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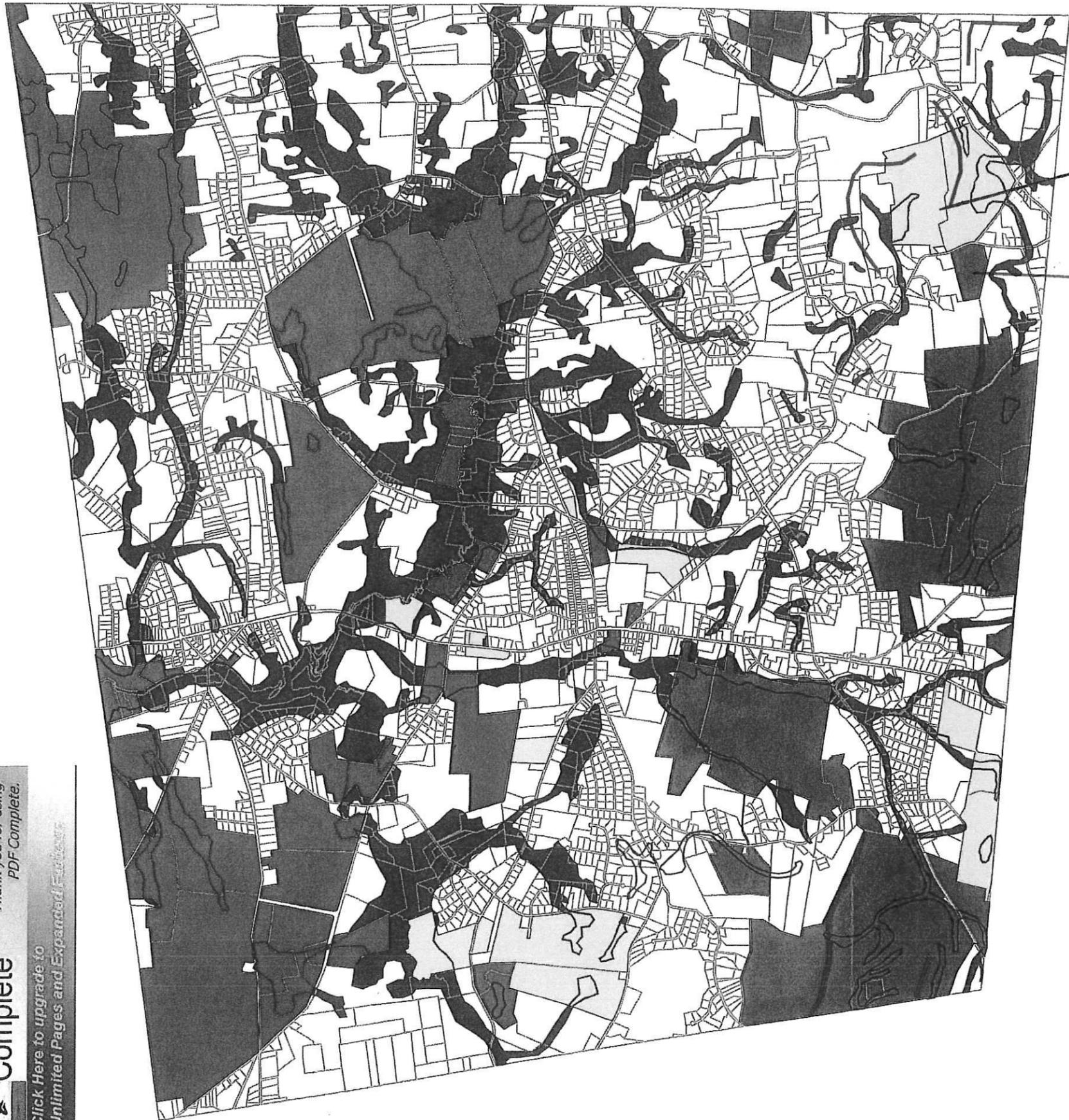
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240 LEIGH FARM ROAD
SUITE 415
DURHAM, NC 27707**

**T-MOBILE NORTHEAST, LLC
35 GRIFFIN ROAD
BLOOMFIELD, CT 06002**

ATTACHMENT 1



TOWN OF SOMERS
18,324 Acres

Camp
Aya Po

Open Space

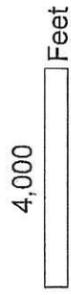
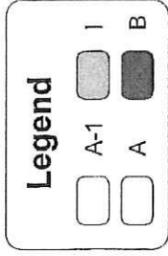
— RIDGELINE

14.0%	■	WETLANDS/WATER FEATURES
10.5%	■	OPEN SPACE - STATE FOREST AND NCLT
3.8%	■	MANAGED OPEN SPACE
9.9%	■	PRESERVED AGRICULTURE
1.1%	■	TOWN PROPERTY
3.1%	■	STATE OF CONNECTICUT PRISON
3.0%	==	ROADWAY R.O.W.'S
45.4%		TOTAL

ATTACHMENT 2

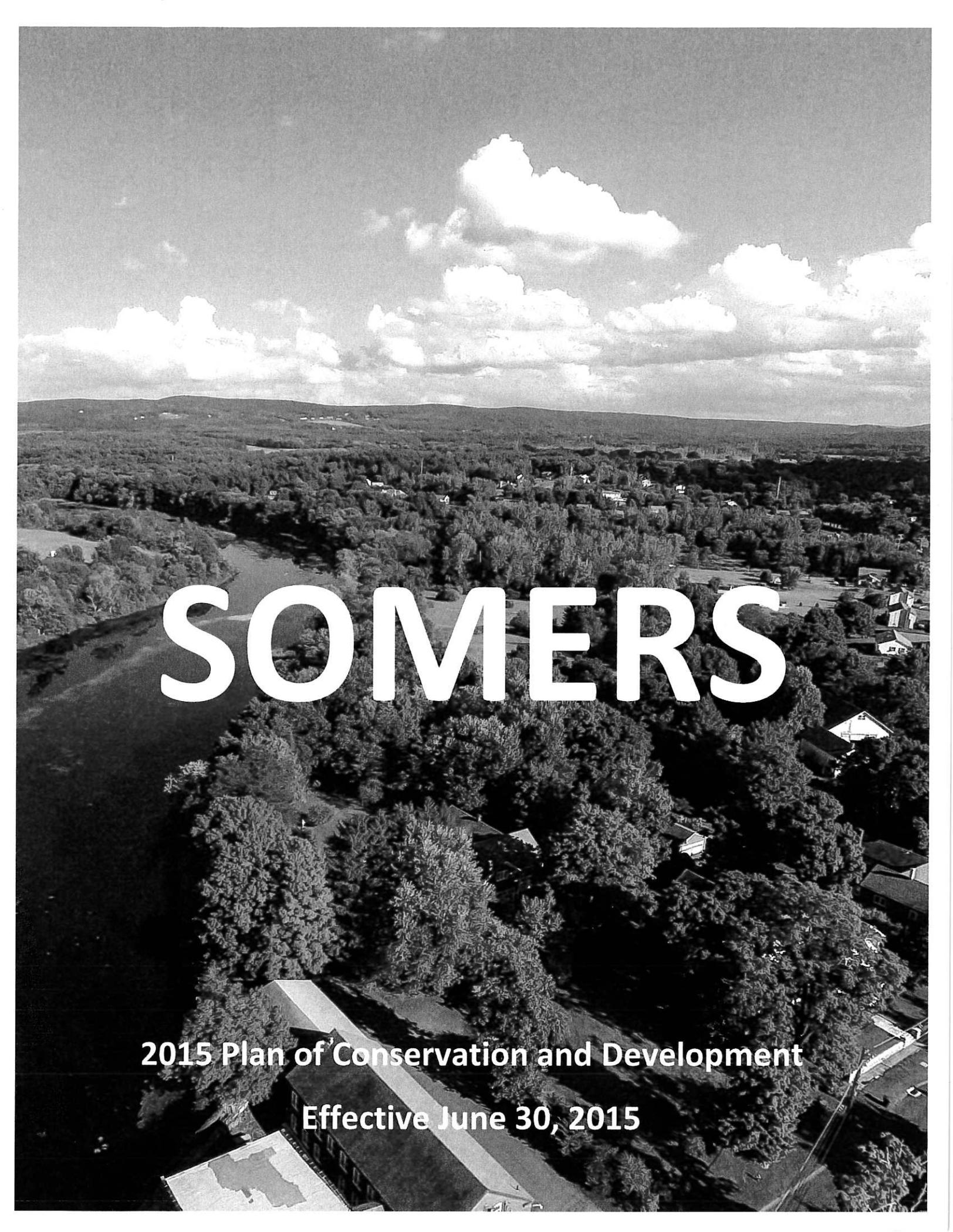
Zoning Map

Town of Somers, CT



This map is an enlargement of the map 'Current Zoning' from the Somers 2004 Plan of Conservation and Development. Property information current as of April 2003.

ATTACHMENT 3



SOMERS

**2015 Plan of Conservation and Development
Effective June 30, 2015**



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June 2015

Welcome!

This is the 2015 Plan of Conservation and Development (POCD) for Somers.

Over the course of many months, a POCD Steering Committee reviewed the 2004 POCD and refined policies and action items in to reflect the circumstances affecting Somers today and anticipated in the future. There were a number of opportunities for community input during this process. Once a draft POCD was prepared, it was forwarded to the Planning Commission for adoption.

Following a public hearing on June 11, the Planning Commission adopted this Plan with an effective date of June 30, 2015. The Planning Commission believes this POCD reflects the consensus of the community and establishes a working blueprint for the future of Somers. The recommendations in the Plan are intended to maintain and enhance:

- the overall quality of life in Somers, and
- the character of Somers.

We hope that all Somers residents will now work together to implement the Plan.

Sincerely,

Greg Genlot, Chair
Planning Commission



INTRODUCTION

Purpose of the Plan

This Plan of Conservation and Development is a tool for guiding the future physical development of Somers. Since the physical environment influences many other aspects of daily life, this Plan also considers the future economic and social development of Somers.

This Plan for Somers is intended to:

- Organize and state the community's vision for its future,
- Recognize strategies which will make Somers an even better place, and
- Identify action steps that, when implemented, will help attain that vision.

As Somers residents and officials implement this Plan, those efforts will help protect important resources, guide appropriate development, address community needs, protect community character, and enhance the quality of life of current and future residents.

Rural Character



Overall Plan Direction

Based on input from participants in the planning process, the overall guiding philosophy of the Plan will be the same as that expressed in the 2004 Plan of Conservation and Development:

Balance conservation and development to protect and enhance community character and improve Somers' quality of life.

To help demonstrate how this overriding philosophy will be applied, the plan has been organized around the following strategic themes:

- Protecting Important Resources
- Guiding Appropriate Development
- Addressing Community Needs

Scenic Views



Preparation of the Plan

A Steering Committee made up of representatives of Town boards and commissions and other Somers residents worked together to prepare this update. Over the course of several years, the Committee reviewed the 2004 Plan and discussed the strategies and recommendations in that Plan.

Somers residents helped guide the overall process through participating in public meetings and workshops and participating in a community survey.

Then, with the assistance of a planning consultant, this Plan document was prepared.

The Steering Committee reviewed and modified the draft Plan before turning it over to the Planning Commission for their review. Before adopting the Plan, the Planning Commission referred the Plan to the Board of Selectmen for its review and comment before holding a public hearing of their own for its adoption.

This Plan has been prepared in accordance with Section 8-23 of the Connecticut General Statutes ...

Use of the Plan

This Plan is intended to provide a framework for consistent decision-making by all Somers officials, boards, commissions, and residents.

Although the Plan was adopted by the Planning Commission, other boards and commissions have been involved in its preparation so that it represents a broad view of strategies and outcomes that are considered beneficial for the long-term health and success of the entire community.

While generally intended to guide conservation and development over the course of a decade, this Plan will lay the foundation for long-term goals reaching far into the future.

Maintenance of the Plan

This Plan is intended to be a dynamic document. As circumstances change in Somers and as strategies are implemented and evaluated, the Plan should be refined to address new issues, adjust a course of action, or refine strategies.

The challenge for the Planning Commission will be to keep the Plan up-to-date and implementation on-course in the face of changing community priorities.

This Plan was adopted on June 11, 2015 with an effective date of June 30, 2015.



Overview

This chapter of the Plan of Conservation and Development summarizes conditions and trends affecting Somers at the time the Plan was being prepared.

Historical Context

While the landscape of Somers was formed over millions of years, human settlement has existed for only about 10,000 years or so.

European settlement of New England began in 1620 at Plymouth Rock and in 1634 along the Connecticut River near present day Hartford. European settlement did not reach the area we now know as Somers until about 1706.

Due to the fertile lands here, settlement grew quickly. In 1724, residents formed their own parish so that they would not need to travel to Enfield for religious services each week. In 1734, the Town of Somers was carved off from Enfield. In 1749, Somers was separated from the Massachusetts Bay Colony and annexed by the Colony of Connecticut.

