay Zone Special Permit shall be a Special Permit in accordance with Article X; however, in addition to the Special Permit regulations set forth in Article X of these Regulations, the requirements of this Section 92 shall control and supercede the Article X requirements for all Groundwater Protection Overlay Zone Special Permits.
- C. Any person proposing to conduct or to cause to be conducted a regulated activity, including any ancillary activities, within a Groundwater Protection Overlay Zone shall file the original and three (3) copies of an application for a permit with the Planning Department on a form provided by it. The application shall include and be accompanied by the following information:
1. The applicant's name, address, and telephone number.
  2. If the applicant is not the record title owner of the property, the property owner's name, address, telephone number, and a written consent to the proposed action set forth in the application.
  3. The applicant's interest in the property (owner, lessee, etc.).
  4. The address of the subject property.
  5. The application processing fee.
  6. A list of the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.
  7. An A-2 Zoning Location Survey of the subject property, drawn to a scale of not fewer than 100 feet to the inch, prepared by a licensed professional engineer, a licensed registered land surveyor, or a registered landscape architect (all licensed to practice in the State of Connecticut), containing the following information:
    - a. The geographic location of the subject property, including the names of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records;
    - b. The proposed development of the property, including the location of each of the areas to be used at the site and their intended purpose;
    - c. The zoning district boundary lines and the Groundwater Protection Overlay Zone boundary lines; and
    - d. The distance to the nearest public or private drinking water supply well, to streams classified as AA by the DEP or which are tributary to a public drinking water supply, and to wetlands.
  8. Subject to the terms of Section 92.6.1(C)(8)(a) and (b) below, a report, prepared, sealed, and certified by a Certified Hazardous Materials Manager, providing the following documentation:
    - a. If the Certified Hazardous Materials Manager certifies that the quantity of hazardous material that will be used, handled, stored, generated, treated, or disposed of on the property at any one time is less than one percent (1.0 %) of the reportable quantity for that material set forth in 40 C.F.R. 302.4 or that it is no more than fifty-five (55) gallons, or its equivalent in kilograms or pounds (whichever quantity is less), then the report required by this Section 92.6.1(C)(8) shall contain only that information required by subsections (c), (d), (e), (f), (g), and (h).
    - b. If no hazardous material will be used, handled, stored, generated, treated, or disposed of on the property, then the report required by this Section 92.6.1(C)(8) shall contain only that information required by subsections (c), (d), and (f).

- c. A description of the purpose and nature of the proposed regulated activity and of all processes and activities performed to undertake the regulated activity, including all ancillary activities.
  - d. A description of the type, amount, chemical composition, and means of disposal of any waste (including wastewater, but excluding sanitary waste) generated or to be generated in connection with the proposed activity and any ancillary activities. If any wastewater is or will be discharged to a water of the State, the applicant shall submit a plan, prepared by a professional engineer licensed to do business in the State of Connecticut, detailing all points at which such discharge occurs or will occur.
  - e. A description of the type, amount, and chemical composition of all hazardous materials that will be used, handled, stored, generated, treated, or disposed of on the property.
  - f. Whether public sanitary sewers are available or proposed at the location.
  - g. The method of using, handling, treating, storing, and disposing of any hazardous materials. The types of containers to be used shall be specified. Disposal provisions shall include provisions for the removal of any fuel or chemical spills (including those contained in a secondary containment system) by a qualified waste hauler, licensed to do business in the State of Connecticut.
  - h. An emergency plan to detect and control leaks and spills of hazardous materials. The plan shall include, but is not limited to, inspections; containment structures; emergency equipment; emergency contacts (fire, police, response teams, etc.); emergency procedures to respond to a spill; notification of appropriate local, state, and federal agencies in the event of a release; and spill clean-up procedures.
  - i. A pollution prevention plan to be implemented in connection with the proposed regulated activity and any ancillary activities. The plan shall provide for complete containment of any hazardous material spills.
  - j. A "best management practices plan" that details the best management practices the owner and operator will implement at the property. The plan shall be consistent with the current standards as promulgated by the Connecticut DEP.
9. A storm water runoff management plan for all new development within a Groundwater Protection Overlay Zone which plan shall be designed to prevent pollution of the ground water and shall conform to the requirements of Section 92.6.5(A)(4) of these Regulations. The plan shall be prepared by a professional engineer licensed to do business in the State of Connecticut and shall also identify the means of, and the persons responsible for, the maintenance of the storm water controls and the drainage structures after construction.
10. Such other relevant information as the Commission deems necessary to make an informed decision concerning the application.
- D.** The Commission may, by a two-thirds vote of its membership waive specific submittal requirements, provided the applicant has submitted a written waiver request simultaneously with its application and provided the request is supported by good cause and the information is not required by the Commission to make a decision on the application.
- E.** Where in the opinion of the Commission, it is necessary in order to make a informed decision pursuant to this Section, the Commission may retain the services of qualified experts. Where the applicant presents substantial expert testimony beyond the capability of the Town staff to adequately evaluate, the Commission may charge the applicant an amount not to exceed \$15,000 in order to retain its own independent expert(s).

- F. The applicant bears the burden of proving that the application complies with the provisions of this Section 92, that the proposed regulated activity does not or will not pose a reasonable ground for concern for pollution of the ground water, that the proposed regulated activity does not pose a reasonable ground for concern of a threat to existing or potential well fields, that storm water discharge from the subject property is managed in a manner that prevents pollution of the ground water; and that the permit should be granted.
- G. If the applicant proposes to conduct any ancillary activities, he bears the burden of proving that the application complies with the provisions of Section 92.4.4 of these Regulations.

#### 92.6.2 Notice of the Application

- A. Notice of the application shall be provided to the Guilford Inland Wetlands Commission as required by Section 8-3c of the General Statutes. The applicant shall provide such notice by submitting copies of the application and all supporting documentation to the Commission staff not later than the day the applicant submits the application to the office of the Commission.
- B. Notice of the application shall be provided to adjoining municipalities as required by Section 8-3h of the General Statutes. The applicant shall provide such notice by sending copies of the application and all supporting documentation to all affected municipalities and to the planning and zoning commission of such municipalities by certified mail, return receipt requested, within two (2) business days after the applicant submits the application to the office of the Commission.
- C. Notice of the application shall be provided to water companies as required by Section 8-3i of the General Statutes. The applicant shall provide such notice by sending copies of the application and all supporting documentation to all affected water companies by certified mail, return receipt requested, within two (2) business days after the applicant submits the application to the office of the Commission.
- D. If the regulated activity, including any ancillary activities, involves the use or storage of hazardous material<sup>1</sup> the quantity of which at any one time exceeds one percent (1.0%) of the reportable quantity for that material set forth in 40 C.F.R. 302.4 or which exceeds fifty-five (55) gallons, or its equivalent in kilograms or pounds, whichever quantity is less, then notice of the application shall be provided to the DEP and DPH. The applicant shall provide such notice by sending copies of the application and all supporting documentation by certified mail, return receipt requested, within two (2) business days after the applicant submits the application to the office of the Commission.
- E. Not later than the first day of the public hearing on the application, the applicant shall file with the Commission, an affidavit confirming that the requirements of Section 92.6.2(A) through 92.6.2(D) have been met. The affidavit shall list the names and mailing addresses of the persons and agencies notified and shall have attached copies of the certified and return receipts.
- F. The applicant's failure to comply with the requirements of Section 92.6.2 shall be cause for the Commission to deny the application.
- G. Failure of any notified agency, town, or entity to provide the Commission with comments concerning the application shall not be a reason to delay the Commission's decision on the application nor shall it be a reason to deny the application; however, the Commission's decision may be delayed pursuant to Section 8-7d(e) of the General Statutes concerning an application which required notice to the Guilford Inland Wetlands Commission.

#### 92.6.3 Public Hearing Requirement

- A. The Commission shall hold a public hearing at which the parties and the public shall have an opportunity to be heard concerning the application.
- B. The public hearing shall be noticed, commenced, conducted, and closed as required for a special permit under these Regulations and in accordance with the Connecticut General Statutes.

- C. The Commission may also send notice of the public hearing (seeking information and comment) to such other agencies as it deems appropriate, including but not limited to, the DEP and DPH.
- D. Failure of any notified agency, town, or entity to provide the Commission with comments concerning the application shall not be a reason to delay the Commission's decision on the application nor shall it be a reason to deny the application; however, the Commission's decision may be delayed pursuant to Section 8-7d(e) of the General Statutes concerning an application which requires notice to the Guilford Inland Wetlands Commission.

#### 92.6.4 Decision-Making

- A. The Commission shall decide the application within the same time period as required for the Commission's decision concerning a special permit pursuant to these Regulations.
- B. The Commission's decision shall be in writing and shall include the reason for it.
- C. The Commission shall base its decision on the record before it and on the provisions of these Regulations, in particular this Section 92, and on the relevant State statutes and regulations.
- D. The Commission may deny an application; it may grant an application as submitted; or it may grant an application subject to such terms, conditions, limitations, or modifications of the proposed activities which are reasonably related to the purpose of groundwater protection and intended to carry out the legislative findings and purposes of Section 92.1 of these Regulations.
- E. The Commission may grant a Groundwater Protection Overlay Zone Special Permit only if the Commission finds that the application complies with the provisions of this Section 92, that the proposed regulated activity does not or will not pose a reasonable ground for concern for pollution of the ground water, that the proposed regulated activity does not pose a reasonable ground for concern of a threat to existing or potential well fields, that storm water discharge from the subject property is managed in a manner that prevents pollution of the ground water; and that the permit should be granted. In making these findings, the Commission shall consider the following:
  1. The size and intensity of the proposed regulated activity;
  2. The nature, toxicity, and quantities of hazardous materials to be employed and their frequency and manner of use.
  3. The proximity of the proposed activity to existing and potential well fields.
  4. The nature of the subject property, including its area, topography, and soil conditions, which could affect the infiltration of spilled materials.
  5. The location, arrangement, design, and estimated effectiveness of any structures meant to contain spilled materials.
  6. Whether access to the property by public or private streets and driveways enables a prompt response to a spill or other emergency at the property which could impact the aquifer.
  7. Whether the application complies with all the requirements of this Section 92 and other applicable sections of the Zoning Regulations and with the Plan of Conservation and Development of the Town of Guilford.
- F. The Commission may permit the operation of any ancillary activity proposed by the applicant as a part of a Groundwater Protection Overlay Zone Special Permit only if the Commission finds that the application complies with the provisions of this Section 92 and the specific requirements of Section 92.4.4.

## 92.6.5 Permit Standards and Conditions

- A. Every regulated activity, including ancillary activities, authorized pursuant to a Groundwater Protection Overlay Zone Special Permit shall conform to the following standards:
1. Storage of hazardous materials within an aquifer protection overlay zone shall conform to the following requirements:
    - a. The total of any hazardous material produced annually or stored at the facility at any time shall not exceed fifty percent (50%) of the reportable quantity for that material set forth in 40 C.F.R. 302.4.
    - a. Hazardous materials shall be stored in an enclosed structure or under a roof which minimizes storm water entry to the primary and secondary containment areas.
    - b. Floors within a structure where hazardous materials may be stored shall be coated to protect the surface of the floor from deterioration due to spillage of any such materials. All structures which may be used for storage or transfer of hazardous materials shall be protected from storm water run-on and ground water intrusion.
    - c. Hazardous materials shall be stored within an impermeable, structurally diked containment area with a minimum secondary containment of at least 150% to contain any leaks or spills with no overflow of released hazardous materials from the containment area. The containment area shall have no drains.
    - d. Hazardous materials shall be stored in a manner that will prevent the contact of chemicals with such hazardous materials so as to create a hazard of fire, explosion, or the generation of toxic substances.
    - e. Hazardous materials shall be stored only in a container that has been certified by a state or federal agency or the American Society of Testing Materials as being suitable for the transport or storage of such hazardous materials.
    - f. Hazardous materials shall be stored only in areas that are secured against entry by the public.
    - g. These storage requirements are intended to supplement, and not to supersede, any other applicable requirement of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976, as amended.
  2. No floor drains, dry wells, or other infiltration devices or appurtenances which allow the release of waste water to the ground shall be installed, used, or maintained.
  3. No discharge to the ground in a Groundwater Protection Overlay Zone shall be made unless such discharge is permitted by applicable law, including, but not limited to, Section 22a-430 of the General Statutes.
  4. Storm water runoff management for all new development within a Groundwater Protection Overlay Zone shall be designed to prevent pollution of the ground water and shall conform to the maximum extent possible to the Connecticut Stormwater Quality Manual published by DEP, 2003.
  5. All regulated activities, including ancillary activities, shall comply with all appropriate federal, state, and local standards for the collection, handling, manufacture, use, storage, transfer, and disposal of all hazardous waste.

B. Each permit granted shall be subject to the following conditions:

1. That the owner or operator of an approved regulated activity shall complete all work and comply with all conditions of approval within five (5) years after the date a copy of the permit is filed and recorded with the Town Clerk pursuant to Section 8-3c(b) and Section 8-3d of the General Statutes. Failure to complete all such work and comply with all such permit conditions shall render the permit subject to being declared null and void by the Commission after a hearing held by the Commission on the matter. The Commission may, however, extend the time to complete the work and to comply with permit conditions, for good cause shown in an application for extension filed by the owner or operator no fewer than sixty (60) days before date the time to complete and comply will expire.
2. That the owner of an approved regulated activity shall file and record a copy of the permit with the Town Clerk as set forth in Section 8-3c(b) and Section 8-3d of the General Statutes within thirty (30) days of the date the Commission approves the permit

C. If the regulated activity, including any ancillary activities, involves the use or storage of hazardous material the quantity of which at any one time exceeds one percent (1.0 %) of the reportable quantity for that material set forth in 40 C.F.R. 302.4 or exceeds fifty-five (55) gallons, or its equivalent in kilograms or pounds, whichever quantity is less, then the Commission may attach the following conditions to the permit:

1. That the owner and operator hire a Certified Hazardous Materials Manager to conduct periodic inspections of the property and operations there to determine if the best management practices plan is being followed. Within ten (10) days after his inspection, the Manager shall prepare and submit a sealed, written report to the Commission certifying that the operations are being conducted in accordance with the best management practices plan. The cost of such inspections and report shall be borne by the owner or operator. The inspections and reports may be required at any interval deemed appropriate by the Commission, but not more frequently than monthly.
2. That the owner or operator hire a Certified Hazardous Materials Manager to conduct periodic inspections of catch basins and other protective devices to determine if they are functioning as required. Within ten (10) days after his inspection, the Manager shall prepare and submit a sealed, written report to the Commission certifying that catch basins and other protective devices are functioning as required. The cost of such inspections and report shall be borne by the owner or operator. The inspections and reports may be required at any interval deemed appropriate by the Commission, but not more frequently than monthly.
3. That the owner or operator hire a Certified Hazardous Materials Manager to conduct periodic evaluations of the use(s) being conducted at the site to determine if they are being conducted as proposed and in accordance with the terms of the Commission's permit. Within ten (10) days after his inspection, the Manager shall prepare and submit a sealed, written report to the Commission certifying that the use(s) are being conducted as proposed and in accordance with the terms of the Commission's permit and exemption (if any). The cost of such evaluations and report shall be borne by the owner or operator. The evaluations and reports may be required at any interval deemed appropriate by the Commission, but not more frequently than monthly.
4. That the owner or operator establish a record-keeping system to account for the types, quantities, and disposition of any such hazardous materials which are used, stored, or otherwise handled at the property or which are discharged or emitted therefrom. The records shall identify the individual(s) who are responsible for maintaining the record-keeping system. The records shall be maintained at the property and shall be available for inspection there, during normal business hours, by the Town.