Until the last few decades, Somers was primarily an agricultural community. Residents worked the land as subsistence farmers and traded with their neighbors. Various gristmills and sawmills were established to meet community needs.

In 1839, the Billings Mill was constructed on the Scantic River, effectively creating the village of Somersville. The mill grew over time and attracted immigrants from other areas to the jobs located there.

Eventually, a trolley line connected Somers to Enfield broadening the education, shopping, and recreation opportunities for residents.

Following World War II, the proliferation of the automobile and a desire for suburban living brought changes to Somers. People could live in Somers and commute to jobs in Enfield, Springfield, and other areas. Population grew and farms were turned into subdivisions and horse estates.

Today, Somers is primarily a residential community with fewer jobs in the community than residents who are in the work force. While the establishment of a Connecticut prison in the 1960s brought more jobs to Somers, most residents still travel elsewhere for employment.

“If we could first know where we are and whither we are tending, we could better judge what to do and how to do it.”

Abraham Lincoln

Demographics

According to the Census, Somers had a population of 11,444 people in the year 2010. This includes approximately 9,081 residents and about 2,363 persons living in group quarters (most of them being inmates at two State correctional institutions - Northern and Osborn).

While much of the population growth in Somers in the last several decades resulted from an increase in the number of inmates, there was robust growth (+961 people) in the number of residents in the last decade.

Historic Population (estimated)

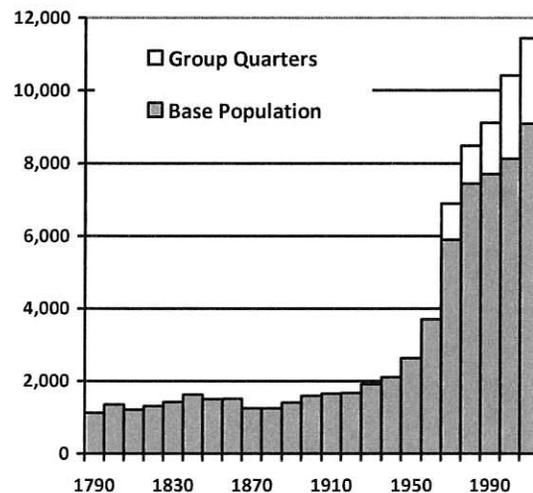
Year	Resident Population	Group Quarters	Total Population
1790	1,127	0	1,127
1800	1,353	0	1,353
1810	1,210	0	1,210
1820	1,306	0	1,306
1830	1,429	0	1,429
1840	1,621	0	1,621
1850	1,508	0	1,508
1860	1,517	0	1,517
1870	1,247	0	1,247
1880	1,242	0	1,242
1890	1,407	0	1,407
1900	1,593	0	1,593
1910	1,653	0	1,653
1920	1,673	0	1,673
1930	1,917	0	1,917
1940	2,114	0	2,114
1950	2,631	0	2,631
1960	3,702	0	3,702
1970	5,898	995	6,893
1980	7,438	1,035	8,473
1990	7,704	1,404	9,108
2000	8,120	2,297	10,417
2010	9,081	2,363	11,444

1790 – 2010 Census adjusted to remove the prison population from 1970-2010

The Connecticut State Data Center is projecting a decrease of the resident population in the future, mostly due to an aging population (households tend to get smaller as they age).

Over the next twenty to thirty years, the major demographic trend in Somers is expected to be an increase in the number of older residents. The main reason for this is the aging of the “baby boomers” (people born between about 1945 and about 1965). In the year 2020, the “baby boomers” will be aged 55 to 75.

Historic Population (estimated)



Since different age groups have different needs and desires, the changing age composition of Somers will likely be an important consideration. Somers might anticipate increased interest in housing options, tax relief and programs for older persons (adult education, passive recreation, social programs, etc.) over the next 20 to 30 years.

An increase in the number of older residents is expected to be the major demographic trend in Somers over the next 20 to 30 years ...

Additional Demographic Data

The following demographic information was provided to the Town based on the 2005-09 American Community Survey (ACS) 5-Year Estimates.

- *The median age (half the population was older and half was younger) was 41.4 years*
- *About 12 percent of Somers residents were age 65 or older*
- *About 1 percent of Somers residents were age 85 and older*
- *The average household size in Somers was 2.84 people*
- *The average family size was 3.07 people*
- *Of the 65 and older population, about 6 percent were living alone*
- *On average, about 2 percent of households included single mothers and children and about 1 percent of households with children were led by single fathers*
- *Somers is a family-oriented town, with about 87 percent of its households identifying themselves as families*
- *In 76 percent of families with children ages six to 17, both parents worked*
- *In Somers, about 78 percent of families include married couples, and about 37 percent of that group has children younger than the age of 18.*
- *About 88 percent of people 25 years and older had graduated from high school or higher*
- *About 30 percent had a bachelor's degree or higher*

- *About 97 percent of the people living in Somers were born in the United States*
- *About 49 percent of the people living in Somers were born in Connecticut*
- *About 3 percent of the people living in Somers were foreign born*
- *About 89 percent of all households in Somers speak English at home*
- *About 11 percent of all households spoke a language other than English at home*
 - *About 7 percent spoke Spanish*
 - *About 4 percent spoke some other language*
- *About 84 percent of the population indicated they were white*
- *About 8 percent were black or African-American*
- *About 1 percent were Asian*
- *About 5 percent were some other race*
- *About 2 percent of the population reported two or more races*

Four Town Fair



Land Use in Somers

As can be seen from the map on the facing page, much of the land in Somers is committed to specific land uses such as single-family homes, agricultural uses, and open space. However, there are a number of parcels that are vacant or over-sized and these parcels may have the potential to support additional development in the future.

Single Family Residential Neighborhood



Multi-Family Residential Development



Farms



Business / Industry



Community Facility / Institutional Use

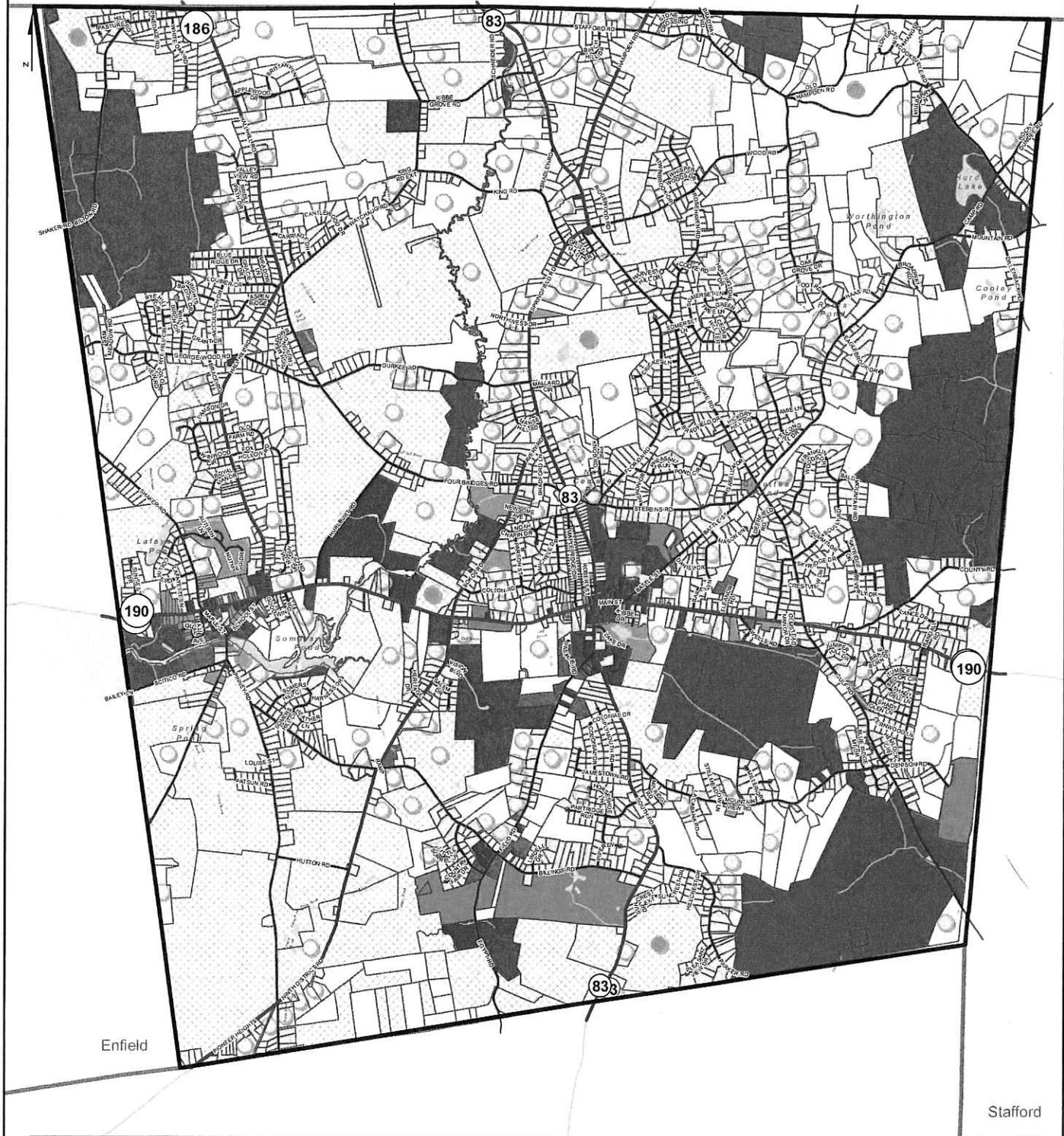


Land Use

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

- | | | | |
|--|---------------------------|--|----------------------|
| | Single-Family Residential | | Dedicated Open Space |
| | Multi-Family Residential | | Farm |
| | Business | | Managed Open Space |
| | Industrial / Utility | | Vacant |
| | Institutional | | |

2,900

Feet



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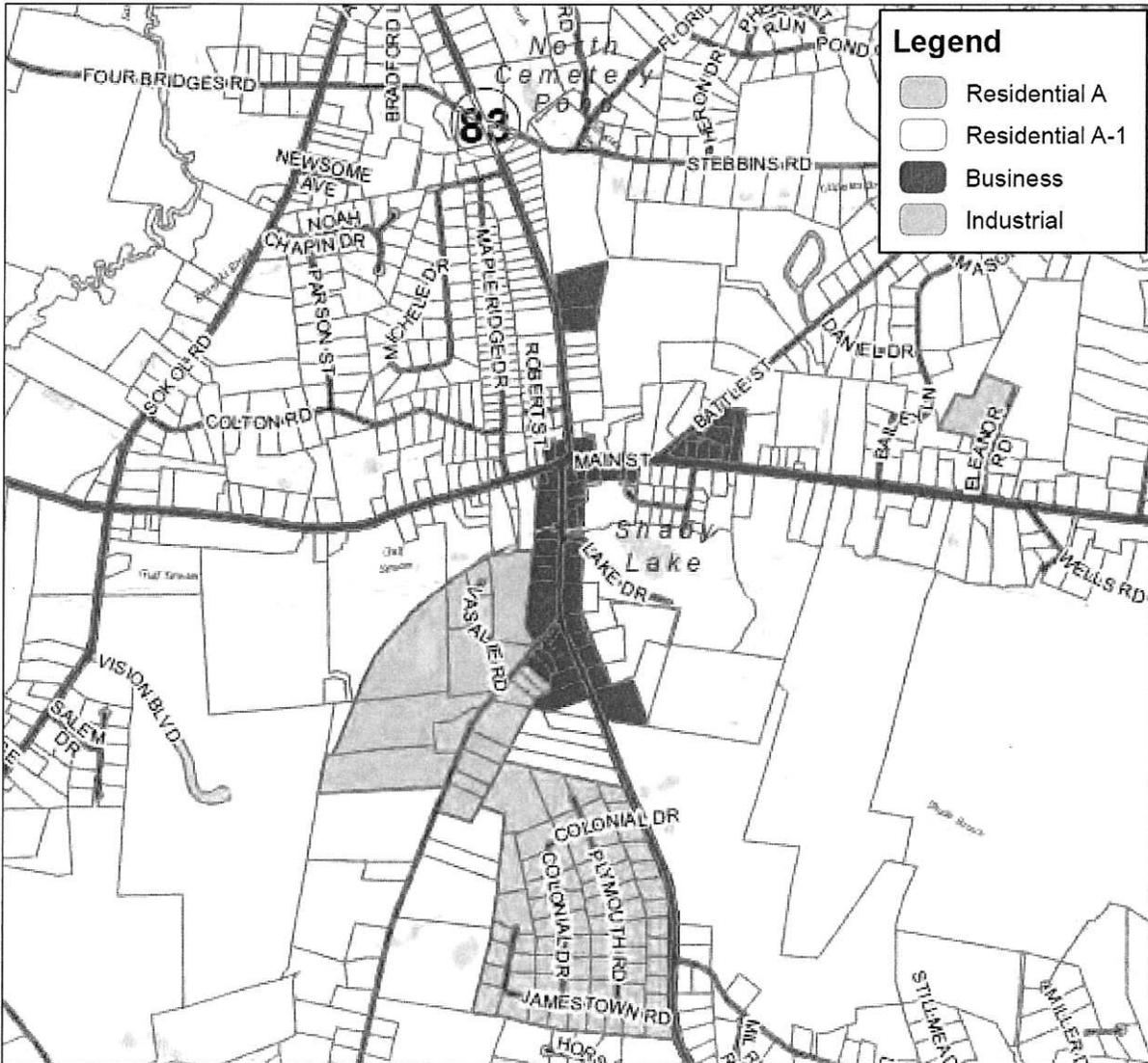
Zoning in Somers

Somers has four zoning districts at present:

- two residential districts (about 98 percent of the land area),
- one commercial district (about 0.4 percent of the land area), and
- one industrial district (about 1.3 percent of the land area).