D. The Commission may attach such additional conditions to the permit as it deems necessary to protect the public health, safety, convenience, and property values, provided such conditions are related to the purpose of groundwater protection and intended to carry out the legislative findings and purposes of Section 47.1 of these Regulations. In determining such additional conditions, the Commission shall be guided by the most recent DEP guidelines.

#### 92.6.6 Other Approvals and Permits

- A. If the applicant is required by these Regulations or by the Subdivision and Other Land Use Regulations to obtain planning and/or zoning approval (special permit, site plan, subdivision approvals, etc.) to conduct the regulated activity, including ancillary activities, the applicant shall apply for such approvals simultaneously with the Groundwater Protection Overlay Zone application.
- B. If the applicant is required by the Regulations of the Guilford Inlands Wetland Commission to obtain its approval to conduct the regulated activity, including ancillary activities, the applicant shall apply for such approval no later than the date the applicant submits the Groundwater Protection Overlay Zone application.
- C. No person shall conduct any regulated activity, including ancillary activities, within a groundwater protection overlay zone which also requires such zoning, subdivision, and/or inland wetlands approval without first having obtained that approval.
- D. No permit granted by the Commission pursuant to this Section 92 shall relieve any person of any other obligations under federal, state, or local law.

#### 92.7 Enforcement

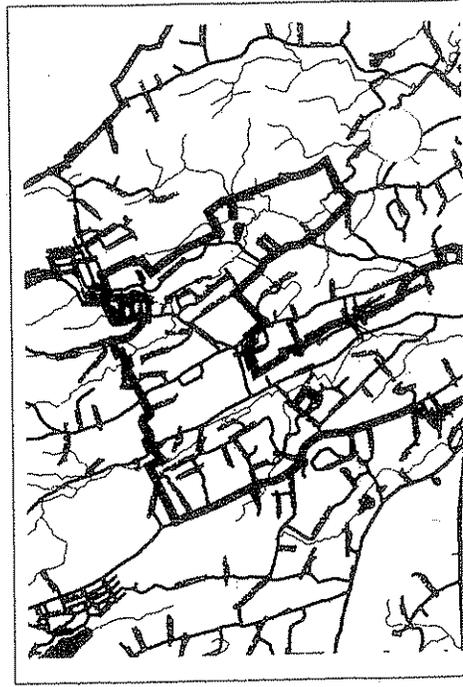
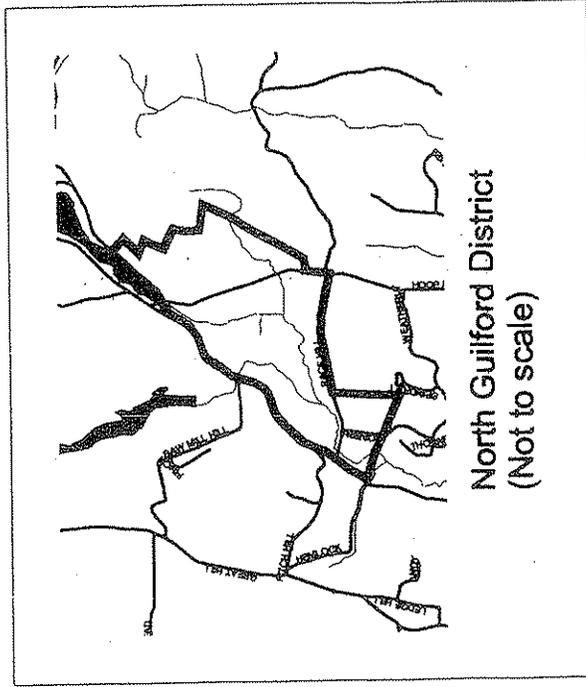
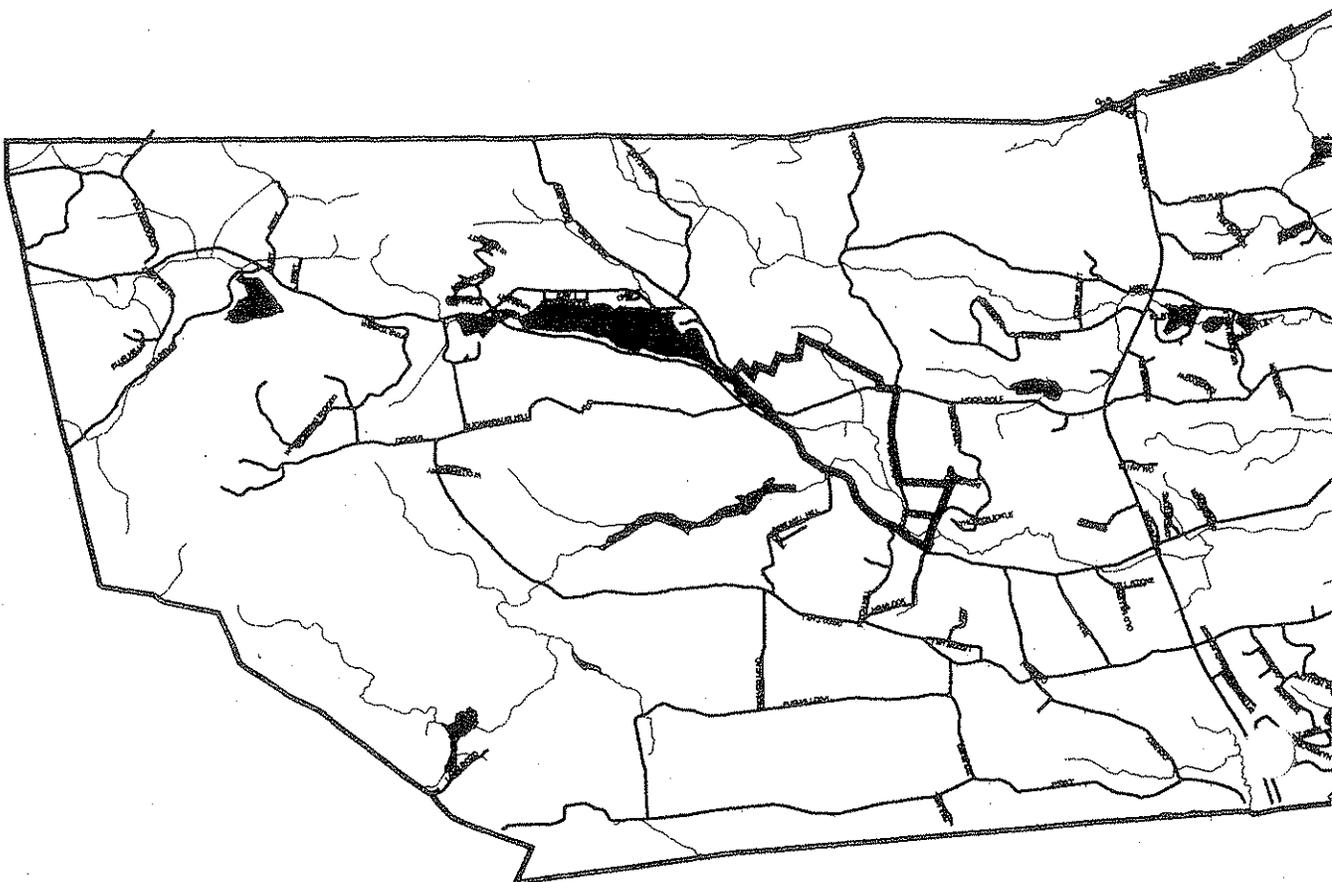
The Commission shall have all the rights and remedies provided by law for the enforcement of this Section 92 and the terms and conditions of the Commission's decisions and permits. Such enforcement rights and remedies include, but are not limited to, issuance of notices of violation, cease and desist orders, and/or orders to correct violations (and recording them on the land records); seeking the judicial assessment of fines, civil penalties, costs, fees, and expenses (including attorney's fees); and seeking court orders for injunction, correction and/or removal of violations, and imprisonment of violators.

#### 92.8 Modification or Revision of A Regulated Activity

Any substantial or material change, enlargement, extension, or moving of an approved regulated activity, and any substantial or material reconstruction, enlargement, extension, moving, or structural alteration of a building or structure used in connection therewith, shall be submitted to the Commission for approval as for a permit as provided in Section 92.6 of these Regulations.

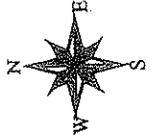
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# Town of Guilford Proposed Groundwater Protection Districts



South Guilford Districts  
(Not to scale)

Water Feature  
Proposed Groundwater  
Protection District



4000 0 4000 8000 Feet

Source: GDT Roads, GZA



# Guilford Aquifer Protection Regulations (Effective 4-21-2006)

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## SECTION 1. Title and Authority

- (a) Aquifers are an essential natural resource and a major source of public drinking water for the State of Connecticut. Use of groundwater will increase as the population grows and opportunities for new surface water supplies diminish due to the rising cost of land and increasingly intense development. At the same time, numerous drinking water wells have been contaminated by certain land use activities, and others are now threatened. To address this problem, Connecticut has established the Aquifer Protection Area Program (Connecticut General Statutes §22a-354a to §22a-354bb) to identify critical water supply aquifers and to protect them from pollution by managing land use. Protection requires coordinated responsibilities shared by the state, municipality and water companies to ensure a plentiful supply of public drinking water for present and future generations. It is therefore the purpose of these regulations to protect aquifer protection areas within the Town of Guilford by making provisions for:
- (1) implementing regulations consistent with state regulations and An Act Concerning Aquifer Protection Areas, Connecticut General Statutes §22a-354a to §22a-354bb ("the Act");
  - (2) delineating aquifer protection areas on the city/town zoning or inland wetland and watercourse areas maps;
  - (3) regulating land use activity within the aquifer protection area including: prohibiting certain new activities; registering existing regulated activities; and issuing permits for new regulated activities at registered facilities; and
  - (4) administering and enforcing these regulations.
- (b) These regulations shall be known as the Aquifer Protection Area Regulations (the "APA Regulations") of the Town of Guilford.
- (c) These regulations were adopted and may be amended, from time to time, in accordance with the provisions of §22a-354p of An Act Concerning Aquifer Protection Areas, the Connecticut General Statutes §22a-354a to §22a-354bb and the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10.
- (d) The Planning and Zoning Commission of the Town of Guilford is established as the Aquifer Protection Agency (the "Agency") in accordance with the "Ordinance for the Establishment of an Aquifer Protection Agency," (the "APA Ordinance") shall implement the purposes and provisions of the APA Ordinance and the Act.
- (e) The Agency shall administer all provisions of the Act and shall approve or deny registrations, issue permits, issue permits with terms, conditions, limitations or modifications, or deny permits for all regulated activities in aquifer protection areas in the Town of Guilford pursuant to the Act.
- (f) In order to carry out the purposes of the APA Regulations, the Town of Guilford may at any time purchase land or an interest in land in fee simple or other acceptable title, or subject to

acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.

## SECTION 2. Definitions

- (a) As used in these regulations, the following definitions apply:
- (1) "Affected water company" means "affected water company" as defined in §22a-354h of the Connecticut General Statutes;
  - (2) "Agency" means the board or commission authorized by the municipality under §22a-354o of the Connecticut General Statutes;
  - (3) "Agriculture" means "agriculture" as defined in the §1-1(q) of the Connecticut General Statutes;
  - (4) "Applicant" means, as appropriate in context, a person who applies for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or a permit under Section 9 of the APA Regulations;
  - (5) "Application" means, as appropriate in context, an application for an exemption under §22a-354i-6 of the Regulations of Connecticut State Agencies, an application for a permit under §22a-354i-8 of the Regulations of Connecticut State Agencies or an application for a permit under Section 9 of the APA Regulations;
  - (6) "Aquifer protection area" means "aquifer protection area" as defined in §22a-354h of the Connecticut General Statutes and any extension of such area approved by the Commissioner pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies;
  - (7) "Area of contribution" means "area of contribution" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
  - (8) "Bulk storage facility" means property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car or tank vehicle for the purpose of storage for wholesale distribution;
  - (9) "Certified Hazardous Materials Manager" means a hazardous materials manager certified by the Institute of Hazardous Materials Management and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable laws and identify appropriate pollution prevention practices for such activities;
  - (10) "Commissioner" means the commissioner of environmental protection, or his or her agent;

- (11) "Domestic sewage" means "domestic sewage" as defined in §22a-430-3(a) the Regulations of Connecticut State Agencies;
- (12) "Facility" means property where a regulated activity is conducted by any person, including without limitation any buildings located on the property that are owned or leased by that person; and includes contiguous land owned, leased, or for which there is an option to purchase by that person;
- (13) "Floor drain" means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon;
- (14) "Hazardous material" means (A) any hazardous substance as defined in 40 CFR 302.4 and listed therein at Table 302.4, excluding mixtures with a total concentration of less than 1% hazardous substances based on volume, (B) any hazardous waste as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies, (C) any pesticide as defined in §22a-47 of the Connecticut General Statutes, or (D) any oil or petroleum as defined in §22a-448 of the Connecticut General Statutes;
- (15) "Hazardous waste" means "hazardous waste" as defined in §22a-449(c)-101 of the Regulations of Connecticut State Agencies;
- (16) "Industrial laundry" means a facility for washing clothes, cloth or other fabric used in industrial operations;
- (17) "Infiltration device" means any discharge device installed below or above the ground surface that is designed to discharge liquid to the ground;
- (18) "Inland wetland and watercourse areas map" means a map pursuant to §22a-42a of the Connecticut General Statutes;
- (19) "ISO 14001 environmental management system certification" means a current ISO 14001 environmental management system certification issued by an ISO 14001 environmental management system registrar that is accredited by the American National Standards Institute (ANSI) and American Society for Quality (ASQ) National Accreditation Board;
- (20) "Level A mapping" means the lines as shown on Level A maps approved or prepared by the Commissioner pursuant to §22a-354c, §22a-354d or §22a-354z of the Connecticut General Statutes encompassing the area of contribution and recharge areas;
- (21) "Lubricating oil" means oil that contains less than 1% chlorinated solvents and is used for the sole purpose of lubricating, cutting, grinding, machining, stamping or quenching metals;
- (22) "Municipality" means "municipality" as defined in §22a-354h of the Connecticut General Statutes;