The key difference between the residential zones is that the A-1 District allows two-family residences (on a double-sized lot).

Zoning In Somers Center

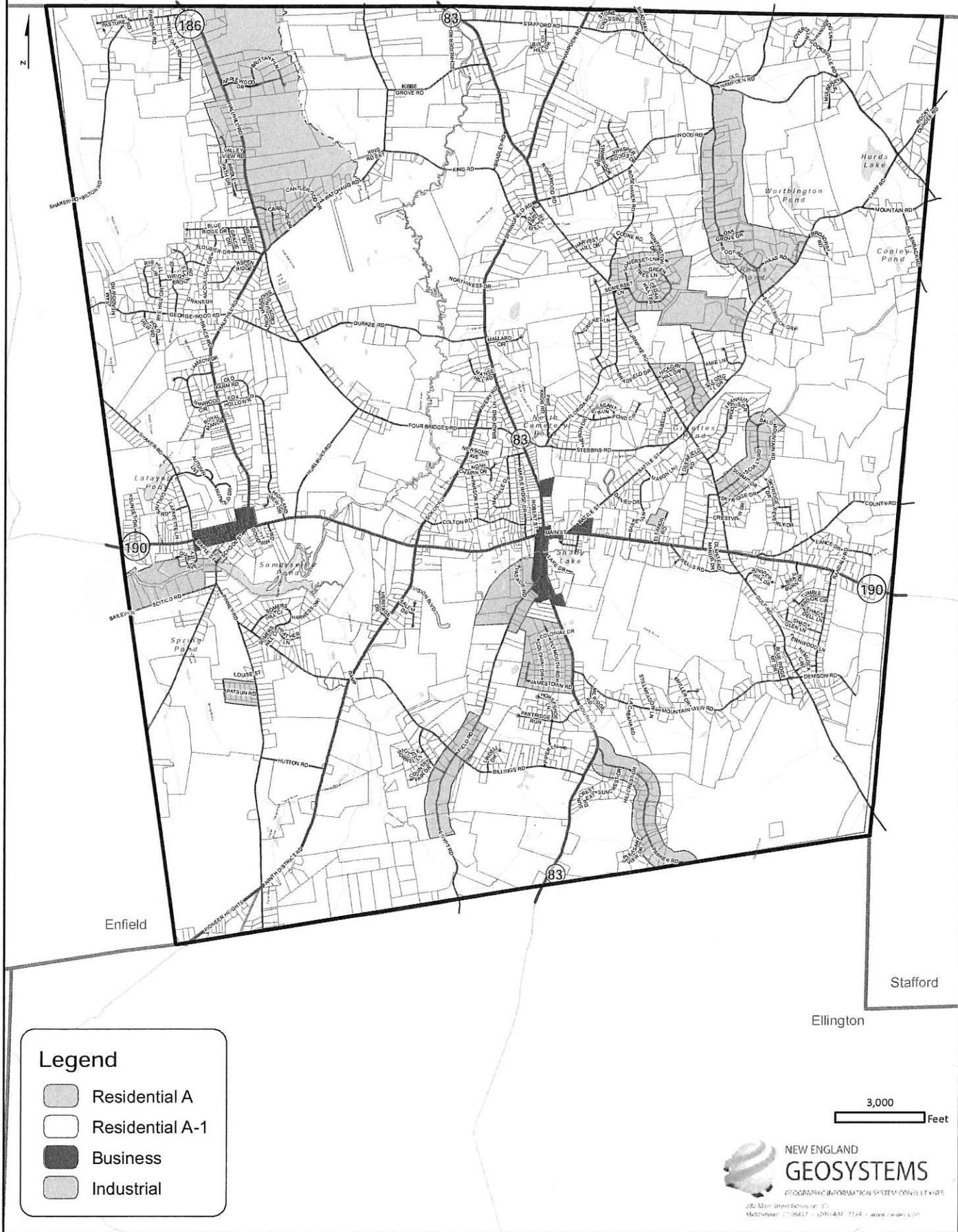


Zoning Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Residential A
-  Residential A-1
-  Business
-  Industrial

3,000 Feet

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Community Concerns

In the spring of 2012, a survey was mailed out to 3,325 postal box-holders in Somers. The results from the 1,459 responses are summarized below:

- About 95 percent of respondents felt the quality of life in Somers was “excellent” (about 39 percent) or “good” (about 56 percent)
- About 64 percent of respondents felt the pace of development in Somers was “just right” (about 26 percent felt it was “too fast” and about 10 percent felt it was “too slow”)
- About 82 percent of respondents saw themselves living in Somers 10-15 years from now and of those:
 - 78 percent thought they would remain in their current home
 - 10 percent thought they would be in a smaller home
 - 8 percent thought they would be in an “active adult” community
 - 3 percent thought they would be in a larger home
 - 2 percent thought they would live in an apartment or rental unit
- In terms of future development in Somers, respondents indicated support or opposition to the following:

	Support	Oppose
Owner occupied homes on 1 acre lots	62%	38%
Owner occupied homes on less than 1 acre, but with equivalent surrounding open space	20%	80%
Affordable housing	16%	84%
55+ developments	23%	77%
Condominium units	13%	87%

- When asked if Route 190 should be zoned commercial between Somers and Somersville to connect the two business zones in town, about 50 percent agreed, about 40 percent disagreed and about 10 percent felt that other areas made more sense
- When asked if they would be willing to pay an additional \$100 per year in property taxes for specific actions, respondents indicated support or opposition as follows:

	Support	Oppose
Provide revenue for the open space fund	32%	68%
Finance a road improvement plan in Somers	31%	69%
Increase the maintenance of the sports / recreation fields	27%	73%
Provide more sports fields in Somers	21%	79%

- About 68 percent of respondents felt the condition of the town infrastructure (roads, sidewalks, sewage drains, etc.) was either “good” or “excellent”
- About 87 percent of respondents rated the overall quality of care or maintenance of town buildings as either “good” or “excellent”
- About 44 percent of respondents indicated that they would be willing to pay additional property taxes in order to maintain existing educational and other programs if state funding decreased

PROTECTING IMPORTANT RESOURCES

Overview

Somers derives much of its character and quality of life from its unique combination of natural, historic, and scenic resources.

By protecting these important resources and guiding future development, Somers can maintain and enhance community character and quality of life for generations to come.

Protecting important resources is a critical element in maintaining community character and ensuring quality of life for current and future generations.

Natural Resources



Open Space



Community Character



Protect Natural Resources

Conservation of natural resources in Somers is important for preserving environmental functions, maintaining biodiversity and preventing damage to the environment.

Protecting natural resources is important to maintaining community character and the overall quality of life in Somers.

Protecting water quality is Somers highest natural resource protection priority. Somers' surface and groundwater resources provide potable water, contribute to biological diversity, and add to the overall quality of life for residents.

Somers can accomplish this by:

- incorporating "low impact development" (LID) strategies into local regulations to reduce the water quality of impacts of new development,
- enhancing regulations to protect aquifer areas,
- preserving riparian buffers along wetlands and watercourses, and
- ensuring that local septic systems function effectively.

Forest In Autumn



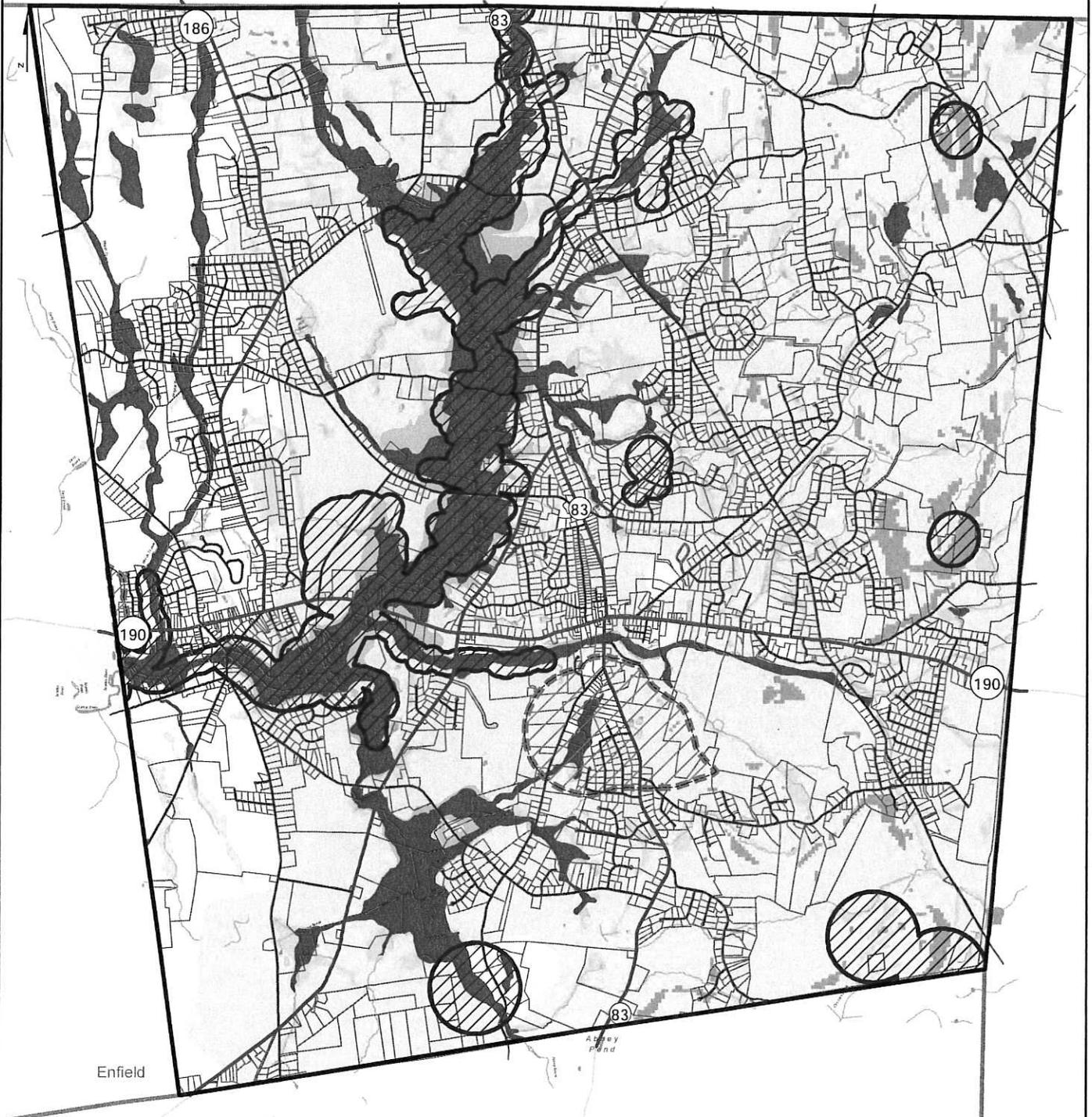
Protect Natural Resources	
Policies	
1.	Continue to protect water quality in Somers.
2.	Implement "low impact development" practices to help manage water quality and water quantity issues.
3.	Maintain upland review areas and vegetated buffers adjacent to wetlands and watercourses in order to protect these resources.
4.	Continue to protect other natural resources in Somers.
5.	Discourage the introduction of non-native species in Somers.
Initial Action Items	
6.	Incorporate LID stormwater management standards into existing town land use regulations.
7.	Educate design professionals and homeowners about LID tools and techniques.
8.	Consider establishing a septic management program to identify possible septic problems and avoid potential pollution.
9.	Conduct public education about protecting water quality (including reducing fertilizer, herbicide and pesticide use).
10.	Adopt an aquifer protection zone for identified aquifer areas once Level A mapping is completed.
11.	Include consideration of "Natural Diversity Database" sites (as identified by the Connecticut Department of Energy and Environmental Protection) in local land use applications.