- (23) "Owner" means the owner or lessee of the facility in question;
- (24) "De-icing chemical" means sodium chloride, calcium chloride, or calcium magnesium acetate;
- (25) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, political or administrative subdivision of the state, or other legal entity of any kind;
- (26) "Pollution" means "pollution" as defined in §22a-423 of the Connecticut General Statutes;
- (27) "Pollution prevention" means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used or the quantity and concentration of pollutants in waste generated;
- (28) "Professional engineer" means a professional engineer licensed in accordance with chapter 391 of the Connecticut General Statutes, and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities;
- (29) "Publicly Owned Treatment Works" means "publicly owned treatment works" as defined in §22a-430-3 of the Regulations of Connecticut State Agencies;
- (30) "Public service company" means "public service company" as defined in §16-1 of the Connecticut General Statutes;
- (31) "Public supply well" means "public supply well" as defined in §19-13-B51b of the Regulations of Connecticut State Agencies;
- (32) "Recharge area" means "recharge area" as defined in §22a-354h of the Connecticut General Statutes and as mapped in accordance with §22a-354b-1 of the Regulations of Connecticut State Agencies;
- (33) "Registered regulated activity" means a regulated activity which has been registered under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 8 of the APA Regulations, and is conducted at the facility identified in such registration;
- (34) "Registrant" means a person, who or which, has submitted a registration for an existing regulated activity under §22a-354i-7 of the Regulations of Connecticut State Agencies or Section 4 of the APA Regulations;
- (35) "Regulated activity" means any of the following activities, which are located or conducted, wholly or partially, in an aquifer protection area, except as provided for in §22a-354i-5(c) and §22a-354i-6 of the Regulations of Connecticut State Agencies, or Section 4 of the APA Regulations:

- (A) underground storage or transmission of oil or petroleum, to the extent such activity is not pre-empted by federal law, or hazardous material, except for (i) an underground storage tank that contains number two (2) fuel oil and is located more than five hundred (500) feet from a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company,
- (B) oil or petroleum dispensing for the purpose of retail, wholesale or fleet use,
- (C) on-site storage of hazardous materials for the purpose of wholesale sale,
- (D) repair or maintenance of vehicles or internal combustion engines of vehicles, involving the use, storage or disposal of hazardous materials, including solvents, lubricants, paints, brake fluids, transmission fluids or the generation of hazardous wastes,
- (E) salvage operations of metal or vehicle parts,
- (F) wastewater discharges to ground water other than domestic sewage and stormwater, except for discharges from the following that have received a permit issued by the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes: (i) a pump and treat system for ground water remediation, (ii) a potable water treatment system, (iii) heat pump system, (iv) non-contact cooling water system, or (v) swimming pools,
- (G) car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (H) production or refining of chemicals, including without limitation hazardous materials or asphalt,
- (I) clothes or cloth cleaning service which involves the use, storage or disposal of hazardous materials including without limitation dry-cleaning solvents,
- (J) industrial laundry activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (K) generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by an emergency engine as defined by §22a-174-22(a)(2) of the Regulations of Connecticut State Agencies, or (ii) generation of electrical power by means of natural gas or propane,
- (L) production of electronic boards, electrical components, or other electrical equipment involving the use, storage or disposal of any hazardous material or

involving metal plating, degreasing of parts or equipment, or etching operations,

- (M) embalming or crematory services which involve the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (N) furniture stripping operations which involve the use, storage or disposal of hazardous materials,
- (O) furniture finishing operations which involve the use, storage or disposal of hazardous materials, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (P) storage, treatment or disposal of hazardous waste subject to a permit under §22a-449(c)-100 to §22a-449(c)-110, inclusive, of the Regulations of Connecticut State Agencies,
- (Q) biological or chemical testing, analysis or research which involves the use, storage or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to a publicly owned treatment works, and provided that on-site testing of a public supply well by a public water utility is not a regulated activity,
- (R) pest control services which involve storage, mixing or loading of pesticides or other hazardous materials,
- (S) photographic finishing which involves the use, storage or disposal of hazardous materials, unless all waste water from such activity are lawfully disposed of through a connection to a publicly owned treatment works,
- (T) production or fabrication of metal products which involves the use, storage or disposal of hazardous materials including (i) metal cleaning or degreasing with industrial solvents, (ii) metal plating, or (iii) metal etching,
- (U) printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage or disposal of hazardous materials,
- (V) accumulation or storage of waste oil, anti-freeze or spent lead-acid batteries which are subject to a general permit issued under §22a-208a(i) and §22a-454(e)(1) of the Connecticut General Statutes,
- (W) production of rubber, resin cements, elastomers or plastic, which involves the use, storage or disposal of hazardous materials,
- (X) storage of de-icing chemicals, unless such storage takes place within a weather-tight water-proof structure for the purpose of retail sale or for the purpose of de-icing parking areas or access roads to parking areas,

- (Y) accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer or composting of solid waste which is subject to a permit issued by the Commissioner pursuant to §22a-207b, §22a-208a, and §22a-208c of the Connecticut General Statute, except for a potable water treatment sludge disposal area,
  - (Z) dying, coating or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage or disposal of hazardous materials,
  - (AA) production of wood veneer, plywood, reconstituted wood or pressure-treated wood, which involves the use, storage or disposal of hazardous material, and
  - (BB) pulp production processes that involve bleaching;
- (36) "Release" means "release" as defined in §22a-133k-1 of the Regulations of Connecticut State Agencies;
  - (37) "State aquifer protection regulations" means §22a-354i-1 to §22a-354i-10, inclusive, of the Regulations of Connecticut State Agencies;
  - (38) "Storage" means the holding or possession of any hazardous material;
  - (39) "Storage tank" means a stationary device which is designed to store hazardous materials, and is constructed of non-earthen materials including without limitation concrete, steel, fiberglass or plastic;
  - (40) "Topographic feature" means an object, whether natural or man-made, located on the earth surface and of sufficient size that it appears on a 1:24,000 scale topographic quadrangle map drawn by the United States Geological Survey;
  - (41) "Underground" when referring to a storage tank or storage tank component means that ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection;
  - (42) "Vehicle" or "vehicles" means a "vessel" as defined by §15-170 of the Connecticut General Statutes, and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle or snowmobile;
  - (43) "Waters" means "waters" as defined in §22a-423 of the Connecticut General Statutes;
  - (44) "Well field" means "well field" as defined in §22a-354h of the Connecticut General Statutes; and
  - (45) "Zoning district map" means any map showing zoning districts prepared in accordance with maps adopted pursuant to §8-3 of the Connecticut General Statutes.

### SECTION 3. Delineation of Aquifer Protection Area Boundaries

- (a) The planning and zoning commission shall delineate the aquifer protection areas on the Town of Guilford zoning district map. Such delineation shall consist of the combined areas of contribution and recharge areas as shown on Level A maps approved or prepared by the Commissioner.
  - (1) Such boundaries shall be delineated within one hundred twenty (120) days after being notified by the Commissioner that an aquifer protection area is located partially or entirely within the Town of Guilford.
  - (2) Notice of such delineation shall be published in a newspaper having substantial circulation in the affected area. Such notice shall include at least the following:
    - (A) a map or detailed description of the subject aquifer protection area; and
    - (B) the name, telephone number, and address of a representative of the Agency who may be reached for further information.
- (b) In order to clarify the location of an aquifer protection area boundary, the Agency may apply to the Commissioner to extend such boundary to coincide with the nearest property line, municipal boundary or topographic feature pursuant to §22a-354i-4 of the Regulations of Connecticut State Agencies. Such extension shall, at a minimum, fully encompass the aquifer protection areas bounded by the approved level A mapping but shall not exceed the distance necessary to clarify the location of the aquifer protection area or to facilitate the administration of regulations pertaining thereto. An aquifer protection area boundary may not be extended without prior written approval of the Commissioner.
  - (1) Any request by the Agency to the Commissioner for extension of an aquifer protection area boundary shall include at least the following:
    - (A) A map to scale delineating (i) the aquifer protection area boundary mapped under section 3(a) of the APA regulations and (ii) the proposed extension of the aquifer protection area boundary;
    - (B) A certification by the chairperson or duly authorized agent of the Agency that notice of such request has been provided to all owners of property within the proposed extended aquifer protection area and all affected water companies in accordance with the following:
      - (i) Such notice shall include at least the following:
        - (aa) A map showing the aquifer protection area boundaries and the proposed extension of such boundaries,
        - (bb) the name, address, and telephone number of a representative of the Agency who may be contacted for further information, and

- (cc) a statement that any person may, not later than thirty (30) days after said notification, submit to the Agency written comments on such proposed boundary extension;
- (ii) Such notice shall be effectuated by the following:
  - (aa) Delivery of notice by certified mail to those individuals and entities identified in subsection (b)(1)(B) of this section, or
  - (bb) the publication of a notice in a newspaper having substantial circulation in the affected area; and posting of notice near the proposed boundaries of the subject aquifer protection area of at least four signs each of which shall be at least four square feet in size (2' x 2'); and
  - (iii) a summary of comments received by such Agency regarding the proposed boundary extension and the Agency's response.
- (2) Not later than sixty (60) days after receiving the Commissioner's written approval of a request to extend an aquifer protection area boundary, the Agency shall designate such delineated area as an aquifer protection area in accordance with subsection (a) of this section.
- (c) No person may challenge the boundaries of the aquifer protection area under the APA Regulations unless such challenge is based solely on a failure by the Agency to properly delineate the boundaries in accordance with §22a-354n of the Connecticut General Statutes.
- (d) A map of the location and boundaries of the aquifer protection areas, or regulated areas, shall be available for inspection in the Office of the City/Town Clerk or the Agency.
- (e) If the Level A mapping is amended in accordance with §22a-354b-1(i) or §22a-354b-1(j) of the Regulations of Connecticut State Agencies, the Agency shall amend the aquifer protection area boundary in accordance with subsections (a) or (b) of this section.

#### **SECTION 4. Prohibited and Regulated Activities**

- (a) All regulated activities are prohibited in aquifer protection areas, except as specified in subsection (b) of this section.
- (b) The following regulated activities are not prohibited in aquifer protection areas:
  - (1) A registered regulated activity which is conducted in compliance with §22a-354i-9 of the Regulations of Connecticut State Agencies or section 12 of the APA Regulations; and

(2) a regulated activity which has received a permit issued pursuant to §22a-354i-8 of the Regulations of Connecticut State Agencies or section 9 of the APA Regulations.

(c) The following are not regulated activities:

(1) Any activity conducted at a residence without compensation;

(2) any activity involving the use or storage of no more than two and one-half (2.5) gallons of each type of hazardous material on-site at any one time, provided the total of all hazardous materials on-site does not exceed fifty-five (55) gallons at any one time;

(3) any agricultural activity regulated pursuant to §22a-354m(d) of the Connecticut General Statutes;

(4) any activity provided all the following conditions are satisfied:

(A) such activity takes place solely within an enclosed building in an area with an impermeable floor,

(B) such activity involves no more than 10% of the floor area in the building where the activity takes place,

(C) any hazardous material used in connection with such activity is stored in such building at all times,

(D) all waste waters generated by such activity are lawfully disposed through a connection to a publicly owned treatment works, and

(E) such activity does not involve (i) repair or maintenance of internal combustion engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred and ten (110) gallons of hazardous materials;

(5) any activity solely involving the use of lubricating oil provided all the following conditions are satisfied:

(A) such activity does not involve cleaning of metals with chlorinated solvents at the facility,

(B) such activity takes place solely within an enclosed building in an area with an impermeable floor,

(C) any hazardous material used in connection with such activity is stored in such building at all times, and

(D) such activity does not involve: (i) repair or maintenance of internal combustion

engines, including without limitation, vehicles, or equipment associated with such vehicles, (ii) underground storage of any hazardous material, or (iii) above ground storage of more than one hundred ten (110) gallons of such lubricating oil and associated hazardous waste; and

- (6) any activity involving the dispensing of oil or petroleum from an above-ground storage tank or tanks with an aggregate volume of two thousand (2000) gallons or less provided all the following conditions are satisfied:
  - (A) such dispensing activity takes place solely on a paved surface which is covered by a roof,
  - (B) the above-ground storage tank(s) is a double-walled tank with overfill alarms, and
  - (C) all associated piping is either above ground, or has secondary containment.
- (d) Determination of a non-regulated activity
  - (1) Any person proposing to carry out a non-regulated activity, as set forth in section 4(c) of these regulations, in an aquifer protection area shall, prior to commencement of such activity, notify the Agency or its duly authorized agent on a form provided by the Agency. Such form shall provide sufficient information to enable the Agency or its duly authorized agent to properly determine that the proposed activity is a regulated activity or a non-regulated activity within the aquifer protection area.
  - (2) If such activity is determined to be a non-regulated activity, then no further action under the APA Regulations is necessary.

**SECTION 5. Activities Regulated by the State**

- (a) The Commissioner shall exclusively regulate activities within aquifer protection areas specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall regulate all other regulated activities. Any person conducting regulated activities that are within the authority of the Commissioner shall submit a registration or obtain a permit or exemption from the Commissioner prior to engaging in such activity. The Commissioner shall process applications for those regulated activities.
- (b) The Agency may submit an advisory decision to the Commissioner for consideration on any permit regulated under this section in accordance with the Connecticut General Statutes §22a-354p(g).

**SECTION 6. Application for an Exemption from Prohibition or Regulation**

- (a) The owner or operator of a regulated activity may seek an exemption from the Commissioner pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.

Any person seeking an exemption from the Commissioner shall concurrently submit a copy of the application for an exemption to the Agency and any affected water company.

- (b) The Agency may submit written comments to the Commissioner on any exemption regulated under this section in accordance with §22a-354i-6(c) of the Regulations of Connecticut State Agencies within sixty (60) days of the agency receipt of copy of the application.