Natural Resources Map

Somers, CT

East Longmeadow, MA

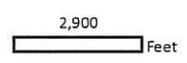
Hampden, MA



Legend

- | | |
|---|--|
|  Natural Diversity Database Site |  100 Year Flood Zone |
|  Aquifer Protection Area (Level B) |  500 Year Flood Zone |
|  Slopes > 15% |  Public Water Supply Watershed Area (GAA) |
|  Inland Wetland Soils |  Water |

Ellington



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Preserve Open Space

Preserving open space in Somers will help conserve important natural resources, protect community character, provide fiscal benefits, and enhance the quality of life for residents.

Preserving open space is important to maintaining community character and the overall quality of life.

Over the past 10 years, the Town has acquired almost 500 acres of open space. A significant part of this was the former YMCA Camp Aya-Po acquisition (182 acres), which will help establish a “greenbelt” in the eastern half of Somers.

In 2014, the Town established an Open Space and Trails Committee to help plan for additional open space preservation in Somers.

Somers should effectively utilize provisions in State statutes that allow for the preservation of open space at the time of development. Even though Somers has a regulation requiring the set-aside of 20 percent of the land, they often waive this in favor of payment of a fee by the developer. While this may be advantageous if there is no desirable open space area on the parcel, it can result in more houses and less open space in the long run. Somers should acquire the land when it contributes to an overall open space system (such as a greenway) but accept the fee if there is little prospect of an open space system being established or an important open space area (such as ridgelines) is being preserved.

Another approach would be to encourage “open space development patterns” where the overall development pattern will result in the preservation of meaningful amounts of open space. The case study on the following pages describes this approach.

This type of development pattern should be encouraged or required in Somers in the future. At present, the calculation for the number of units (Section 214-141 of the Zoning Regulations treats open space development patterns differently than conventional subdivisions and this may be a deterrent to its use.

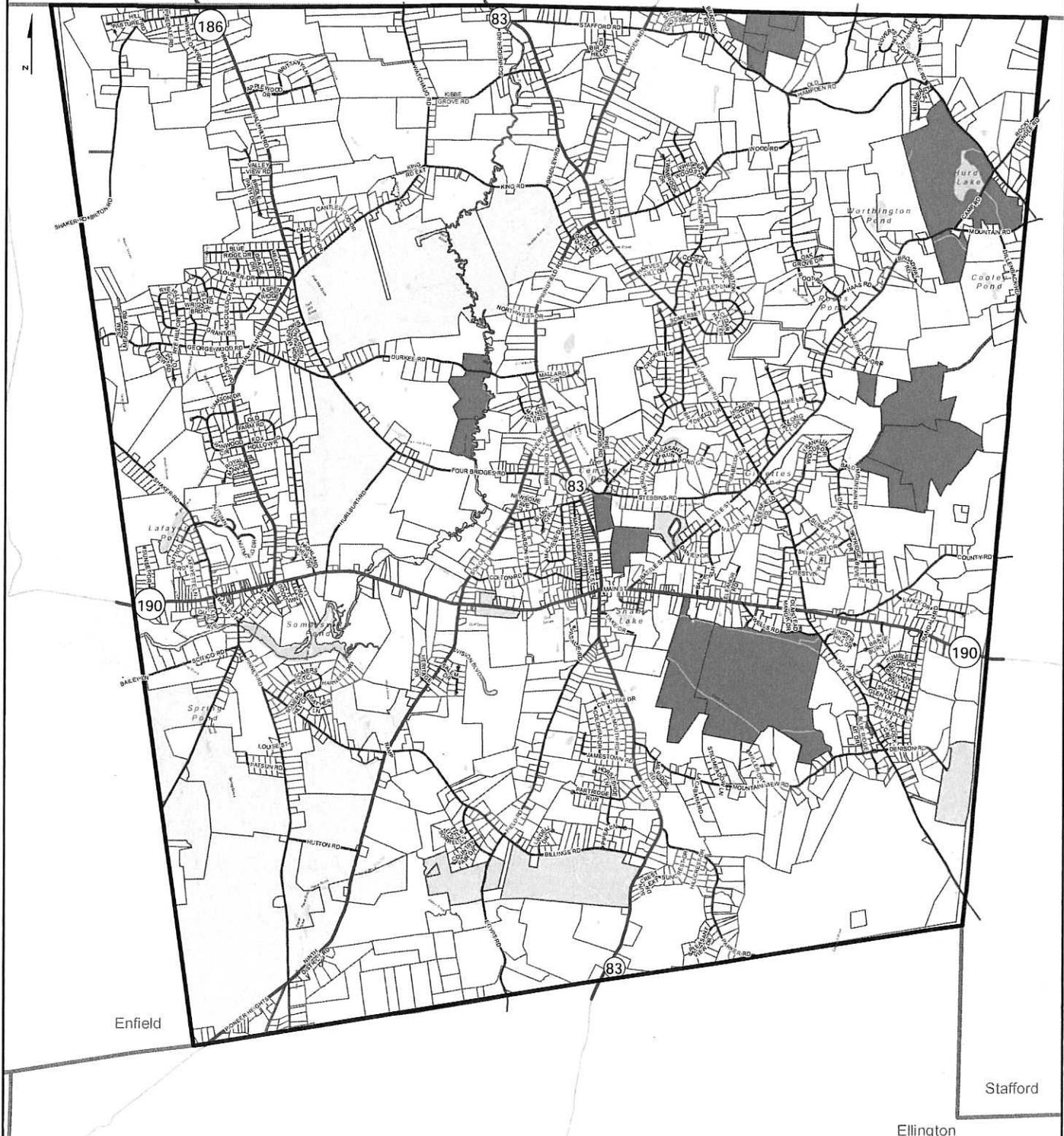
Preserve Open Space	
Policies	
1.	Continue efforts to preserve open space in Somers.
2.	Continue efforts to interconnect open space areas into greenways accessible to the public.
3.	Seek to maximize the preservation of open space as part of new development.
4.	Encourage “open space developments” as opposed to conventional subdivisions.
5.	Continue to enhance the open space acquisition fund through annual contributions in the budget and other means.
6.	Pursue state and/or federal open space grants.
7.	Continue to identify and prioritize open space parcels for acquisition.
8.	Encourage other organizations to allow for public access and use.
Initial Action Items	
9.	Amend the regulations to encourage “open space developments”.
10.	Adopt regulations to allow off-site dedication and/or banking of open space.

Open Space

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Dedicated Open Space
-  Managed Open Space
- Active Farms - Agricultural Preservation Lands (Development Rights Aquired)

3,000 Feet



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CASE STUDY – Open Space Development

Open space development is an approach that allows development to occur while protecting a site's important features. Such features may include sensitive natural resources, wildlife habitat, farmland, scenic views, or areas that contribute to the overall character of the community. It may also include open space connectivity and the establishment of greenways. The sensitive areas are typically preserved as "open space" owned by conservation organizations or by local government.

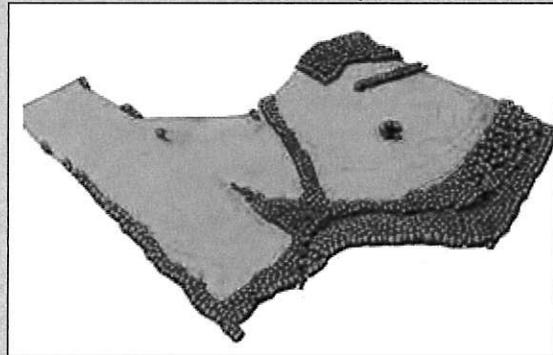
A key element of open space development is that areas to be protected are typically identified first and then development occurs around the protected areas. This contrasts with a conventional approach where development is often laid out first and conservation areas are defined by what is left over.

Open space development can help protect important natural resources and community character. Greenway systems and wildlife corridors can be established. Stormwater management systems can be used to promote natural flow patterns and infiltration. Studies have shown that development in close proximity to preserved open space is considered more valuable and appreciates more rapidly than other development patterns.

The graphics on these pages illustrate how "open space design" subdivisions are related better to the natural attributes of the land and characteristics of the community than "conventional design" development patterns:

The information on the following pages suggests how a site analysis might be conducted as part of a conservation design process.

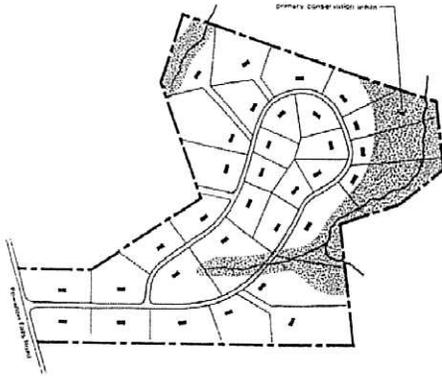
Parcel Prior To Development



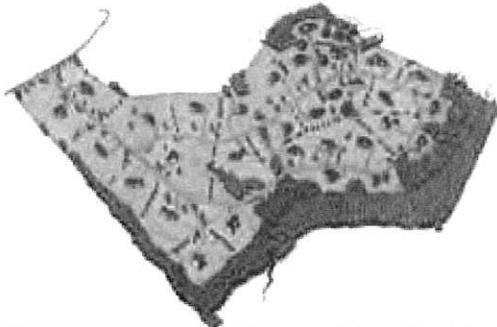
Graphics by Randall Arendt

CASE STUDY (continued)

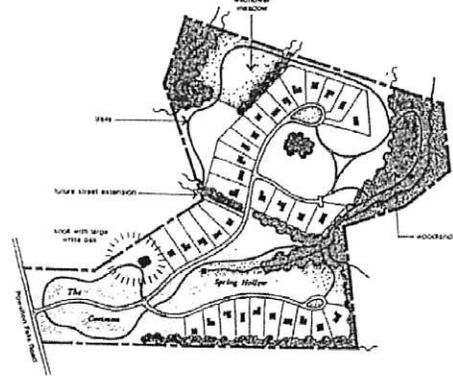
Conventional Subdivision Development



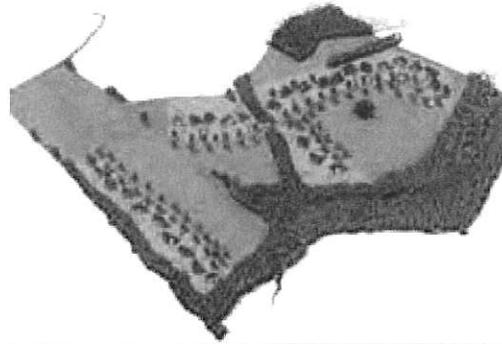
- 16 lots on 41 acre parcel
- Average lot size = 2.5 acres
- No open space preserved
- Scenic features converted into lots



Open Space Subdivision Development



- 16 lots on 41 acre parcel
- 16 acres in lot areas / average lot size = 1.0 acre
- 25 acres preserved as open space (60% of parcel area)
- 25 acres of publicly accessible open space
- Scenic features preserved



CASE STUDY - Site Analysis Approach

Unfortunately, many subdivisions are laid out as a "geometric resolution of dimensional constraints" and are then placed on the land almost regardless of environmental constraints.

Developments that are laid out in response to the character of the land are usually better visually and environmentally.

To help promote this approach, one Connecticut town adopted the regulation shown in the case study as a way to guide the site planning process. Rather than lay out lots first and then mitigate environmental impacts, it requires that important resources be identified first and then lots laid out.

1. Unless waived by the Commission, any application for a residential subdivision ... shall include the following materials prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut:
 - a. a site inventory / analysis map as described below, and
 - b. an overall ... layout plan which responds to the site inventory / analysis map.
2. A pre-application meeting with Town Staff and the Commission is strongly encouraged.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. The site inventory / analysis map shall identify:
 - a. Primary Conservation Areas:
 - Wetlands, watercourses, and vernal pools,
 - steep slopes (15 percent or more), and
 - 100-year floodplain.
 - b. Secondary Conservation Areas ...:
 - areas within 50 feet of a wetland,
 - areas within 100 feet of a watercourse or a vernal pool,
 - 500-year floodplain,
 - Natural Diversity Database sites,
 - wildlife corridors, mature woodlands, notable individual trees (>18" DBH),
 - ridgelines, scenic views and vistas,
 - stone walls and /or farm hedgerows,
 - key resources identified in the Plan of Conservation and Development ...,
 - proposed open space areas, and
 - soils with moderate to high infiltrative capacities.
5. Areas of the site that are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection, which may include preservation as open space, deeded to the Town, the ... Land Trust, or another conservation organization acceptable to the Commission.
6. Areas of the site that are not considered Primary Conservation Areas or Secondary Conservation Areas shall be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.