#### **SECTION 7. General Registration, Permit Application and Transfer Procedures**

- (a) All applications for permits and registrations shall contain sufficient information for a fair and informed determination of the issues. The Agency may request additional information from the applicant for this purpose.
- (b) The day of receipt of a registration, permit application or transfer form shall be the day of the next regularly scheduled meeting of the Agency, immediately following the day of submission of the application to the Agency or its duly authorized agent, provided such meeting is no earlier than three business days after receipt, or within thirty-five (35) days after such submission, whichever is sooner.
- (c) At any time during the review period, the Agency may require the applicant or registrant to provide additional information about the regulated activity. Requests for additional information shall not stay the time limitations for registrations and permits as set forth in sections 8 and 9 of the APA Regulations.
- (d) All permit applications and registrations shall be open for public inspection.
- (e) Incomplete permit applications and registrations may be denied without prejudice.
- (f) No permit or registration issued under sections 8 or 9 of the APA Regulations shall be assigned or transferred except with written approval by the Agency.

#### **SECTION 8. Registration Requirements**

- (a) Any person engaged in a regulated activity which substantially commenced, or was in active operation within the past five (5) years, or with respect to which a municipal building permit was issued, either (A) before the effective date of the state aquifer protection regulations, or (B) before the date an applicable aquifer protection area is designated on a municipal zoning district map or inland wetland and watercourse areas map, whichever occurs later, shall register the activity in accordance with this section unless such person has pending an application for an exemption pursuant to §22a-354i-6 of the Regulations of Connecticut State Agencies.
  - (1) The Commissioner shall process registrations for those regulated activities specified in §22a-354p(g) of the Connecticut General Statutes. The Agency shall process

registrations for all other regulated activities.

- (2) If the regulated activity is not specified in §22a-354p(g) of the Connecticut General Statutes, the person engaged in such activity shall submit a registration to the Agency not later than one hundred eighty (180) days after adoption of regulations pursuant to §22a-354p of the Connecticut General Statutes, or the designation the aquifer protection area pursuant to §22a-354i-2 of the Regulations of Connecticut State Agencies, whichever occurs later. Said person shall simultaneously file a copy of the registration with the Commissioner, Commissioner of Public Health and the affected water company.
- (b) All registrations shall be provided on a form prescribed by the Agency and shall be accompanied by the correct registration fee in accordance with section 18 of the APA Regulations. Such registration forms may be obtained from the Agency. Such registration forms shall include at least the following information in writing or on maps or drawings:
- (1) The name, business telephone number, street address and mailing address of the:
    - (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and any officer or governing or managing body of any partnership, association, firm or corporation,
    - (B) owner of such facility if different than the registrant, and
    - (C) manager or operator overseeing the operations of such facility;
  - (2) the location of such facility, using street address or other appropriate method of location, and a map showing the property boundaries of the facility on a 1:24,000 scale United States Geological Survey topographic quadrangle base;
  - (3) an identification of the regulated activity or activities conducted at the facility, as described in 2(a)(35) of the APA Regulations, which regulated activity or activities shall consist of any regulated activity which substantially commenced, was in active operation, or with respect to which a municipal building permit was issued within the past five years; and
  - (4) a certification by the registrant that the subject regulated activity is in compliance with the best management practices set forth in section 12(a) of the APA Regulations, as follows, signed after satisfying the statements set forth in the following certification:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in

this document or certification may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.”

- (c) When deemed necessary to protect a public supply well subject to regulation under §22a-354c or §22a-354z of the Connecticut General Statutes, the Agency may:
  - (1) require, by written notice, any registrant to submit for review and written approval a storm water management plan prepared in accordance with section 12(b) of the APA Regulations. If so required, the storm water management plan shall be implemented by the registrant immediately upon its approval; or
  - (2) require, by written notice, any registrant to submit for review and written approval the materials management plan prepared in accordance with section 12(a) of the APA Regulations. If so required, the materials management plan shall be implemented by the registrant immediately upon its approval.
- (d) If the Agency determines that a registration is incomplete, it shall reject the registration and notify the registrant of what additional information is required and the date by which it shall be submitted.
- (e) If the registration is determined to be complete, and the regulated activity is eligible for registration, the Agency shall send written notification of such registration to the registrant. Such registration shall be determined to be complete and eligible if the registrant has not otherwise received a notice of rejection from the Agency, not later than one hundred and eighty (180) days after the date the registration is received by the Agency.
- (f) The following general provisions shall be included in the issuance of all registrations:
  - (1) The Agency has relied in whole or in part on information provided by the registrant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the registration may be modified, suspended or revoked;
  - (2) all registrations issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, 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 subject land or activity;
  - (3) a complete registration shall expire five (5) years from the date of receipt of such registration by the Agency;
  - (4) the registrant shall apply to the Agency to renew the registration on a form prescribed by the Agency for a facility prior to expiration of such registration; and
  - (5) If a registered regulated activity is out of business or inactive when registration renewal is required, a five (5) year allowance shall be in effect from the date the registration expires. If the registrant has not applied to renew the registration within five (5) years of the date the registration expires, the facility is no longer eligible for

registration.

- (g) If a regulated activity which is eligible for registration in accordance with subsection (a) of this section fails to be registered or if the registrant of an active registered activity fails to apply for renewal prior to expiration, the Commissioner or municipal aquifer protection agency, as appropriate, may accept a late registration at their discretion, subject to the limitations in subsection (f)(5) of this section.
- (h) Any person wishing to assume the benefits under a registration for regulated activities shall apply to transfer such registration on a form prescribed by the Agency and submitted to the Agency.

## SECTION 9. Permit Requirements

- (a) Any person may apply for a permit to add a regulated activity to a facility where a registered regulated activity occurs.
- (b) The Agency shall process permit applications for those registrants that have registered pursuant to section 8 of the APA Regulations. The Commissioner shall process permit applications for regulated activities specified in §22a-354p(g) of the Connecticut General Statutes and for those registrants that have registered pursuant to §22a-354i-7(b)(1) of the Regulations of Connecticut State Agencies.
- (c) Action shall be taken on permit applications within thirty-five (35) days after the completion of a public hearing or in the absence of a public hearing within sixty-five (65) days from the date of receipt of the application.
- (d) An application for a permit shall be made on a form prescribed by the Agency and shall be accompanied by the correct application fee in accordance with section 18 of the APA Regulations. Such permit application forms may be obtained from the Agency. Simultaneously with filing an application, the applicant shall send a copy of the application to the Commissioner, the Commissioner of Public Health and the affected water company. An application shall include the following information:
  - (1) The information as required for a registration under section 8(b) of the APA Regulations shall be provided for the proposed regulated activity;
  - (2) a confirmation and certification that the existing and proposed activity:
    - (A) remains and shall remain in compliance with section 12(a) of the APA Regulations,
    - (B) shall not increase the number of underground storage tanks used for storage of hazardous materials, and
    - (C) remains and shall remain in compliance with all local, state, and federal environmental laws;

- (3) a materials management plan in accordance with section 12(a) of the APA Regulations;
- (4) a storm water management plan in accordance with section 12(b) of the APA Regulations;
- (5) the following environmental compliance information with respect to environmental violations which occurred at the facility where the regulated activities are conducted, within the five years immediately preceding the date of the application:
  - (A) any criminal conviction involving a violation of any environmental protection law,
  - (B) any civil penalty imposed in any state or federal judicial proceeding, or any penalty exceeding five thousand dollars imposed in any administrative proceeding, and
  - (C) any judicial or administrative orders issued regarding any such violation together with the dates, case or docket numbers, or other information which identifies the proceeding. For any such proceeding initiated by the state or federal government, the Agency may require submission of a copy of any official document associated with the proceeding, the final judgment or order;
- (6) any additional information deemed necessary by the Agency regarding potential threats to the ground water and proposed safeguards; and
- (7) the following certification signed by the applicant and the individual responsible for preparing the application, after satisfying the statements set forth in the certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
- (e) The Commissioner, any affected water company or the Commissioner of Public Health may, not later than thirty (30) days after receiving a copy of an application for a permit under this section, submit to the Agency written comments on such application. The Agency shall give due consideration to any such comments, and shall provide a copy of the decision to the Commissioner, the affected water company and the Commissioner of Public Health.
- (f) To carry out the purposes of the Act, the Agency may grant an application as filed, grant it upon such terms, conditions, limitations or modifications necessary, or deny it. The Agency shall state upon the record the reason for its decision.

- (g) The Agency may hold a public hearing on an application for a permit in accordance with section 10 of the APA regulations.
- (h) The Agency shall not issue a permit unless a complete application has been received and the applicant demonstrates to the Agency's satisfaction that all requirements of this section of the APA regulations have been satisfied and all of the following standards and criteria have been met:
  - (1) the proposed regulated activity shall take place at a facility where a registered regulated activity occurs;
  - (2) the proposed regulated activity shall not increase the number, or storage capacity of underground storage tanks used for hazardous materials except for the replacement of an existing underground storage tank in accordance with section 12(a)(3) of the APA Regulations;
  - (3) the materials management plan and storm water management plan have been satisfactorily prepared in accordance with sections 12(a) and 12(b) of the APA Regulations;
  - (4) the applicant has submitted a confirmation and certification that all regulated activities remain and shall remain in compliance with all local, state and federal environmental laws in accordance with subsection (d)(2) of this section;
  - (5) the applicant's compliance record does not indicate (A) that any noncompliance resulted from indifference to or disregard for the legal requirements, (B) an unwillingness or inability to devote the resources necessary to comply and remain in compliance, or (C) that instances of noncompliance have led to serious environmental harm, harm to human health or safety, or a substantial risk of such harm;
  - (6) the proposed regulated activity shall be conducted in accordance with section 12 of the APA Regulations;
  - (7) the existing regulated activity is being conducted in accordance with section 12 of the APA Regulations; and
  - (8) the certification required under subsection (d)(7) of this section has been signed by the applicant and the individual responsible for preparing the application.
- (i) The Agency may impose reasonable conditions or limitations on any permit issued under this section to assure protection of the ground water, including, but not limited to the following:
  - (1) best management practices in addition to those set forth in section 12 of the APA Regulations; and
  - (2) ground water monitoring.

- (j) The following general provisions shall be included in the issuance of all permits:
- (1) the Agency has 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;
  - (2) all permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Commissioner, Agency, or municipality, 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 subject land or activity;
  - (3) the permit shall expire ten (10) years from the date of issuance of such permit by the Agency; and
  - (4) a person shall apply to the Agency to renew the permit on a form prescribed by the Agency prior to expiration of such permit. Such renewal shall be granted upon request by the Agency unless a substantial change in the permitted activity is proposed, or enforcement action with regard to the regulated activity has been taken, in which case, a new permit application shall be submitted and reviewed in accordance with the provisions of this section.
- (k) The Agency shall notify the applicant or permittee within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the municipality in which the aquifer protection area is located.
- (l) A permittee may request a modification of a permit from the Agency. Such request shall be on a form prescribed by the Agency, and shall include the facts and reasons supporting the request. The Agency may require the permittee to submit a new application for a permit or renewal in lieu of a modification request.
- (m) A person wishing to assume the benefits under a permit for regulated activities shall apply to transfer such permit on a form prescribed by the Agency and submitted to the Agency.

#### **SECTION 10. Public Hearings Regarding Permit Applications**

- (a) If the Agency decides to hold a public hearing regarding an application for a permit to conduct a regulated activity within an aquifer protection area, such hearing shall commence no later than sixty-five (65) days after the receipt of such application.
- (b) Notice of the hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each city/town where the affected aquifer, or any part thereof, is located.

- (c) The Agency shall send to any affected water company, at least ten (10) days before the hearing, a copy of the notice by certified mail, return receipt requested. Any affected water company may, through a representative, appear and be heard at any such hearing.
- (d) All applications, maps and documents relating thereto shall be open for public inspection.
- (e) At such hearing any person or persons may appear and be heard.
- (f) The hearing shall be completed within forty-five (45) days of its commencement.
- (g) In reaching its decision on any application after a public hearing, the Agency 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 Agency in its decision.
- (h) The applicant or permittee shall be notified of the Agency's decision in accordance with section 9(k) of the APA Regulations.

#### **SECTION 11. Bond and Insurance Relevant to Permit Applicants**

- (a) An applicant may be required to file a bond as a condition of the permit.
- (b) Any bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

#### **SECTION 12. Best Management Practices**

- (a) Every regulated activity shall be conducted in accordance with the following:
  - (1) Hazardous materials may be stored above ground within an aquifer protection area only in accordance with the following conditions:
    - (A) hazardous material shall be stored in a building or under a roof that minimizes storm water entry to the hazardous material storage area, except that a roof is not required for a bulk storage facility as defined in section 2 of the APA Regulations,
    - (B) floors within a building or under a roof where hazardous material may be stored shall be constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material,
    - (C) a structure which may be used for storage or transfer of hazardous material shall be protected from storm water run-on, and ground water intrusion,
    - (D) hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or 10% of the total volume of all

such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area,

- (E) hazardous material shall not be stored with other hazardous materials that are incompatible and may create a hazard of fire, explosion or generation of toxic substances,
  - (F) hazardous material shall be stored only in a container that has been certified to meet state or federal specifications for containers suitable for the transport or storage of such material,
  - (G) hazardous material shall be stored only in an area that is secured against unauthorized entry by the public, and
  - (H) the requirements of this subdivision are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976;
- (2) no person shall increase the number of underground storage tanks used to store hazardous materials;
  - (3) an underground storage tank used to store hazardous materials shall not be replaced with a larger tank unless (A) there is no more than a 25% increase in volume of the larger replacement tank, and (B) the larger replacement tank is a double-walled tank with co-axial piping, both meeting new installation component standards pursuant to §22a-449(d)-1(e) and §22a-449(d)-102 of the Regulations of Connecticut State Agencies, and with interstitial monitoring;
  - (4) no person shall use, maintain or install floor drains, dry wells or other infiltration devices or appurtenances which allow the release of waste waters to the ground, unless such release is permitted by the Commissioner in accordance with §22a-430 or §22a-430b of the Connecticut General Statutes; and
  - (5) a materials management plan shall be developed and implemented in accordance with the following:
    - (A) a materials management plan shall contain, at a minimum, the following information with respect to the subject regulated activity:
      - (i) a pollution prevention assessment consisting of a detailed evaluation of alternatives to the use of hazardous materials or processes and practices that would reduce or eliminate the use of hazardous materials, and implementation of such alternatives where possible and feasible,
      - (ii) a description of any operations or practices which may pose a threat of pollution to the aquifer, which shall include the following:

- (aa) a process flow diagram identifying where hazardous materials are stored, disposed and used, and where hazardous wastes are generated and subsequently stored and disposed,
  - (bb) an inventory of all hazardous materials which are likely to be or will be manufactured, produced, stored, utilized or otherwise handled, and
  - (cc) a description of waste, including waste waters generated, and a description of how such wastes are handled, stored and disposed,
  - (iii) the name, street address, mailing address, title and telephone number of the individual(s) responsible for implementing the materials management plan and the individual(s) who should be contacted in an emergency,
  - (iv) a record-keeping system to account for the types, quantities, and disposition of hazardous materials which are manufactured, produced, utilized, stored, or otherwise handled or which are discharged or emitted; such record-keeping system shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency, and
  - (v) an emergency response plan for responding to a release of hazardous materials. Such plan shall describe how each such release could result in pollution to the underlying aquifer and shall set forth the methods used or to be used to prevent and abate any such a release;
  - (B) when a materials management plan is required under either section 8(c) or 9(d) of the APA Regulations, such materials management plan shall be completed and certified by a professional engineer or a certified hazardous materials manager, or, if the facility where the regulated activity is conducted has received and maintained an ISO 14001 environmental management system certification, then the registrant may complete and certify the materials management plan; and
  - (C) the materials management plan shall be maintained at the subject facility and shall be made available thereat for inspection during normal business hours by the Commissioner and the municipal aquifer protection agency.
- (b) The development and implementation of a storm water management plan required for regulated activities in accordance with sections 8(c) and 9(d) of the APA Regulations, shall be as follows: A storm water management plan shall assure that storm water run-off generated by the subject regulated activity is (i) managed in a manner so as to prevent pollution of ground water, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Stormwater associated with a Commercial Activity issued pursuant to §22a-430b of the Connecticut General Statutes.

### **SECTION 13. Other State, Federal and Local Laws**

- (a) Nothing in these regulations shall obviate the requirement for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Guilford, State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers and the United States Environmental Protection Agency. Obtaining such assents, permits or licenses are the sole responsibility of the applicant.
- (b) No person shall conduct any regulated activity within an aquifer protection area which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance, or other documentation establishing that the proposal complies with the Town of Guilford zoning or subdivision regulations.

### **SECTION 14. Enforcement**

- (a) The Agency may appoint a duly authorized agent to act in its behalf with the authority to issue notices of violation or cease and desist orders.
- (b) If the Agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which violates any provision of these regulations, the Agency or its duly authorized agent may:
  - (1) Issue a notice of violation.
    - (A) The notice of violation shall state the nature of the violation, the jurisdiction of the Agency, and the necessary action required to correct the violation including without limitation halting the activity in the aquifer protection area.
    - (B) The Agency may request that the person appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit or registration. Failure to carry out the action(s) directed in a notice of violation may result in issuance of an order under subsection (2) of this section or other enforcement proceedings as provided by law.
  - (2) Issue a written order.
    - (A) Such order shall be issued by certified mail, return receipt requested to such person conducting such activity or maintaining such facility or condition to cease such activity immediately or to correct such facility or condition. The Agency shall send a copy of such order to any affected water company by certified mail, return receipt requested.
    - (B) Within ten (10) days of the issuance of such order the Agency shall hold a

hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. Any affected water company may testify at the hearing. The Agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

(3) Suspend or revoke the registration or permit.

(A) The Agency may suspend or revoke a registration or a permit if it finds, after a hearing, that the registrant or permittee has not complied with the terms, conditions or limitations set forth in the registration or the permit. Prior to revoking or suspending any registration or permit, the Agency shall issue notice to the registrant or the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct that warrants the intended action.

(B) The Agency shall hold a hearing to provide the registrant or permittee an opportunity to show that it is in compliance with its registration or permit. The Agency shall notify the registrant or permittee of its decision by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of a suspension or revocation in a newspaper having general circulation in the Town of Guilford. An order issued pursuant to subsection (b)(2) shall be effective upon issuance, shall remain in effect until the Agency affirms, revises, or withdraws the order, and shall not delay or bar an action pursuant to subsection (b)(3) of this section.

(c) A court may assess criminal and or civil penalties to any person who commits, takes part in, or assists in any violation of any provision of the APA regulations in accordance with §22a-354s(b) and §22a-354s(c) of the Connecticut General Statutes.

#### SECTION 15. Amendments

- (a) These regulations may be amended, changed or repealed in accordance with §22a-354p(b) of the Connecticut General Statutes.
- (b) If a complete application is filed with the Agency which is in conformance with the APA regulations as of the date of its filing, the permit issued shall not be required to comply with any changes in regulations taking effect on or after the date that the filing date. The provisions of this section shall not apply to the establishment, amendment, or change of the boundaries of the aquifer protection area or to any changes in the APA Regulations necessary to make the regulations consistent with chapter 446i of the Connecticut General Statutes as of the date of the Agency's decision.

**SECTION 16. Appeals**

- (a) Appeal of the Agency's regulation, order, decision or action shall be made in accordance with §22a-354q of the Connecticut General Statutes.

**SECTION 17. Conflict and Severance**

- (a) If there is a conflict between the provisions of the APA Regulations, the provision that imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part that can be given effect without such valid part or parts.
- (b) If there is a conflict between the provisions of the APA Regulations and the Act, the provisions of the Act shall govern.

**SECTION 18. Registration and Permit Application Fees**

- (a) All fees required by these regulations shall be submitted to the Agency by certified check or money order payable to the Town of Guilford at the time the registration or permit application is filed with the Agency.
- (b) No registration or permit application shall be granted or approved by the Agency unless the correct registration/application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection (f) of this section.
- (c) The registration or permit application fee is nonrefundable.
- (d) Registration or permit application fees shall be based on a fee schedule to be adopted by the Agency:

<b>FEE SCHEDULE</b>			
	<b>SMALL (&lt;1 ACRE)</b>	<b>MEDIUM(1-5 acres)</b>	<b>LARGE (&gt;5 Acres)</b>
<b>REGISTRATIONS</b>			
Industrial	100.00	200.00	300.00
Commercial	100.00	200.00	300.00
Other (e.g. Institutions)	100.00	200.00	300.00

<b>FEE SCHEDULE</b>			
	<b>SMALL (&lt;1 Acre) MEDIUM (1-5 ACRES) large (&gt;5 ACRES)</b>		
<b>PERMITS</b>			
<b>Industrial</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Commercial</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Other (e.g. Institutions)</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Materials Management Plan (MMP) Reviews</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Stormwater Management Plan (SMP) Reviews</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Combined SMP and MMP Reviews</b>	<b>100.00</b>	<b>200.00</b>	<b>300.00</b>
<b>Public Hearing</b>	<b>250.00</b>	<b>250.00</b>	<b>250.00</b>
<b>Facility Inspection Monitoring</b>	<b>\$5.00 per each % Impervious surface</b>	<b>\$10.00 per each % Impervious surface</b>	<b>\$15.00 per each % Impervious surface</b>
<b>Regulation Petition</b>	<b>100.00</b>	<b>100.00</b>	<b>100.00</b>
<b>Transfer of Registration or Permit</b>	<b>50.00</b>	<b>50.00</b>	<b>50.00</b>

- (e) Boards, commissions, councils and departments of the Town of Guilford are exempt from all fee requirements.
- (f) The registrant or applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the registration or permit application fee if the Agency determines that:
- (1) the activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the registrant or applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the registration or permit application fee; or
  - (2) the amount of the registration or permit application fee is clearly excessive in relation to the cost to the City/Town for reviewing and processing the registration or permit application.
- (g) Extra Assessments:

In the event that additional expenses, including but not limited to outside consultants, experts, or legal advisors are incurred in processing the registration or permit application the registrant or applicant may be assessed an additional fee not to exceed \$5000 to cover said costs. Said fees are to be estimated by the duly authorized agent and submitted with the registration or permit application fee and held until the registration or permit application is completely processed after which time any residual funds pertaining to this

assessment are to be returned to the registrant or applicant.

For the purpose of this assessment, an "outside consultant" means a professional who is not an employee of the Town of Guilford including but not limited to engineering, environmental, hydrogeology and hazardous materials management professionals.

(h) The Agency shall state upon its record the basis for all actions under this section.

#### **SECTION 19. Effective Date of Regulations**

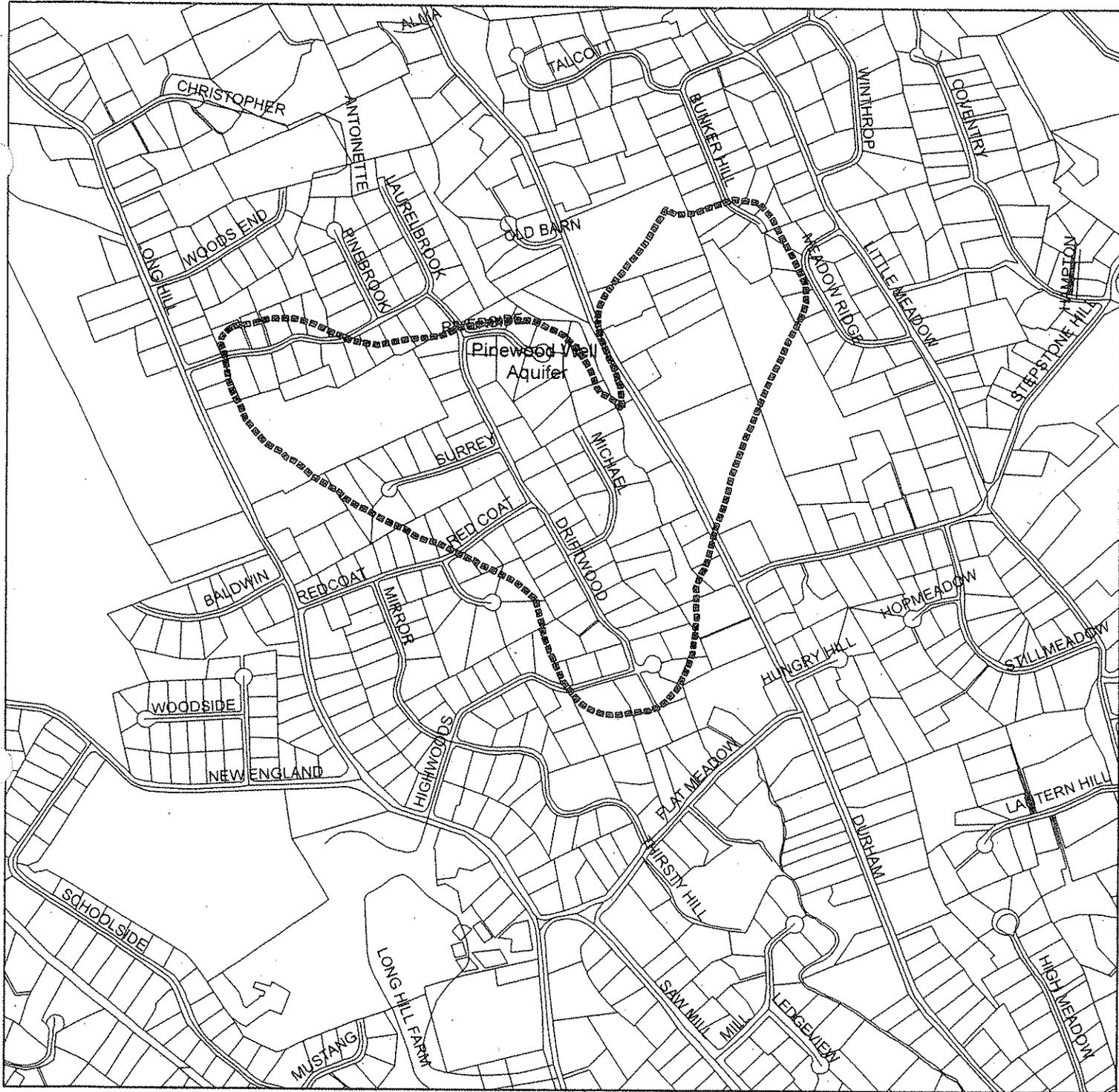
The APA Regulations, APA boundaries, and amendments thereto, shall become effective upon (1) the Commissioner's determination that such regulations are reasonably related to the purpose of ground water protection and not inconsistent with the Regulations of Connecticut State Agencies §22a-354i-1 through §22a-354i-10 and (2) filing in the Office of the Town Clerk.

**Approved Date:** 01-04-2006

**Effective Date:** 01-13-2006

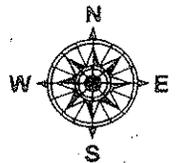
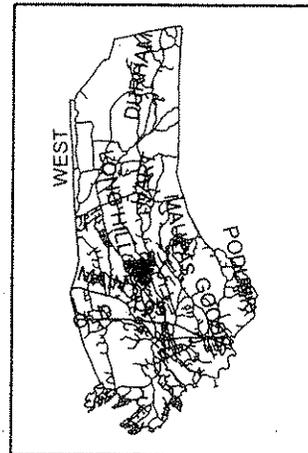
**Final approval of the Aquifer Protection Agency regulations was received from the Department of Environmental Protection (3-14-06) and at the regular meeting of the Planning and Zoning Commission held on April 5, 2006 the Commission approved a Final Effective Date of April 21, 2006.**

**Revision Date:** \_\_\_\_\_



# Guilford Level A Mapped Public Water Supply Aquifer

Map prepared by Guilford GIS.  
 Effective Date: 11/11/05  
 Data Source: CT DEP  
 Data is for planning purposes only.  
 Data is not survey accurate.



1 inch equals 1,000 feet

- (1) In order to be approved by the Commission, bed-and-breakfast facilities must meet the following standards:
    - (a) The bed-and-breakfast facility must be located within a detached, single-family dwelling which is at least five years old.
    - (b) The structure must be owner-occupied.
    - (c) Additions to the structure to accommodate the bed-and-breakfast activity shall be limited to not more than 20% of the total floor area of the dwelling.
    - (d) Meals may be served only to the occupants of the dwelling and guests at the bed-and-breakfast.
    - (e) Parking must be provided, with a minimum of two spaces for the owner and one space for each guest room.
    - (f) Parking areas must be landscaped so as to minimize their impact on adjoining properties.
  - (2) In reviewing an application for a bed-and-breakfast special permit, the Commission shall also consider the following issues and criteria:
    - (a) The impact of the facility on the residential quality of the adjacent neighborhood and the opinions of those residing in said neighborhood.
    - (b) The significance of the proposed use in terms of the Town's interest in encouraging tourism.
    - (c) The adequacy of the sewage disposal system to accommodate the proposed use. The Commission may require that a report which has been prepared by a licensed engineer be submitted.
    - (d) The impact of the proposal on the architectural character of the building or neighborhood.
    - (e) The impact of the proposal on historic resources, including historic buildings or districts.
- D. Size. In granting a special permit for a bed-and-breakfast facility, the Commission may limit its size (number of guest rooms). In so doing, the Commission shall consider the standards described above.