CASE STUDY - Environmentally-Friendly Site Planning

An appendix in another Connecticut community's Subdivision Regulations encourages applicants to use the following site design process:

1. Obtain appropriate background information (topography, wetlands, etc.).
2. Create a base map of Primary and Secondary Conservation Areas.
3. Prepare plans for development of the site utilizing the following guidelines:
 - ***Avoiding impacts*** by protecting natural drainage systems, minimizing the extent of land clearing and disturbance of natural soils, preventing the compaction of natural soils, and preserving soils with infiltrative capacity.
 - ***Reducing impacts*** by maximizing the extent of pervious areas on the site, increasing the "time of concentration" of drainage systems, and utilizing low maintenance landscapes.
 - ***Managing impacts*** by using vegetated stormwater systems as close as possible to the source of the runoff, reducing the use of fertilizers and pesticides, and utilizing stormwater treatment systems to reduce pollutant loads and infiltrate runoff.
4. Utilize the following guidelines for site layout:
 - Have road and driveway alignments follow the existing contours to the maximum extent practical to minimize excessive cuts and fills,
 - Use vegetated road shoulders to accept and treat stormwater runoff as close to the paved surface as possible and reduce the size of drainage pipes
 - Layout site improvements (houses, driveways, etc.) in such a manner as to minimize site clearing, soil disturbance, and grading.
 - Preserve the infiltrative capacity of native soils by avoiding disturbing areas of the site where it is not necessary.

State Forest



Scenic View



Support Farms and Farming

Somers has been an agricultural community for nearly 300 years. Farms and farming are an important part of the local economy, reflect our agricultural heritage, and enhance the overall character of Somers.

Somers has been fortunate that local landowners have participated in the State's "purchase of development rights" program for farmland. To date, thousands of acres in Somers have been preserved in this way.

Somers should continue to support farms and farming.

Horse Farming



Support Farms And Farming

Policies

1. Continue to support local farms and farming.
2. Continue to encourage local landowners to participate in the Connecticut Farmland Preservation Program.

Farming



Agricultural Resources Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Parcels
-  Active Farms - Agricultural Preservation Lands (Development Rights Aquired)
-  Prime Farmland Soils

3,000 Feet



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Preserve Character Resources

The “character” of Somers is something that is commonly mentioned by residents and visitors as one of the defining attributes of the community. Preserving and enhancing the things that contribute to this sense of character is a key recommendation of the Plan.

The “case study” on the facing page outlines a few tools available for Somers to consider as part of implementing this Plan.

Historic Resources

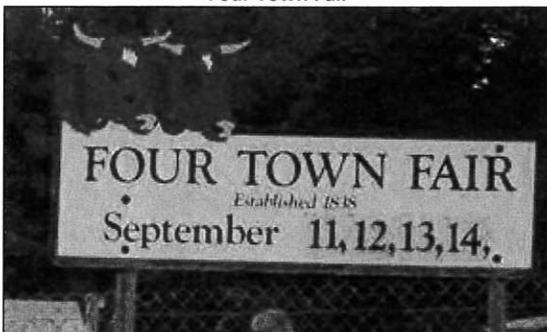
Residents are appreciative and protective of historic buildings in Somers since they contribute to the overall character of the community.

However, the only designated resources are two areas listed on the National Register of Historic Places (in Somers Center and Somersville). However, such designation is essentially an honorary designation and does not restrict the property. While a property owner could be cited for “unreasonable destruction” of a designated property, this may not prevent the loss of the resource.

Community Events

Community events contribute to the overall character of the community and these events should be continued and maintained.

Four Town Fair



Undeveloped Land

The amount of land in Somers that is forest and fields certainly contributes to community character. As a result, retaining undeveloped land will help preserve community character.

Somers participates in the PA-490 assessment program where land that is farm, forest, or “open space” receives a reduced assessment because of its use (as opposed to being assessed at fair market value). Any land that is sold or developed within 10 years of its designation is subject to a repayment provision of the taxes foregone. The PA-490 program makes large parcels of land more affordable to retain and this helps preserve the overall character of the community.

The designation of land as PA-490 Farm or as PA-490 Forest is determined by statutory criteria (CGS Section 12-107). On the other hand, the designation of land as PA-490 Open Space is a local option and Somers has chosen to make the assessment available to residentially zoned parcels of land which are more than twice the minimum lot size required (i.e. – more than 1.84 acres in area). The reduced assessment is available for that portion of the lot after the first acres.

The PA-490 program and the PA-490 Open Space policy should be continued.

Character resources contribute to Somers' character and quality of life.

CASE STUDY – Character Preservation Tools

National Register of Historic Places - District

- Largely ceremonial / recognition
 - District typically nominated by State Historic Preservation Office
-
- Little implication for activities of owners
 - May affect public projects funded with state or federal monies
 - May allow for tax credits for rehabilitation of income-producing properties
 - In rare cases, may be cited for “unreasonable destruction”

Village District

- Regulatory
 - Activities in view from public streets must obtain approval from the zoning commission
 - Application must be referred to a “village district consultant”
-
- POCD *must* recommend
 - Zoning commission establishes boundary
 - Provisions described in statute are incorporated in regulations
 - Regulations typically contain design considerations and/or guidelines
 -

Local Historic District

- Regulatory
 - Activities in view from public streets must obtain a “certificate of appropriateness” from a local historic district commission
-
- Study committee prepares report
 - Property owners affected vote by ballot (2/3rds vote required to authorize)
 - Legislative body establishes district
 - A “historic district commission” replaces study committee
 - HDC may prepare a local manual of design considerations and/or guidelines

Design Review Board

- Advisory but influential
 - Typically provide report to zoning commission to consider as part of application review
-
- Most successful with illustrated guidelines
 - Zoning Commission can serve as the design review “board or appeals”
 - Committee may be appointed by:
 - Zoning Commission (Simsbury)
 - First Selectman (Westport)
 - Town Council (East Hampton)
 - Ordinance (Stonington)

Property Maintenance Code

- Regulatory
 - Can be used to address circumstances where the lack of property maintenance may be a concern
 - Typically focuses on health and safety issues
-
- Ordinance adopted by Town Meeting

Design Review

In order to help preserve and enhance the character of the community, Somers should complete the establishment of a design review process in the community.

Residents have indicated they care about the design of new commercial, industrial, multi-family, and institutional development and experience in many communities demonstrates that a design review process is an effective way to accomplish this.

Somers should establish a design review process as soon as possible. While such a process was almost fully instituted following adoption of the 2004 POCD, the passage of time since those efforts suggests that the process may need to start anew.

Within 12 months of setting up the Design Review Board, the new Board should be required to have adopted design guidelines to help them and applicants. Given the number of communities that have established design review processes, it should be relatively simple to adapt what others have done rather than start fresh.

The Design Review Committee will review applications for conformance with these guidelines and make non-binding recommendations to the Zoning Commission based on their findings.

Scenic Resources

Scenic character plays a significant role in the overall character of Somers and efforts should continue to be devoted to protecting scenic features and resources.

Hill tops and hillsides are prominent scenic features. So are the open fields that are part of Somers agricultural character.

Undeveloped land (farms, forests, and other undeveloped lands) make a significant contribution to the overall character of the Somers. Since the 1960s, when the Connecticut legislature realized that increasing taxes were forcing land into development, Somers has participated in the Public Act 490 program whereby large landowners can receive a reduced assessment. If the land is developed within 10 years of its enrollment in the program, the Town recoups a prorated share of the taxes that would have otherwise been paid without the tax reduction. Somers should continue to participate in this program and consider ways to enhance this program to help preserve the rural character of the community.

Somers also has many scenic roads (i.e. narrow, winding, tree lined, etc.). The Scenic Road Ordinance offers a degree of protection for designated roads by limiting road improvements that might alter a road's scenic character. More roads should be considered for designation.

Community Character Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

- Scenic View
- ▨ Historic District
- PA 490 Farm
- PA 490 Forest
- PA 490 Open Space
- Dedicated Open Space
- Managed Open Space
- Active Farms - Agricultural Preservation Lands (Development Rights Aquired)

3,000 Feet

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As development occurs, consideration should be given to protecting scenic elements through conservation easements, open space acquisition, or other means to limit the disturbance of stone walls, street trees, and other scenic features.

Utility maintenance is also a threat to scenic roads. Utility companies and their contractors often trim street trees for utility reliability without consideration of the overall impact on the character of the community.

Old Postcard



Scenic View



Preserve Character Resources	
Policies	
1.	Continue to encourage "sensitive stewardship" (pride in ownership) as the most effective means of preserving historic resources.
2.	Establish and maintain a design review process in Somers to provide design guidance to commercial, industrial, multi-family, and institutional development.
3.	Continue efforts to protect scenic features and resources.
4.	Continue efforts to promote property maintenance and discourage "blighting" influences on adjacent properties.
Initial Action Items	
5.	Consider adopting regulatory incentives (such as adaptive re-use provisions in zoning regulations) to encourage the preservation and repurposing of historic structures.
6.	Consider adopting a demolition delay ordinance.
7.	Establish a design review process.
8.	Endorse design guidelines to help guide applicants and the Design Review Board.
9.	Inventory scenic resources and establish policies and regulations to protect them.
10.	Consider expanding the P.A. 490 open space program.
11.	Work with utility companies to preserve scenic streetscapes.
12.	Modify lighting requirements to reduce excessive lighting and adopt an ordinance to prohibit off-site floodlights.

Promote Sustainability / Resiliency

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

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

Solar Farm On Route 83



Promote Sustainability

Promote Energy Conservation / Sustainability - Energy availability and cost are likely to be more significant issues in Somers in the future. This has financial implications for the Town and for all its residents and businesses.

To help be a leader in this effort, the Town should evaluate alternative approaches (space heating, lighting, controls, equipment, building envelope, electrical consumption, electrical generation, and vehicles) and make recommendations to reduce energy usage, increase reliability, and save money:

- Reducing operating / lifecycle costs
- Lowering the “carbon footprint”
- Reducing energy use and cost
- Generating energy (solar, wind, fuel cell, etc.)
- Transitioning to renewable energy for town vehicles (natural gas, electric, bio-fuels, and hybrids)

Promote Water Conservation - Simple changes to some everyday activities can reduce most people’s domestic water use by 10% or more. Somers should encourage and promote water conservation especially since most areas of the community rely on groundwater from individual wells for domestic use.

Promote Waste Reduction / Recycling - The overall waste stream and recycling is another potential area for investigation and education in Somers. Reducing the waste stream and promoting recycling will be promoted.

Educate Residents About Sustainability Concepts - Efforts will be devoted towards educating residents and schoolchildren about sustainability concepts.

Promote Resiliency

One of the lessons for Somers from some recent major storms was the value of emergency response capability and emergency preparedness planning. In some of these situations, electrical power was lost to sections of the community and some residents were without heat or water. The Town of Somers activated its emergency response procedures and was able to have emergency shelters, bottled water, and other supplies and services for people that needed it.

Somers will continue to review and improve hazard mitigation plans for recurring events, such as flooding. For example, Somers was involved in preparation of the Capitol Region Natural Hazards Mitigation Plan Update 2014 – 2019 in order to help identify and mitigate potential impacts from natural events. Somers will continue efforts to assess the vulnerability of public and private infrastructure (e.g., utilities, transportation, structures) to such events, prepare for recurring events, and respond to such events when they occur.

Somers will also continue to review and improve emergency preparedness plans (single events) in order to be able to respond to these events in the future. Evaluating possible scenarios and preparing for unknown events before they occur is a useful exercise for a community. Such approaches help the community respond in a timely manner with the appropriate tools and resources.

Promote Sustainability / Resiliency	
Policies	
1.	Promote energy conservation / sustainability.
2.	Promote water conservation.
3.	Promote waste reduction / recycling.
4.	Educate residents about sustainability concepts.
5.	Continue to review and improve hazard mitigation plans for recurring events, such as flooding.
6.	Continue to review and improve emergency preparedness plans.
Initial Action Items	
7.	Assess the vulnerability of infrastructure (e.g., utilities, transportation, structures) to natural events, prepare for recurring events, and respond to such events when they occur.
8.	Investigate opportunities to install additional solar panels on Town facilities.
9.	Consider ways to provide redundant power supplies for shelters and other community facilities.

Solar Installation



GUIDING APPROPRIATE DEVELOPMENT

Overview

Somers is a desirable community and growth is expected to continue. How this growth is managed will have a significant impact on Somers community character and the quality of life for its residents.

Somers seeks to guide development in ways that will address community needs and contribute to our character and quality of life.

Villages



Business Development



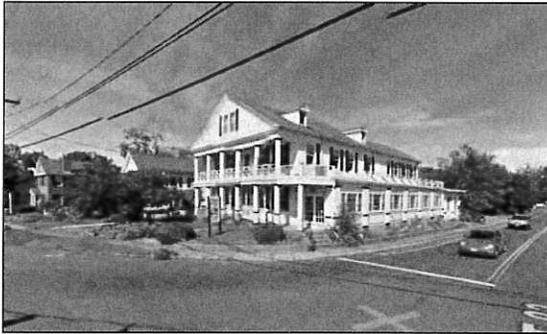
Housing



Enhance Somers Center

Somers Center has been the focus of community life for almost 300 years. Churches, civic functions, shops, and a variety of other uses central to the daily life of the community are all located here. It is a major goal of the Plan to ensure that Somers Center continues to be the focal point of the community in the future.