**§ 273-95. Communication towers, antennas and facilities. [Added 2-19-1997]**

- A. Except in accordance with the standards of this section and Article X of these regulations, no communication tower, antenna, cell site or related facility may be erected. Application procedures for a special permit to erect such a facility are specified in § 273-99.
- B. When used in this section, the following words or phrases shall have the meaning defined below:

ANTENNA — A device used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and single pole devices known as whips.

CELL SITE — The equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to another cell site or to a central switching computer which connects the mobile unit with land-based telephone lines.

COMMUNICATION TOWER — A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples include monopoles and lattice construction steel structures.

- C. The purposes of this section are as follows:
- (1) To accommodate the need for communication towers and antenna while regulating their location and number.
  - (2) To avoid potential damage to adjacent properties from these facilities.
  - (3) To reduce the number of communication towers, facilities and sites needed in the future.
  - (4) To minimize adverse visual effects through regulations on the Town-wide basis.
- D. No special permit for a communication tower, antenna, cell site or facility will be granted, except in conformance with the following standards:
- (1) Antenna, cell sites and other communication facilities shall be located in the following order of preference:
    - (a) On existing structures, such as buildings or existing towers. Where such facilities are proposed on existing towers, no special permit is required. Applicants must obtain site plan approval in accordance with Article IX and § 273-97 of these regulations.
    - (b) In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
    - (c) On new communication towers on bare ground in commercial and industrial zone districts.
    - (d) On government or institutional structures in residential zone districts.
    - (e) On new communications towers in residential districts.
  - (2) Applicants must demonstrate how they have met this criteria before a special permit may be issued. The applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Where a new communication tower or other facility is proposed in a residential zone, the applicant must demonstrate that no existing structures are suitable or available and that a location in a nonresidential area is not feasible.

- (3) No communication tower, antenna, cell site or other communication facility shall be located in such a manner as to have an adverse impact on any scenic site or vista identified in Guilford's Comprehensive Plan of Development and Conservation, in the Guilford Preservation Alliance's Master Plan of Preservation and Scenic Conservation or on any National Register Historic District or on any other location whose scenic impact is demonstrated through evidence disclosed at a public hearing.
  - (4) For new communication towers or structures, joint use shall be accommodated and provided for. To minimize the number of antenna or communication towers in the future, proposed support structures shall be required to accommodate at least two other users, including other communications companies and public emergency service providers.
  - (5) Mitigation of any adverse visual impacts will be required, including landscaping, fencing, painting and other measures.
  - (6) No lighting of any communication tower will be allowed, except where required for public safety as determined by the Commission or as required by the Commission or as required by the Federal Aviation Administration.
  - (7) No commercial advertising is permitted on any facility.
  - (8) No communication tower or other facility shall exceed the height required to satisfy the minimum technical requirements of the facility.
  - (9) Communication facilities falling under the jurisdiction of this section are treated as accessory to other permitted uses on a lot but must meet the setback requirements for a principal structure on a lot.
  - (10) Notwithstanding any provision to the contrary, amateur radio facilities, as defined by the Federal Communications Commission, are subject to the requirements of this section. The Commission shall consider the unique needs of this type of facility, particularly the likelihood of such facility being located in residential zones, when considering such applications.
- E. In addition to the requirements of Article X and § 273-99 of these regulations, the Commission may require that applicants provide simulations of tower locations and impacts as part of the review of the special permit application. Such simulations may entail erection of balloons or other devices necessary to visualize the proposed facility. The Commission may also require propagation studies that illustrate the area serviced by the proposal. Such studies shall show the location of other communication towers within the service area.
- F. Abandonment. A facility built pursuant to this section, when not in use for six months, shall be removed by the facility owner. This removal shall occur within 90 days of the end of such six-month period. Upon removal, the site shall be restored to its previous appearance.

ARTICLE XIII  
Administration

§ 273-96. Certificate of zoning compliance. [Amended 10-5-1994; 1-7-1998]

No building or other structure or part thereof shall be constructed, reconstructed, enlarged, extended, moved or structurally altered, nor shall any lot, building or other structure be changed in use, including filling, excavation, dredging, grading or substantial removal of trees upon any lot in a Commercial or Industrial Zone, until an application for a certificate of zoning compliance has been approved by the Zoning Enforcement Officer; nor shall any nonresidential land, building, or other structure or part thereof, where a change has been made in the site, drainage or sanitary facilities, be used, reused, occupied or reoccupied (except for a permitted farm use where no building or other structure is involved) until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer, in accordance with the following procedures.

- A. Application. An application for a certificate of zoning compliance shall be submitted, in duplicate, to the Zoning Enforcement Officer in form prescribed by the Commission, containing the following:
- (1) The dimensions and area of the lot.
  - (2) The height, dimensions, use, total floor area, number of stories and location of all buildings and other structures on the lot, whether existing or proposed, with respect to all lot lines.
  - (3) The location, area and dimensions of all required off-street parking and loading spaces and the means of access to such spaces.
  - (4) Such additional information as the Commission may deem necessary to determine compliance with the provisions of these regulations.
- B. "Fee. A fee set by the Board of Selectmen shall be required" (Amended 01-07-04)
- C. Referral. Where required by any provision of these regulations, the pertinent drawings, plans and documents called for shall be referred to the Commission for its approval.
- D. Approval and issuance. The Zoning Enforcement Officer shall approve an application for a certificate of zoning compliance if he/she determines that all requirements of these regulations, except in the case of a nonconformity, and any additional conditions imposed by action of the Commission or any other Town or state agency having jurisdiction have been met.
- \* (1) When the premises are ready for use or occupancy, the applicant shall submit to the Zoning Enforcement Officer :
- (a) " An 'as-built' plan to Class A-2 standards certified by a Connecticut Licensed Surveyor of the completed project in sufficient detail to indicate compliance with the zoning code, subdivision code, site plan or special permit.."

\* [AMENDED 9-17-2003]

273:106

Approved: September 17, 2003  
Effective Date: September 26, 2003

GUILFORD TOWN HALL  
03 SEP 25 PM 3:45

At its regular meeting on September 17, 2003 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**§ 273-96, replace D. Approval and issuance (1) (a):**

" An 'as-built' plan to Class A-2 standards certified by a Connecticut Licensed Surveyor of the completed project in sufficient detail to indicate compliance with the zoning code, subdivision code, site plan or special permit.."

**Delete D. (1) (b).**

**F. Appeals, revise to read:**

" Any appeal from a decision of the Zoning Enforcement Officer pursuant to this Section shall be made in accordance with state statutes."

*273: 106.1*

Approved; January 7, 2004  
Effective Date; January 16, 2004

04 JAN -0 6:03:47

At its regular meeting on January 7, 2004 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Revise § 273-96. B.** to read

"Fee. A fee set by the Board of Selectmen shall be required" (Amended 01-07-04)

**Revise § 273-96. D. (2)** to read

"Upon receipt of Subsection D. (1) (a) above, the Zoning Enforcement Officer shall issue a certificate of zoning compliance. " (Amended 01-07-04)

These amendments are approved based upon a finding that they conform with the Plan of Conservation and Development 2002. These amendments are effective on January 16, 2004.

273:106.2

APPROVED: May 7, 2008  
Effective Date: May 16, 2008

At its regular meeting on May 7, 2008 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

Amendment to Zoning Code Re: Referral to Design Review Committee before Site Plan Review

Amend 273-97. Site Plan approval. A. General. by adding new paragraph as follows;

(existing)

- A. General. Prior to approval of an application for a certificate of zoning compliance for a use for which approval of a site plan is required, including special permit uses under §273-99, a site plan submission shall be made to and approved by the Commission. The requirements and procedures for site plan review are hereinafter specified.

Add new paragraph:

The Planning and Zoning Commission strongly recommends that, prior to submission of an application to any town agency for a development proposal that will require site plan review by the Planning & Zoning Commission, the applicant have a preliminary meeting with the Design Review Committee showing a preliminary site plan, conceptual design sketches and drawings and landscape, lighting and sign plans.

**273:107.1**

(Amendment -05.07.08 – 273-75 A (8) & 273-97 A. Referral to DRC before Site Plan ap)

- (b) A notarized affidavit, on a form prescribed by the Commission, certifying that the building or other structure is in compliance with the requirements of these regulations. *DELETED 9-17-03.*
- (2) Upon receipt of either Subsection D(1)(a) or (b) above, the Zoning Enforcement Officer shall issue a certificate of zoning compliance. *[Amended 1-7-2004] see p 273:106.2*
- (3) Notwithstanding the above, for any building in a commercial, marine recreational or industrial zone or any multifamily residential building, an as-built plot plan must be prepared in accordance with Subsection D(1)(a) above prior to approval of a certificate of zoning compliance.
- E. Performance bond. Any required performance bond posted to assure compliance with these regulations shall be released by the Treasurer of the Town of Guilford upon notification by the Zoning Enforcement Officer that a certificate of zoning compliance has been issued.
- F. Appeals. Any appeal from a decision of the Zoning Enforcement Officer shall be made in accordance with the state statutes and ~~within 65 days after said decision is made.~~ *pursuant to this section*  
*AMENDED 9-17-03.*
- G. Preliminary certificate of zoning compliance. For any building in a commercial, marine recreational or industrial zone or any multifamily residential building (a building containing two or more dwelling units, excluding an accessory apartment approved under § 273-19) a preliminary certificate of zoning compliance (PCZC) shall be required. A PCZC shall be approved by the Zoning Enforcement Officer upon submission, by the applicant, of an as-built drawing showing the building foundation, prepared by a registered land surveyor, demonstrating that the foundation is built in compliance with these regulations and in conformance with an approved site plan. No further construction (beyond the foundation) may occur without an approved PCZC.

#### § 273-97. Site plan approval.

- A. General. Prior to approval of an application for a certificate of zoning compliance for a use for which approval of a site plan is required, including special permit uses under § 273-99, a site plan submission shall be made to and approved by the Commission. The requirements and procedures for site plan review are hereinafter specified.  
*NEW REFERENCE TO DRC [5-07-2002] see pg. 273:107.1*
- B. Application. Application for approval of a site plan shall be submitted to the Commission, in writing, in quadruplicate, and shall be accompanied by the following:
- (1) Statement of use. A written statement shall be included, signed by the applicant and by the owner, if different from the applicant, describing the following in sufficient detail to determine compliance with these regulations and to establish the plan and program basis for review of the site plan submission:
    - (a) The nature and extent of the proposed use or occupancy.
    - (b) Provisions to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities.

- (c) The number of persons to occupy or visit the premises on a daily basis, including the parking and loading requirements for the use.
  - (d) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hour.
  - (e) The equipment or other methods to be established to comply with the performance standards of § 273-45.
  - (f) Disclosure of any toxic or other hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the United States Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) and Connecticut Department of Environmental Protection regulations for hazardous wastes.
- (2) Site plan. A site plan shall be included, drawn on one or more sheets 24 inches by 36 inches and at a scale of not less than 40 feet to the inch. Three copies shall be submitted. Additional details and specifications shall be drawn at the same sheet size and scale or such other size and scale as may be appropriate in accordance with good design practice. The site plan shall be prepared by a professional engineer, architect, land surveyor and/or landscape architect licensed to practice in the State of Connecticut and as required by law, and shall be based upon an A-2 survey. **[Amended 8-2-2000]**
- (a) The site plan, including details and specifications, shall show all of the following information, both existing on the premises and proposed to be established, to the extent applicable to the particular application:
    - [1] Property lines of the lot and any lines delineating a portion of the lot to be used under the application.
    - [2] Existing contours and proposed grading contours, at an interval not exceeding two feet, or equivalent ground elevations, based on mean sea level (National Geodetic Vertical Datum of 1929), including identification of a benchmark at the site.
    - [3] Buildings, structures and retaining walls.
    - [4] Signs and illumination specifications therefor.
    - [5] Outdoor illumination facilities, including the height and specifications for luminaires.
    - [6] Street rights-of-way adjoining or serving the lot.
    - [7] Street pavement, driveways, curbs, sidewalks and terraces and the specifications therefor.
    - [8] Off-street parking and loading spaces and access aisles and turning areas therefor.

- [9] Outside storage areas, including underground storage tanks, and provision for solid and liquid waste storage and disposal.
  - [10] All other paved areas.
  - [11] Watercourses, water bodies, inland wetlands, state-regulated tidal wetlands and the boundaries of United States Natural Resources Conservation Service soil types. [Amended 10-7-1998]
  - [12] Storm drainage, sewage disposal and water supply facilities and the soil test locations, results and engineering computations therefor.
  - [13] Docks, wharves, piers, bulkheads and navigable waters and navigation channels.
  - [14] Provisions and program for erosion and sedimentation control.
  - [15] In a Floodplain District, the floodplain boundary and the base flood and floor elevation data as specified in § 273-89B(3), based on the datum specified in Subsection B(2)(a)[2] of this section.
  - [16] (Reserved)<sup>22</sup>
  - [17] The location of natural terrain not to be disturbed.
  - [18] A schedule specifying the area of the lot; the amount of floor area, lot coverage and total coverage by building and paving, in square feet and as a percent of the lot; and the basis for computation of required off-street parking and loading spaces.
  - [19] A location map showing the lot in relation to streets and properties in the neighborhood.
  - [20] A north arrow, the Assessor's Map and lot number, the Zoning Map district in which the lot is located and any zoning boundary within or near the lot.
  - [21] The words "Approved by the Guilford Planning and Zoning Commission," with a place for the signature of the Chairperson and date of signing.
- (b) When more than one sheet is used to show the layout features of a site plan, a master or composite sheet shall be provided at an appropriate scale. [Amended 8-2-2000]
- (3) Architectural and landscape plans. Architectural plans, which shall include all proposed buildings, structures and signs and all existing buildings, structures and signs proposed to be reconstructed, enlarged, extended, moved or structurally altered shall accompany an application for approval of a site plan. Architectural

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22. Editor's Note: Former Subsection B(2)(a)[16], requiring the site plan to include landscaping, was repealed 12-17-2001. See now Subsection B(3).

plans may be in preliminary form but shall include exterior elevation drawings, exterior materials, generalized floor plans and perspective drawings prepared by a qualified professional. Three copies of such plans shall be submitted. The Commission may also require the following items if found necessary to determine compliance with this Code or with any design criteria in accordance with § 273-136: [Amended 9-5-2001; 12-17-2001]

- (a) An architectural model.
- (b) Rendered and colored perspective drawings from public vantage points including "birds eye views."
- (c) Samples of building materials, or catalog cuts of important fixtures, windows, doors, etc.
- (d) Cross sections.
- (e) Photographs of existing buildings and photographs of surrounding property.
- (f) Landscape plans. Landscape plans in accordance with the following requirements shall be submitted with all site plan applications.