Somers Inn



Somers Town Hall



Create Walkable Villages

At the present time, the function of the village is challenged by the automobile focus that has emerged. While Somers Center has some sidewalks, they are narrow in places and do not serve the full extent of the village.

Enhancing pedestrian access throughout Somers Center will add to community character and quality of life by reducing dependence on motor vehicles (traffic and parking) as well as promoting a healthier, more convenient environment for residents and visitors. In the 2004 Plan, 70 percent of residents surveyed felt the Town should do more to create walkable villages.

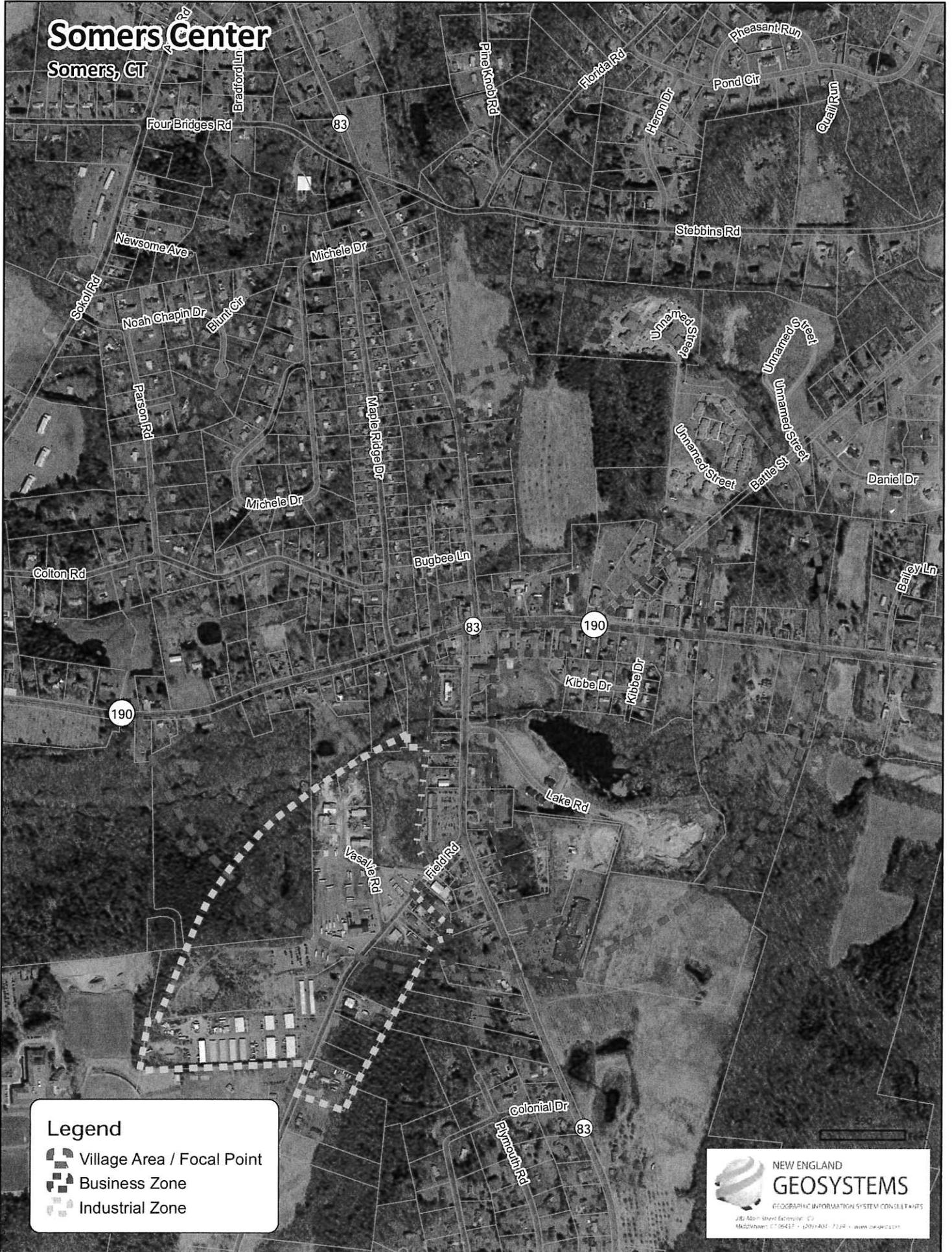
In order to make Somers Center a more walkable village, Somers should encourage:

- buildings that are oriented to the street in ways that invite and support pedestrians more than automobiles,
- sidewalks throughout the area that are appropriately sized for their use,
- safe pedestrian street crossings,
- streetscape amenities such as shade trees, seating areas, and pedestrian scaled lighting, and
- pedestrian oriented business signage such as on windows and awnings.

Many of these improvements can and should be installed as improvements are made to Routes 190 and 83 or required as properties within the villages are redeveloped. Grants are also available to support these types of programs.

Somers Center

Somers, CT



Legend

-  Village Area / Focal Point
-  Business Zone
-  Industrial Zone



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Establish A Village District

One tool which is available to help preserve the character of Somers Center is a “village district” as authorized by Section 8-2j of the Connecticut General Statutes.

A “village district” allows the Zoning Commission to have greater control over the design of future development in an area and to regulate:

- the design and placement of buildings,
- the maintenance of public views,
- the design, paving materials and placement of public roadways, and
- other elements that the Commission deems appropriate to maintain and protect the character of the village district.

A “village district” is appropriate for Somers Center in order to preserve the distinctive character of this area and enhance its appearance as a traditional New England village.

Somers Flower Shoppe



Encourage Housing In and Near Somers Center

Housing is a critical element of a successful and vibrant village center. Residents living in or near villages are less dependent on automobiles, patronize village businesses, and contribute to the vitality and sense of place that makes villages attractive.

Higher density housing (multi-family, assisted living facilities, etc.) should be focused in or near the villages not only because of their symbiotic relationship with businesses and other village functions but also because of the availability of utilities to serve them.

Mixed-use development is another way of adding to the vitality of a village. By allowing housing in combination with commercial businesses, business owners can live and work on the same premises or create rental opportunities within walking distance of village services.

Geissler's Plaza



Guide Development

In order to ensure the best tools are in place to guide development, a special study of Somers Center should be undertaken. The end result could be a special commercial zoning district for Somers Center.

In the meantime, the Zoning Commission should discourage retail, restaurant, and personal service uses in the I-Zone on Egypt Road and Field Road) in order to help focus commercial activity in Somers Center.

Enhance Streetscape

The Town should devote efforts to improving the streetscape in Somers Center. Coordinated streetscape elements such as lighting, benches, trash receptacles, and tree grates, can create an attractive, comfortable pedestrian environment and add significantly to community character and sense of place.

Burial of overhead utilities can also greatly enhance the streetscape by eliminating overhead wires and allowing the unimpeded growth of street trees.

During the planning period, the Town will pursue grants and other funds to promote streetscape improvements and other programs to help promote development and redevelopment in Somers Center.

Enhance Somers Center	
Policies	
1.	Seek to make Somers Center a walkable, pedestrian-friendly mixed-use area with a sense of place.
2.	Enhance pedestrian access throughout Somers Center.
3.	Seek to create streetscape amenities such as shade trees, seating areas, and pedestrian scaled lighting to enhance Somers Center.
4.	Encourage housing within and near Somers Center.
5.	Encourage mixed-use development (business on lower floors with apartments on upper floors) within Somers Center.
Initial Action Items	
6.	Undertake a special study of land use, zoning, transportation, and other issues affecting Somers Center.
7.	Consider establishing a special commercial zoning district for Somers Center.
8.	Consider establishing a "village district" in Somers Center to ensure that new development enhances the overall village character.
9.	Encourage or require buildings in Somers Center be oriented to the street to support pedestrians more than automobiles.
10.	Adopt standards to ensure that sidewalks throughout the area are appropriately sized for their use.
11.	Seek to require pedestrian oriented business signage such as on windows and awnings.
12.	Discourage retail, restaurant, and personal service uses in the I-Zone in order to help focus commercial activity in Somers Center.
13.	Consider allowing outdoor dining within Somers Center.
14.	Pursue grants and other funds to promote streetscape improvements in Somers Center.

Enhance Somersville Center

Somersville, a secondary village within Somers, came into existence in the mid- to late-1800s when a textile mill was established along the Scantic River. As the business grew and flourished in the following years, housing was built nearby for employees. Businesses to serve this population were established and the village emerged.

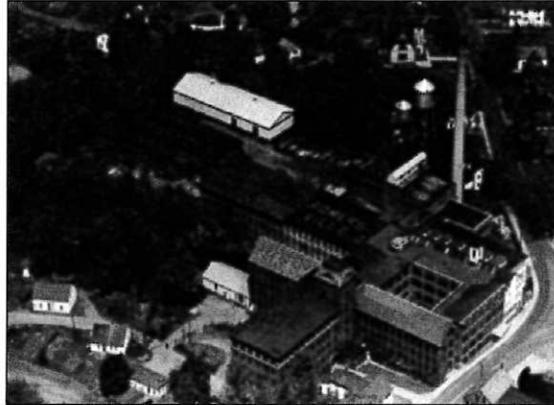
However, there were a number of setbacks in recent years that affected Somersville. First, the mill closed in the 1960s due to changes in the textile industry. For a number of years, the building was rented to a variety of small business operations but the employment levels never returned to the levels provided by the mill.

In the late 1980s, there was a proposal to redevelop the mill building for housing but issues related to how the floodplain elevation had been established stalled development. Then, in 2005, there was a significant flood on the Scantic River, which severely impacted the property and the adjacent roads.

Although the Town worked to have the floodplain elevations revised to allow development of the property and to establish sewage capacity for such development, the property owners did not proceed. Then in June 2012, there was a fire caused by vandalism that destroyed the mill building.

While this sequence of events changed the short-term outlook for the property, it had not changed the long-term vision for the village of Somersville.

Historical Picture



Before The Fire



After The Fire



Make Roadway Improvements

As previously indicated, the Capitol Region Council of Governments (CRCOG) undertook a special study of the Route 190 corridor in Enfield and Somers in the late 1990s. As for Somers Center, the study felt that improvements in Somersville Center should be designed and constructed in a way to preserve and enhance the village character.

The POCD supports the implementation of roadway improvements in ways that preserve and enhance the character of Somersville Center.

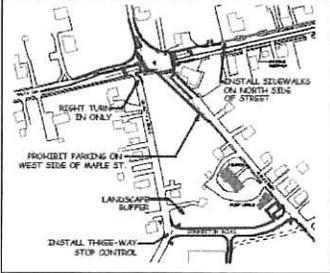
CRCOG Strategies For Consideration For Somersville Center



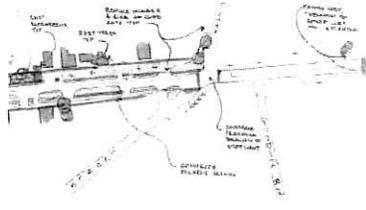
Somers - Somersville

The village of Somersville includes a small commercial district on Route 190 and a more traditional village setting just south of Route 190. This area includes an old mill, a millpond, a historic blacksmith shop and a mix of residential and institutional uses including two churches, a school, and a post office. Suggested improvements address safety concerns throughout the village and congestion issues at the major intersections. Total cost for all items, except where noted: \$3.5 million

Route 190 and Maple Street Intersection
 Improve the Route 190, Maple Street, and Shaker Road intersection by providing left-turn lanes along Route 190, realigning Maple Street eliminating the Quality Avenue approach to Route 190, and providing alternate access to Quality Avenue via Maple Street. Also, install sidewalks on north side of Route 190 between Shaker and Hill Hill Roads.

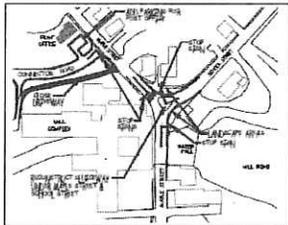


Streetscape Improvements
 Streetscape improvements are proposed to enhance the village character. They include the addition of flowering and shade trees, textured crosswalks, new sidewalks and a welcome sign and special plantings at the east and west entrances to the village. A typical section of the plan is depicted to the right. The plan also includes a recommendation that the town adopt a "build to" zoning regulation in which all future development is required to be built along a designated line matching the front facade of the existing buildings.



Somers - Somersville (cont.)

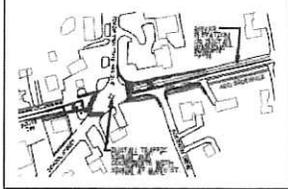
Maple Street and School Street Intersection
 Improve the intersection of Maple and School Streets by eliminating the traffic island and creating a standard T-type intersection with 3-way stop control. The proposed stop signs have already been installed by the Town.



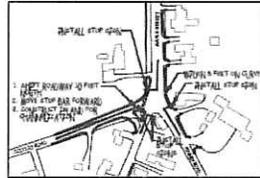
Route 190 and School Street Intersection
 Add a traffic signal at this intersection, with an advance warning sign on the western approach. This is an approved State project, presently under design.

Recommended long-term improvements include adding left-turn lanes and possibly adjusting the road profile east of the intersection to improve the sight line. Cost: \$1,115,500

School Street Traffic Calming
 Reduce traffic speeds along this village street by narrowing the roadway to 28 feet and installing raised crosswalks. Cost: \$76,000 - \$87,500



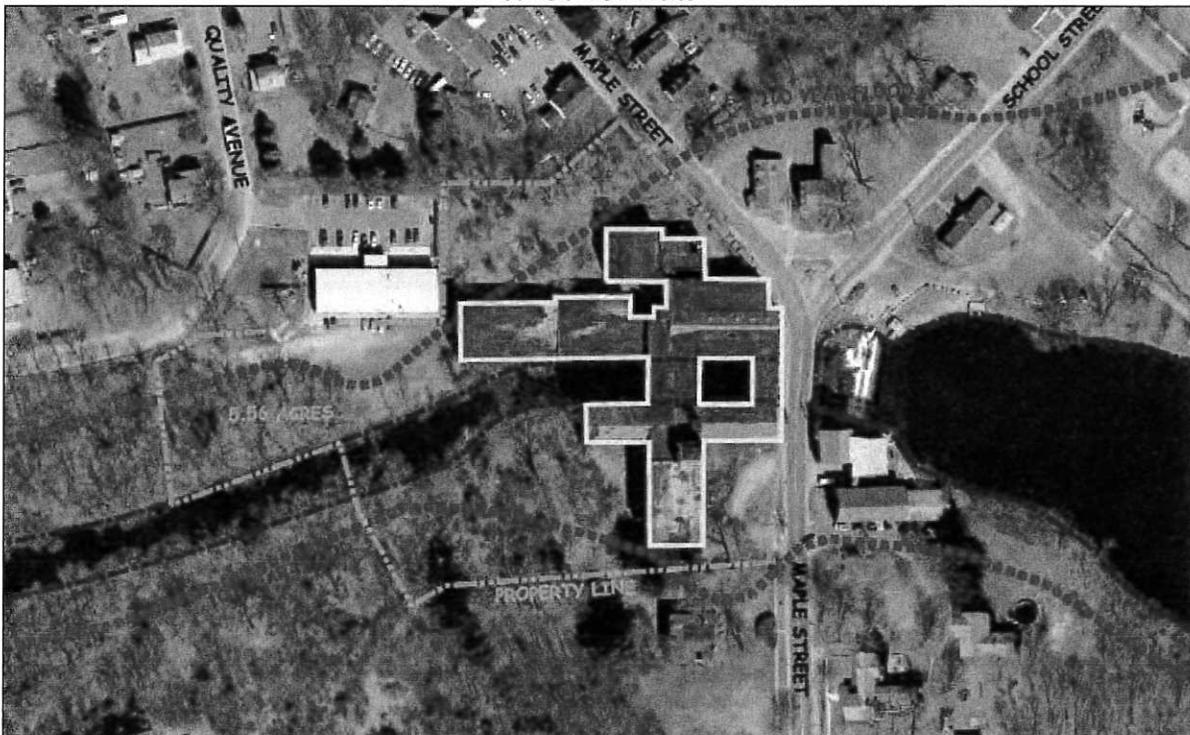
Maple Street and Pinney Street Intersection
 Improve this intersection through minor widening, channelization, and 4-way stop control. This proposed design concept has taken into consideration the sensitive nature of the historic blacksmith shop on the southeast corner of this intersection. Cost: \$52,000



Somersville



Somersville Mill Site



Encourage Repurposing Of The Mill Property

The Plan of Conservation and Development recommends that the mill property be repurposed and that efforts continue to be devoted to promoting the development and redevelopment of Somersville Center. This includes the mill area and areas of Somersville along Route 190 and adjacent streets.

In 2007, the Zoning Commission established the Somersville Center Overlay District (Section 214-86 of the Zoning Regulations) to help guide redevelopment of the mill. With the mill building slated for demolition, it may make sense to reconsider the regulatory approach. An alternative way to promote re-purposing of the mill site might be through establishment of a special zoning district (often referred to as a “planned development district” or a “design development district”). This is discussed as part of the case study on the facing page.

The location and character of the mill property make it ideal for a number of alternative uses. In addition to contributing to the overall economic base of the community, this redevelopment will also provide an “anchor” for the village of Somersville.

Establish A Riverway

Concepts for re-purposing the mill property should consider the possibility for establishing a “riverway” along the Scantic River.

Establish A Village District

A “village district” is appropriate for Somersville Center in order to preserve the distinctive character of this area and enhance its appearance as a traditional New England village.

Enhance The Streetscape

Coordinated streetscape elements such as lighting, benches, trash receptacles, and tree grates, can create an attractive, comfortable pedestrian environment and add significantly to community character and sense of place. The Town will continue to pursue grants and other funds to promote streetscape improvements and other programs to help promote development and redevelopment in Somersville. To date, the Town has obtained over \$3,000,000 in State and Federal grants for bridge improvements, streetscape improvements (sidewalks, lighting, street trees, etc.) and environmental testing.

Burial of overhead utilities can also greatly enhance the streetscape by eliminating overhead wires and allowing the unimpeded growth of street trees.

Enhance Somersville Center
Policies
1. Seek to make Somersville Center a walkable, pedestrian-friendly mixed-use area with a sense of place.
2. Promote appropriate development and redevelopment within Somersville Center.
3. Encourage and promote re-purposing of the Mill site.
4. Promote development of a pedestrian-friendly streetscape in Somersville.
5. Seek opportunities to enhance the natural beauty of the Scantic River corridor and create opportunities for public access along the river.
6. Consider a design development district for the Somersville Manufacturing Company site.
Initial Action Items
7. Continue to pursue grants and other funds to improve the streetscape in Somersville.

CASE STUDY – Planned Development District

A “planned development district” is a zoning district where the requirements for the zone once established would be the actual site plan being reviewed by the Zoning Commission. This is considered to be a “floating zone” and has been authorized by the Connecticut courts. This type of approach offers maximum flexibility in allowing and regulating a specific development proposal.

Since the Zoning Commission has considerable discretion when it acts in a legislative capacity (such as for zone changes and regulation changes), reviewing and approving the actual site plan is much more definitive than reviewing words or numbers.

This type of approach may be most applicable when used for special or unique developments that may be appropriate in one location but might not be appropriate everywhere within the district. This approach gives the Zoning Commission significantly more control over an application than either a Special Permit or a Site Plan application.

This type of approach might be considered for the Somersville Mill site.

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

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

Promote Economic Development

Business development is important to Somers residents for a number of reasons:

- making goods and services available,
- providing jobs, and
- growing the tax base in order to support local services.

While Somers may not become a major business destination, it still has economic development potential and needs to make the most of the opportunities it does have to retain existing businesses and attract new businesses. Overall, there is enough demand in Somers to support more local businesses provided:

- local businesses provide what people want and need (especially the basic necessities of daily living), and
- residents shop locally rather than travel to other places.

Somers can seek to maintain and grow the local economy through:

- supporting start-ups and home-based businesses,
- seeking to develop destinations attractive to tourists and visitors,
- providing for “fiscal positive” types of housing (with few school children), and
- retaining State PILOT payments (for the correctional institutions and other State facilities).

Guide Building And Site Design

While residents have indicated they want more business development, they have also indicated they care about the appearance of such development. The Plan recommends the establishment of “village districts” in Somers Center (see page 34) and Somersville Center (see page 40) and the establishment of a design review process (see page 26).

Improve Development Standards

Somers should also review other development standards that guide business and industrial development to ensure that appropriate standards are in place for such things as parking, landscaping, buffers, lighting, waste disposal, and signage.

Encourage Property Improvements

Community character and appearance can also be enhanced by encouraging and supporting the improvement and renovation of existing properties. For example, some towns have established facade improvement programs funded by State grants. Other towns have adopted a tax abatement program under CGS Section 12-65 to reduce the tax increase that could otherwise result from building improvements.

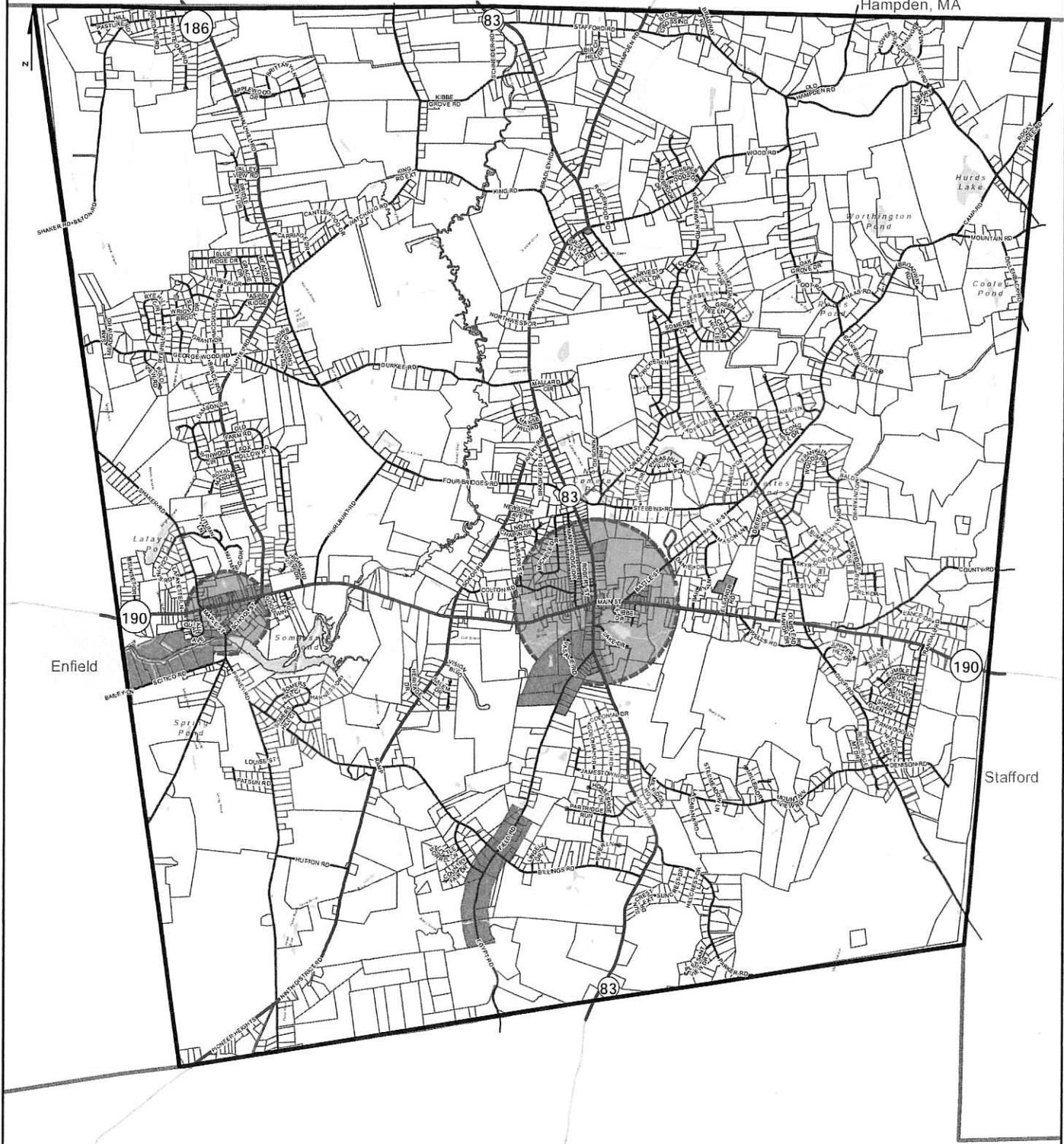
Promote Economic Development	
Policies	
1.	Seek to attract and encourage businesses that meet residents everyday needs.
2.	Seek to diversify the tax base.
3.	Promote home-based businesses.
4.	Encourage tourist-based businesses.
5.	Pursue restoration of statutory PILOT payment funding levels.
6.	Guide business development in ways that will enhance overall character of the community.
7.	Encourage property improvements.
Initial Action Items	
8.	Revise, as necessary, the development standards located in the Zoning Regulations to ensure that future development is compatible with the character of the community.
9.	Consider establishing programs to support and encourage property improvements.

Business Development Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Village Area / Focal Point
-  Existing Business Zones
-  Existing Industrial Zones
-  Residential Zones

2,900

Feet



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Improve Residential Patterns

If Somers wishes to preserve its overall character, it should consider encouraging or requiring “open space development” patterns. See pages 18-19 for a discussion of this concept.

In order to make the choice of development pattern neutral, Somers should consider utilizing the same approach to limit the number of lots in a subdivision as is codified in Section 214-141.