[1] Purpose. The landscaping provisions of this Code are intended to preserve and enhance the character, appearance and beauty of the Town, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to control erosion of the soil and excessive run-off of stormwater and avoid depletion and pollution of water resources.

[2] General requirements.

- [a] Any portion of a developed lot which is not used for the location of buildings, structures, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas shall be landscaped in accordance with a landscaping plan. Any area of the site not being disturbed by grading, filling, excavation or other construction shall generally be left in its natural or predeveloped condition, unless landscaping is necessary in order to accomplish the purposes of this section.
- [b] Landscaping, trees and plants required by this Code shall be planted in a growing condition according to accepted horticultural practice and shall be maintained in a healthy growing condition. Any landscaping which is not so maintained shall be replaced by the property owner during the next planting season.
- [c] Any screening, fence or wall including plant material approved under this section shall be maintained by the property owner in good condition throughout the period of the use on the lot.

- [d] All landscaping located adjacent to parking areas, loading areas, or driveways shall be properly protected from damage by vehicles by barriers, curbs, or other means.
  - [e] To the maximum extent possible, existing trees, vegetation, and site features such as stone walls, boulders, or rock outcroppings shall be retained and protected. Existing healthy mature plant materials, especially trees, shall be preserved.
  - [f] For all new landscaping, an ample variety and quantity of ornamental plants shall be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity. The use of native plant species indigenous to the region is encouraged.
  - [g] Landscaping shall serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where the terrain is uneven, parking areas may be developed at different levels.
  - [h] Landscape composition shall be complementary to scale and style of the existing and proposed buildings.
  - [i] The natural or pre-development condition of a site may be altered to allow for wildlife habitat enhancement or agricultural use when approved by the Commission.
- [3] Front landscaped areas. Each lot shall be provided with a landscaped area extending the length of the street frontage along the interior side of the front lot line, except where driveway exits and entrances are located or where sidewalks are required. The width of the front landscaped area shall be determined by the minimum and maximum setback requirements of the zone district. The planting of street trees is strongly encouraged at locations determined by the Commission with the intent of providing street canopy and shading of parking areas. The purpose of the front landscaping is to enhance the appearance of the use of the lot, but not to screen the use from view. The maximum number of street trees shall be planted consistent with the ultimate size of the particular tree species. At a minimum, street trees shall have a caliper of 2 1/2 inches to three inches.
- [4] Parking lot landscaping.
- [a] All parking lots shall be landscaped with ground cover, low vegetation, and trees. The purpose of parking lot landscaping is to reduce the negative impact of large parking areas both visually and environmentally. Islands shall be created to provide safe and efficient channelization of pedestrian and vehicular traffic and to separate major accessways through the parking areas. Provisions

shall be made to provide walks and other amenities for pedestrians. Interior landscaping shall be positioned so as to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one island for every 10 parking spaces should be used for design purposes. No more than 15 spaces in a row or four rows across shall be permitted without an intervening interior landscape area.

- [b] A landscaped area shall be provided along the perimeter of any parking area. This landscaped area shall have a minimum dimension of five feet and shall be planted with ground cover, and trees. At a minimum all trees shall have a caliper of 2 1/2 inches to three inches.
- [5] The landscape plan. The landscape plan herein required shall be prepared by a landscape architect or other suitable professional. It shall contain the following information:
- [a] Location and description of existing vegetation and proposals to protect it during and after construction.
  - [b] Location and description of existing natural features, including large boulders, rock outcroppings and water features to be incorporated into the site design.
  - [c] Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.
  - [d] A list of plant materials to be used, including size in diameter and height at installation and at maturity; a planting schedule for all plant materials.
  - [e] Proposed treatment of ground surfaces.
  - [f] Methods of protecting landscaping from vehicles.
  - [g] Location and description of the area to remain in natural or pre-development state and the amount of said area as a percentage of the total lot.
  - [h] A plan to insure that plant materials are maintained and/or replaced in the event the plant materials do not survive.
- [6] Maximum landscape area requirement. Certain zones have a maximum landscape area requirement. The purpose of these provisions is to insure that a fixed percentage of a site is preserved in a natural or pre-development state. This natural state includes agricultural use. Any other treatment of the undeveloped portion of the site is considered landscaped and must conform to the requirements of this section.

- [7] Requirement for surety. The Planning and Zoning Commission may require the posting of a bond or other surety to insure the completion of the provisions of the section. The Commission may also require the posting of a bond to insure the maintenance and survival of newly planted landscape material. The amount of said maintenance bond shall not exceed 1/3 the total cost of the material, including installation, and shall be for a period of not to exceed three years. [Amended 12-18-2002]
- (g) Such other information as the Commission may require.
- (4) Reports. Written reports shall be included concerning the following:
- (a) For shopping centers or other multiple-tenancy commercial or industrial complexes, a statement indicating the provisions to be made or actions to be taken by the owner or lessor to prevent supplies, merchandise, equipment or refuse from being stored, located or placed on sidewalks, pedestrianways, buffer strips, landscaped areas, driveways or paved areas reserved for off-street parking and loading, except for approved sidewalk sales. (See § 273-47.)
- (b) For site plans involving 50 or more parking spaces or uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact analysis, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips, peak hour volumes, access conditions at the lot, distribution of traffic, types of vehicles expected and the effect upon the level of service of the street giving access to the lot.
- (5) Other permits. Where access to the lot is provided from a state highway, evidence that application has been made for a state highway encroachment permit shall be submitted to the Commission.
- (6) Erosion and sediment control plan. As required by § 273-75G, an erosion and sediment control plan shall be submitted as part of an application for site plan approval. The soil erosion and sediment control plan shall contain proper provisions adequately to control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. Said plan shall contain, but not be limited to:
- (a) A narrative describing:
- [1] The development.
- [2] The schedule for grading and construction activities, including start and completion dates and sequence of grading and construction activities,

sequence for installation and/or application of soil erosion and sediment control measures and sequence for final stabilization of the project site.

- [3] The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
- [4] The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.
- [5] The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
- [6] The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.

(b) A site plan map at a sufficient scale to show:

- [1] The location of the proposed development and adjacent properties.
- [2] The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
- [3] The existing structures on the project site, if any.
- [4] The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
- [5] The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
- [6] The sequence of grading and construction activities.
- [7] The sequence for installation and/or application of soil erosion and sediment control measures.
- [8] The sequence for final stabilization of the development site.

(c) Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

(7) Issuance or denial of certification.

- (a) The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- (b) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a

performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Subsection D of this section.

- (c) 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.

- (d) Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
  - (e) 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. 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 or maintained.
- (8) Definitions. As used in this section, the following terms shall have the meanings indicated:

**CERTIFICATION** — A signed, written approval by the Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

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

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

**EROSION** — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

**GRADING** — Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**INSPECTION** — The periodic review of sediment and erosion control measures shown on the certified plan.

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

**SOIL** — Any unconsolidated mineral or organic material of any origin.

**SOIL EROSION AND SEDIMENT CONTROL PLAN** — A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

C. Procedure.

- (1) The Commission may request the applicant to submit such additional information that the Commission deems necessary in order to decide on the suitability of the site plan. Upon written request by the applicant, the Commission, by majority vote, may determine that certain information required to be submitted under Subsection B above may be deferred for later consideration or need not be submitted if found unnecessary to reach a decision on the suitability of the site plan and compliance

with these regulations. Unless such a waiver has been granted, the application shall be deemed incomplete and denied. [Amended 8-2-2000]

- (2) Except for a site plan submission made in connection with a special permit application, the Commission shall either approve, approve subject to modifications or disapprove the site plan within 65 days after receipt thereof. Failure of the Commission to act on any site plan within 65 days of receipt shall constitute approval; provided, however, that the applicant may consent, in writing, to one or more extensions of the sixty-five-day period, for a total extension not to exceed 65 days. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. The Commission shall give notice of its decision as required by law.
- D. Performance bond. The Commission may require and, when so required, the applicant shall file with the Board of Selectmen of the Town of Guilford a performance bond, in form and amount and with surety approved by the Commission, to guarantee the faithful performance of the site work in accordance with the approved site plan.
  - E. Conditions. Site plan approvals may be granted subject to appropriate conditions and safeguards deemed necessary by the Commission to protect the health, safety and general welfare of the community, to protect property values in the neighborhood or zoning district and to preserve the purpose and intent of these regulations.
  - F. Expiration. An approved site plan shall expire in accordance with Section 8-3 (i) and (j) of the Connecticut General Statutes. [Added 10-20-1999]

**§ 273-98. Special permit for earth removal operations.**

- A. Application. Before any special permit for the excavation, removal or deposit of earth, loam, topsoil, sand, gravel, clay, stone or other material shall be granted, a written application shall be submitted to the Commission.
  - (1) The application shall be accompanied by a statement of the time period proposed for completion of all work and by maps and plans drawn to a scale of not less than 60 feet to the inch and prepared by and bearing the seal of a registered land surveyor or professional engineer, showing the following:
    - (a) The names of the applicant and owner of the land.
    - (b) The location and limits of the area to be excavated or filled.
    - (c) Existing and proposed contour lines, shown at intervals not to exceed two feet.
    - (d) Existing and proposed drainage on the premises.
    - (e) Existing rivers, streams, watercourses or salt marshes on or adjacent to the premises.
    - (f) Adjoining lot lines, with the names of owners of record of adjacent land and streets with names.

- (g) Proposed vehicular access from a street.
  - (h) The location of wooded areas, existing and proposed buildings, structures and any processing equipment proposed to be used on the premises.
  - (i) The zone district of the area.
  - (j) Where required under the Connecticut General Statutes or a public act of the State of Connecticut, written approval of the maps and plans by the United States Army Corps of Engineers, the State Water Resources Commission, the State Highway Department, the State Public Health Department and/or, in the case of an area including wetlands as defined by Public Act No. 69-695,<sup>23</sup> a permit from the Commissioner of Agriculture and Natural Resources.
  - (k) Such further information as the Commission may deem necessary.
- (2) Where the size of the proposed removal or deposit operation is small and does not substantially affect the surrounding area, the Commission may, upon written request, waive any of the requirements of Subsection A(1) that are not deemed essential to a decision.
- B. Hearing and decision. After receipt of complete application with all required documents, the Commission shall hold a public hearing on the application, shall decide thereon and shall give notice of its decision as required by law. The Commission may grant a special permit, for a period of time not exceeding two years, if it finds that such excavation, removal or deposit will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, drainage or sewerage problems or other conditions that would impair the future use of the lot in accordance with these regulations and that such excavation, removal or deposit will be in harmony with the general purpose and intent of these regulations.
- C. Bond. The applicant shall file with the Commission a performance bond, in form and amount and with surety acceptable to the Commission, to guarantee the faithful performance of the work to be undertaken in accordance with the terms of the special permit. In addition, the Commission may require, when the type and size of the removal operation warrants it, a bond in form and amount and with surety acceptable to the Board of Selectmen to protect the Town from any damage caused to Town roads, bridges or drainage facilities as a result of the removal operation.
- D. Renewal. A special permit may be renewed by the Commission in accordance with the procedures and standards of these regulations.
- E. Revocation and suspension.
- (1) Any special permit issued pursuant to the provisions of this section may be revoked by the Commission after notice, in writing, to the permittee and a hearing for violation of any condition of the permit, violation of any provision of this section or any other law or other regulation relating to the work permitted or the

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23. Editor's Note: See Sections 22a-28 through 22a-35 of the Connecticut General Statutes.

existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another.

- (2) Notice. The notice shall describe the violation charged and may be either delivered personally or mailed by certified mail to the permittee's address appearing on the application.
- (3) Suspension. Any permit may be suspended for cause by the Zoning Enforcement Officer for a period not exceeding seven days without a hearing.
- (4) Other remedies. The remedies and procedures provided in this Subsection E shall be in addition to all other remedies and procedures as are provided by law to the permittee.

### § 273-99. Special permit procedure.

#### A. Application.

- (1) Application for a special permit shall be submitted, in writing, in quadruplicate, to the Commission and shall be accompanied by the following:
  - (a) Statement of use. A written statement, in quadruplicate, describing the proposed use shall be included.
  - (b) Site plan. A site plan, in accordance with § 273-97B(2) shall be included.
  - (c) Architectural plans. Preliminary architectural plans, in quadruplicate, of all proposed buildings, structures and signs, including general exterior elevations, exterior materials, perspective drawings and generalized floor plans and including drawings for proposed signs shall be included.
  - (d) Other information. Such additional information shall be included as the Commission may deem necessary in order to reach a decision on the application.
  - (e) The names and addresses of the current property owners as indicated in the Guilford Assessor's records for all adjoining property owners. [Added 10-6-1999]
- (2) Waiver. The Commission may waive any item required under Subsection A(1)(b) or (c) if it finds such item unnecessary to its consideration of the application.

- #### B. Hearing and decision.
- After receipt of a completed application, the Commission shall hold a public hearing on the application. The applicant shall notify by certified mail all property owners identified in Subsection A(1)(e) of this section of the pending public hearing. Said notification shall have been mailed at least 14 days prior to the hearing. Proof of certified mail notification shall be submitted to the Commission prior to the public hearing. Upon completion of the public hearing, the Commission shall decide thereon and shall give notice of its decision as required by law. The Commission may approve, approve with conditions or deny approval of the special permit. [Amended 10-6-1999; 4-19-2000]

Approved; July 20, 2004  
Effective Date; August 12, 2004

At its regular meeting on July 20, 2005 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Proposed Amendments to the Zoning Code Regarding Development  
Program Areas A and B**

1. Amend Article XI Planned Residential Developments, 273-83 D (2) (b) to read; "In Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7, the net square-foot land area of the PRD . . . , and delete R-8 line in Table."
2. Amend Article XI Planned Residential Development, 273-83 D (2) (c) to read; "In Zone R-8, the net square-foot land area of the PRD . . ."
3. Amend 273-100. Special permit for planned residential development, B. as follows; "B. PRD application. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The application for a special permit for a planned residential development (PRD) located in the above zones shall be . . ."
4. Amend 273-100. Special permit for planned residential development, C. as follows; "C. Commission action. Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7. The following procedures are applicable for consideration of special permit application for planned residential development (PRD) located in the above zones:"
  - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
  - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
5. Amend 273-100. Special permit for planned residential development, D. as follows; "D. PRD Application, Zone R-8. Zone R-8 is established under these regulations in recognition of the lack of community services, severe limitations for land development and presence of important conservation resources. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in the R-8 Zone."
  - (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in the R-8 zone shall be made to the Commission . . ."
  - (2) Authorized application. Upon completion of procedures specified in Subsection D(2), application for special permit for a PRD in the R-8 Zone may be made and shall be acted upon in the same manner as provided for all other zones under Subsections B and C of this section.
6. Amend 273-101. Certificate of zoning compliance for planned residential development. D. as follows; "D. Commission action. The following procedures are applicable for consideration of applications for a certificate of zoning compliance for a planned residential development in all zones:"

273:86.1 & 273:119.1 & 273:126.1

- C. Conditions. All special permits may be granted subject to appropriate conditions and safeguards, including limitations on time for construction and commencement of use, necessary to conserve the public health, safety and general welfare and property values in the neighborhood.
- D. Bond. The Commission may require the applicant to file with the Board of Selectmen of the Town of Guilford, within such time as the Commission may require, a performance bond, in form and amount and with surety approved by the Commission, to guarantee the faithful performance of the work to be undertaken.
- E. Any enlargement, extension, moving or structural alteration of a special permit use or any building or structure in connection therewith shall require submission of a special permit application, which shall be subject to the procedures for such application set forth in this section.

**§ 273-100. Special permit for planned residential development.**

- A. General. In accordance with the procedures and requirements hereinafter specified, the Commission may approve a special permit for a planned residential development (PRD). A special permit approved under this section, with or without conditions, authorizes application for a certificate of zoning compliance that includes design plans and a management program as provided in § 273-101. Prior to the submission of a special permit application for a PRD, the applicant is requested to attend an initial conference with the Commission or its duly designated representatives to gain general information about the area of the Town in which the PRD is proposed, to review the criteria and procedures for PRD's and to receive guidance in the preparation of the application.
- B. PRD application, <sup>Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7.</sup> ~~Area A~~. The application for a special permit for a planned residential development (PRD) located in Development Program Area A shall be submitted to the Commission and shall include the following: <sup>[amended 7-20-05] per P. 273:119-1</sup>
  - (1) A PRD special permit application form as prescribed by the Commission, completed and signed by the applicant, in duplicate, and also signed by the owner of the land included in the PRD, if different from the applicant.
  - (2) A written declaration by the applicant, furnished in triplicate, in which there is set forth the following information:
    - (a) An evaluation of the proposed PRD as it relates to the criteria set forth under § 273-83 of Article XI.
    - (b) A statement regarding the nature of all proposed open spaces and the means by which they will be maintained and their continuity guaranteed.
    - (c) A statement regarding the proposed types of dwelling units, methods of ownership, occupancy and general design concepts.
    - (d) A statement regarding provision that is to be made, if any, for occupancy of dwelling units by lower-income families, including the means for assuring continuity of lower cost of occupancy.

- (e) A statement regarding provision that is to be made, if any, for transfer of development potential from farmland or other managed open spaces to the PRD, including the means of assuring continuity of preservation of such farmland or open space from development.
  - (f) A statement regarding the types and uses of all nonresidential structures proposed.
  - (g) A statement regarding the type of water supply and sewage disposal facilities proposed, the method of establishment of such utilities and the intended ownership, financing and management arrangements.
  - (h) Computations and data showing compliance with the area requirements under § 273-83 of Article XI.
  - (i) A proposed schedule for development of the PRD, including provision for any phasing of construction of dwellings, utilities, recreation facilities and other services.
  - (j) A general description of how the project design standards of § 273-84 of Article XI will be met.
  - (k) Such other information that the applicant deems will be of assistance in the consideration of the PRD application.
- (3) Maps and plans of the PRD tract, in six clear, legible prints, each drawn to a scale of not less than one inch equals 100 feet, as follows:
- (a) An existing conditions evaluation map. A map of the entire PRD tract shall be included, showing the following:
    - [1] Boundaries of the tract and approximate dimensions and the names of all abutting owners.
    - [2] Existing contours at an interval not exceeding two feet.
    - [3] Significant topographic features, such as all wetlands and watercourses, rock outcroppings, wooded and other vegetation areas, by type, and other natural features.
    - [4] General soil types by National Cooperative Soil Survey classifications, which soils shall be confirmed by competent field investigation in areas of the tract that are proposed to be disturbed for building development and sewage disposal.
    - [5] The location of any existing structures, travel ways, fences and walls.
    - [6] An identification of land form features, such as views, scenic areas, drainage basins and locations of ecological systems.
  - (b) Sketch subdivision plan. Using a reproducible copy of the existing conditions evaluation map, six clear legible prints of a sketch subdivision plan showing

how the tract could reasonably be divided into individual building lots conforming to the requirements of the residential district where located, having a practical building site with potential for water supply and on-site sewage disposal on each lot and served by roads that could conform to the alignment, grade and other requirements of Chapter 272, Subdivision of Land, shall be included. The sketch subdivision plan may be based on information from the existing conditions evaluation map and field observation. Field survey and soils tests are not required. [Amended 10-7-1998]

(c) Site use plan. A plan of the same scale and orientation as the existing conditions evaluation map shall be included, showing the following for the entire tract:

- [1] The location of proposed vehicular access into the tract and the principal system of circulation driveways or streets within the tract.
- [2] Areas, with boundaries delineated, for dwelling construction and accessory services and with data on the acreage of such areas and the number and type of dwelling units proposed for each.
- [3] Areas or sites proposed for recreation facilities, and any nonresidential structures.
- [4] Areas proposed for on-site sewage disposal leaching systems.
- [5] Proposed connection to a public water supply or proposed site for water supply wells.
- [6] Areas, with boundaries delineated, for reservation as open space land.
- [7] Proposed restricted areas, such as setbacks from the boundary of the tract, channel encroachment lines and zone boundaries, including floodplains.

*[Amended 2-07-07]*  
*see p 273:121.1*  
 (d) Concept architectural drawings, in four clear legible sets of prints, illustrating the type of dwellings proposed in the PRD shall be included <sup>provided,</sup> ~~however, that such drawings are not required for single family detached dwellings proposed to be individually constructed and owned on separate lots. Said drawings to be prepared by a registered architect.~~

- (4) A sanitation study report, in three copies, presenting estimates of water supply and sewage disposal requirements; the results of soils investigations, including borings, seepage tests and test pits, for areas proposed for sewage disposal; a description and schematic layout of proposed sewage disposal facilities; and a description of the proposed water supply system. The report shall be prepared by a qualified professional engineer.
- (5) An application fee in the amount of \$150, by check or money order, made payable to the Town of Guilford; provided, however, that the Commission may, by

resolution, determine that a fee is not required for an application submitted by the Town of Guilford or by the Housing Authority of the Town of Guilford.

- (6) The application shall include the names and addresses of the current property owners within 500 feet of the proposed PRD as indicated in the Guilford Assessor's records. The applicant shall notify by certified mail all property owners so identified of the pending public hearing. Said notification shall have been mailed at least 14 days prior to the hearing. Proof of certified mail notification shall be submitted to the Commission prior to the public hearing. [Added 4-19-2000]

*Zones R-1, R-2, R-3, R-4, R-5, R-6, and R-7.*

- C. Commission action, ~~Area A~~: The following procedures are applicable for consideration of special permit applications for planned residential development (PRD) located in Development Program Area A:

*[amended 7-20-05] sec. 273:119.1*

- (1) Application review and notification. The Commission shall review the submission for completeness and may request the submission of additional information deemed necessary to clarify or complete the application. Any incomplete application may be rejected by the Commission as ineligible for consideration under these regulations. Upon receipt of a completed PRD special permit application meeting the requirements of Subsection B, the Commission shall so notify the applicant, in writing.
- (2) Hearing and decision. In acting on any application, the Commission shall hold a public hearing, shall decide thereon and shall give notice of its decision as required by law. The following additional procedures are applicable:
- (a) At least 10 days before such hearing, a copy of the application and a copy of a map showing the boundaries of the tract proposed for a PRD shall be filed in the office of the Guilford Town Clerk.
- (b) The Commission may approve the application, approve it subject to conditions or disapprove the application.
- (c) The Commission may approve an application, with or without conditions, only when the Commission determines that the proposed planned residential development meets the criteria set forth in § 273-83 of Article XI and is reasonably capable of having a design plan and management program conforming to the standards of §§ 273-84 and 273-85 of Article XI, otherwise the Commission shall disapprove the application.
- (d) In approving an application, the Commission may impose such conditions that are deemed necessary to conform the PRD to the criteria and standards of Article XI, to protect the public health, safety and property values and to maintain the purpose and intent of the Comprehensive Plan of Zoning, which conditions may include, but are not limited to, specification as to the maximum number and the type of dwelling units, a program for scheduling the PRD and the provisions for ownership and management of the PRD, including sewage disposal and water supply systems.

GUILFORD TOWN HALL  
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Approved; February 7, 2007  
Effective Date; February 16, 2007

At its regular meeting on February 7, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Amend §273-100 B. (3)(d) Special Permit for planned residential development.**  
to read as follows:

“ (d) Concept architectural drawings, in four clear legible sets of prints, illustrating the type of dwellings proposed in the PRD shall be included, said drawings to be prepared by a registered architect.”

**273:121.1**

(Amendment -02.07.07 – 273-100 B (3) (d) PRD architect plans)

- (e) Within 45 days after any conditional approval is granted by the Commission, the applicant shall, in writing, accept or reject the conditions imposed by the Commission, and failure of the applicant so to accept such conditions within the 45 days or as such period may be extended by mutual agreement between the Commission and the applicant shall render the Commission's approval null and void and constitute a disapproval.
- (3) Effective date and Zoning Map. A PRD special permit, approved by the Commission, shall become effective upon notice and filing as required by law and, in the case of conditional approval, after acceptance of the conditions by the applicant under Subsection C(2)(e). Promptly after the effective date, the Commission shall cause the PRD tract area to be delineated on the Zoning Map, with the date of Commission approval duly noted.
- (4) Expiration. A PRD special permit approved by the Commission, with or without conditions, expires two years after the effective date, unless an application for a certificate of zoning compliance that includes design plans and a management program has been received for consideration under § 273-101 of these regulations; provided, however, that the Commission may, by resolution, extend one year for PRD's that are in conformity with the regulations in effect at the time of such extension. In the event of expiration of the special permit, the Commission may notify the applicant and shall delete the PRD delineation from the Zoning Map.
- D. PRD Application, <sup>ZONE R-80</sup> ~~Area B~~. <sup>[AMENDED 7-20-05] see p. 273:119.1</sup> Development Program Area B is established under § 273-8B of these regulations in recognition of the lack of community services, severe limitations for land development and the presence of important conservation resources. Planned residential development (PRD) in Area B is made a part of the Comprehensive Plan of Zoning, since a PRD, with careful planning and special development precautions, can be a reasonable and preferred method of land utilization that supports the program for Area B. The additional procedures and requirements hereinafter specified are necessary in connection with PRD's located in Area B.
- (1) Notice of intent; preapplication. No application for a special permit for a planned residential development (PRD) in Development Program Area B shall be made to the Commission and no such application shall be received by the Commission until a notice of intent and preapplication has been filed with the Commission. The notice and preapplication shall consist of at least the following elements:
- (a) A notice of preapplication form as prescribed by the Commission, completed and signed by the applicant.
- (b) An existing conditions evaluation map as set forth in Subsection B(3)(a), except that field confirmation of soil types is not required and existing contours may be mapped at an interval not exceeding 10 feet.
- (c) A tentative PRD program of possible use and occupancy of the tract, numbers and types of dwelling units, form of ownership, project services and facilities and provision for water supply and sewage disposal, which program shall be accompanied by a preliminary or sketch site use plan showing elements as specified in Subsection B(3)(c).

- (d) An environmental and community impact assessment, consisting of a written report and appropriate maps, covering no less than the following subjects:
- [1] Estimates of population occupancy of a PRD, age groups and school enrollment.
  - [2] Identification and general evaluation of environmental systems in the sector of the Town where the tract is located, such as soil types, watersheds, general vegetation and special conservation features, and identification and evaluation of existing land utilization in such sector.
  - [3] An evaluation of the existing road system in such sector as to current condition and standards, traffic flows and traffic generation potential of the tract and other land in the sector.
  - [4] Projections of municipal service requirements that would be generated by a PRD and evaluations of the current or future availability of municipal services to meet such requirements.
  - [5] An evaluation of how a PRD will support the purpose and intent of the Comprehensive Plan of Development and Conservation for the Town.
- (2) Commission response. After receipt of a notice of intent and preapplication, the Commission shall, within 65 days, call the prospective applicant into consultation and may advise of additional information that would be of assistance in considering a PRD. Within four months after receipt of the notice and preapplication, the Commission shall either invite the submission of an application for a special permit for a PRD or shall advise that a PRD appears to be inconsistent with these regulations. Within 15 days after such invitation or advice, notice thereof, in writing, shall be sent to the prospective applicant, including the reasons therefor. The Commission's invitations to submit an application may specify particular requirements to be set forth in the application, such as, but not limited to:
- (a) The maximum number and type of units.
  - (b) The scheduling of development in relation to the provisions of municipal services.
  - (c) The extent of provision of community services by and within the PRD.
  - (d) Special provisions for conservation of natural features and farmland and other managed open space.
- (3) Authorized application. Upon completion of procedures specified in Subsection D(2), application for a special permit for a PRD in Development Program Area B may be made and shall be acted upon in the same manner as provided in Area A under Subsections B and C of this section.

"E. Changes in an approved PRD. See §273-101 F." [Added 04-18-2007]

GUILFORD TOWN HALL  
07 APR 23 PM 4:25

Approved; April 18, 2007  
Effective Date; April 27, 2007

At its regular meeting on April 18, 2007 the Guilford Planning and Zoning Commission approved the following amendment to the Zoning Code:

**Add to §273-100** Special permit for planned residential development a new section as follows;

“E. Changes in an approved PRD. See §273-101 F.” [Added 04-18-2007]

**273:124.1**

(Amendment -04.18.07 – 273-100 SP new section E)