Some town have made “open space development” patterns the default approach and required a special permit for a “conventional” type development. Somers may wish to consider doing the same.

During the planning period, Somers may wish to revisit the A-1 zoning district and determine whether this district, which is so similar to the A zoning district serves a useful purpose.

New House Under Construction



Existing Home



Improve Residential Patterns

Policies

1. Promote residential development patterns that preserve Somers rural character.
2. Consider utilizing the same approach to limit the number of lots in a conventional subdivision and an open space subdivision as is codified in Section 214-141 of the Zoning Regulations.

Initial Action Items

3. During the planning period, revisit the A-1 zoning district and its locations to determine whether this district (which is so similar to the A zoning district) serves a useful purpose.

Woodcrest Senior Housing

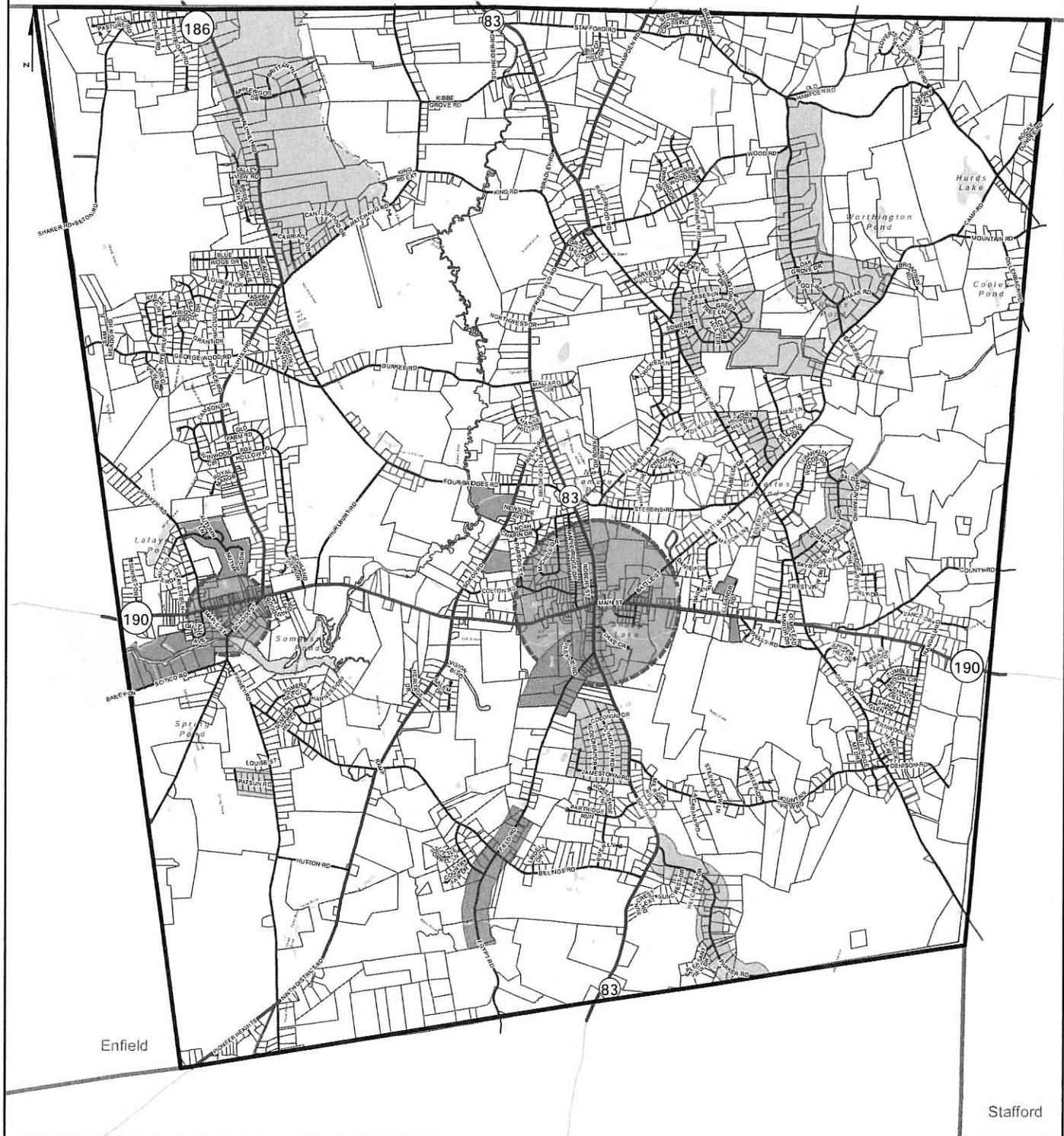


Residential Development Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Low Density - Single Family
-  Low Density - Single Family / Two-Family
-  Existing Multi-Family Residential Use
-  Possible Housing Opportunity Area
-  Non-Residential Zones

2,900

Feet



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Address Changing Housing Needs

There are two housing needs that should be considered in Somers:

- Housing units suitable for an aging population, and
- Housing for moderate-income households and first-time buyers.

Housing For An Aging Population

As Somers' age composition changes and as the number of households comprised of older residents increases, experience in other communities suggests that there will be increasing interest in alternative forms of housing.

During the planning period, Somers should consider ways to provide for some housing diversity (condominiums, apartments, congregate care, etc.) designed to meet the needs and desires of older residents. This can include such features as first floor master bedrooms, no threshold entries, "universal design", and similar features.

There may also be increased interest in accessory apartments and housing for income-limited elderly households.

For those people who choose to remain in their existing home, Somers might anticipate increased demand for elderly programs such as meals-on-wheels, dial-a-ride, and other services which allow these residents to maintain their relative independence.

There may also be increased interest and demand for elderly tax relief programs for age- and income-eligible residents.

Housing for a Diversity of Incomes

Somers may also have a need during the planning period for housing for moderate-income households and first-time homebuyers.

Some communities have addressed this need by the following types of programs:

- Requiring all new residential developments to address housing affordability by creating units or paying a fee ("inclusionary zoning")
- Charging an affordable housing fee as part of any zoning permit
- Establishing a "housing fund"
- Establishing an "incentive housing zone" as authorized by CGS Section 8-13m
- Working with Habitat for Humanity, churches or other organizations to construct small-scale projects,

Somers may wish to consider similar approaches or other approaches.

Address Changing Housing Needs
Policies
1. Recognize the need for housing options for an aging population.
2. Recognize the need for housing options for a diversity of incomes.
3. Monitor the availability of adequate housing options for seniors.
Initial Action Items
4. Consider clearly allowing accessory apartments in residential zones.
5. Explore ways to diversify Somers' housing portfolio.



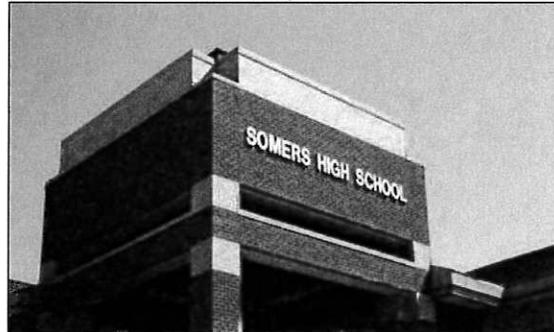
ADDRESSING COMMUNITY NEEDS

Overview

Services and facilities such as municipal buildings, roadways, and utilities help support the type of community that Somers has indicated it wants to be. Such services and facilities also affect residents' quality of life.

By providing for adequate facilities and services, Somers can maintain and enhance residents' quality of life.

Community Facilities



Transportation



Infrastructure



Address Community Facility Needs

Community facilities support important community functions such as education, public safety, and recreation and contribute significantly to the quality of life in Somers.

Somers has addressed a number of community facility needs in recent years and these efforts should continue.

Community facilities and services are major contributing factors in determining the overall quality of life in Somers.

Some community facility issues may warrant consideration during the planning period:

- maintaining existing buildings and facilities
- providing adequate storage space for Town records
- providing adequate storage space for Town equipment
- providing adequate sports fields
- monitoring the need for a firehouse to better serve northern Somers
- anticipating staff and space needs at the Senior Center due to the growing senior population
- maintaining adequate staffing for fire and emergency medical services (EMS)
- monitoring school enrollment trends and projections

For all municipal facilities, consideration should be given to acquiring additional land adjacent to each facility as it becomes available in order to be able to provide for possible future expansion.

Address Community Facility Needs	
Policies	
1.	Maintain the buildings and facilities already existing.
2.	Provide adequate storage space for Town records.
3.	Provide adequate storage space for Town equipment.
4.	Provide adequate sports fields, preferably in close proximity to existing fields.
5.	Monitor the need for a firehouse to better serve northern Somers.
6.	Anticipate staff and space needs at the Senior Center due to the growing senior population.
7.	Maintain adequate staffing for fire and emergency medical services (EMS).
8.	Monitor school enrollment trends and projections.
9.	For all municipal facilities, consider acquiring additional land adjacent to each facility as it becomes available in order to be able to provide for possible future expansion.
10.	Update municipal facilities to meet anticipated needs.

School Campus



Community Facilities

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

Other

- 1. Sewer Treatment Plant
- 2. Mill Pond Playhouse
- 4. Cemetery
- 6. School/Library Campus
- 7. Highway Garage
- 8. Transfer Station and Dog Pound
- 10. Cemetery
- 13. Historical Society
- 14. Cemetery

Public Safety Facilities

- 5. Firehouse
- 11. Somer's Police Department

Town Hall/Community Centers

- 12. Town Hall and Piedmont Hall
- 13. Kibbe-Fuller Community Center, Historical Society and Senior Center

Schools

- 6. School/Library Campus

Recreation

- 2. Ballfields
- 3. Soccer/T-Ball Fields
- 9. Recreational Park
- 12. Ballfields

Stafford

Ellington

2,900

Feet



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Address Vehicular Transportation

Overall, Somers has a well-connected road network allowing relatively easy north-south and east-west travel.

Roads primarily intended to carry regional traffic and serve major activity centers are called arterial roads. In Somers, these roadways include:

- Main Street (RT 190)
- Springfield/South Roads (RT 83)
- Hall Hill Road (RT 186)
- Turnpike Road (SR 528)

Roads intended to serve business areas and/or distribute traffic between arterial roads and neighborhoods are called collector roads. In Somers, these roadways include:

- Avery Road
- Battle Street
- Billings Road
- Bilton Road
- Bradway Road
- Egypt Road
- Field Road
- Four Bridges Road
- George Wood Road
- Gulf Road
- Hampden Road
- King Road
- Maple Street
- Mountain Road
- Mountain View Road
- Ninth District Road
- Pinney Road
- Pioneer Heights
- Root Road
- School Street
- Shaker Road
- Sokol Road
- Stafford Road
- Stebbins Road
- Watchaug Road (east of Hall Hill Road)
- Woods Road

Other roads in Somers (local roads) are primarily intended to provide access to abutting properties and not serve major through traffic.

Road network issues facing Somers include:

- Somers and Somersville are in need of transportation improvements to calm traffic, enhance walkability and create/maintain a sense of place;
- promoting access management along major roadways;
- maintaining pavement quality; and
- changes in road design and parking standards (including lighting) may be desirable to reduce stormwater runoff and enhance community character.

Address Vehicular Transportation	
Policies	
1.	Make road improvements as necessary to maintain public safety.
2.	On arterial and collector roads, consider the need for shared driveways, interconnected parking lots, and similar measures to reduce curb cuts and maximize the movement of through traffic.
3.	Keep road maintenance funded and on schedule to avoid more costly repairs in the future.
4.	Reduce impervious surfaces using porous pavement systems, deferred parking and shared parking requirements where appropriate.
5.	Encourage implementation of the recommendations from the CROG Route 190 Study (see page 35 and page 38).
Initial Action Items	
6.	Pursue improvements to the intersection of Route 190 at Route 83 with the Connecticut Department of Transportation.
7.	Reevaluate parking requirements and standards and make adjustments as necessary.

Promote Transportation Alternatives

Sidewalks / Trails / Multi-Use Paths

Somers intends to provide for sidewalks (surfaced walkways located along streets) primarily in the village areas of Somers and Somersville. These areas will benefit from encouraging a pedestrian-friendly environment and from providing sidewalks and crosswalks. Sidewalks should be required on both sides of the street as part of new developments in these areas and gaps in the sidewalk network in these areas should be addressed when possible. Sidewalks should be of adequate width to enhance the pedestrian experience (such as 5 feet in width).

Somers seeks to establish a system of off-road trails and multi-use paths to interconnect open space areas and provide opportunities for residents and visitors to enjoy the landscape of Somers. These trails could also be used to connect the villages to each other and connect each village to other activity nodes such as the Recreation Park or School/Library Campus.

These efforts will help to make Somers a “heart healthy” community by encouraging people to walk more and be more active.

Bicycle Routes

Due to scenery, terrain and lower traffic volumes, Somers has significant potential to be recognized as a bicycle-friendly community. The types of bicycle facilities that may be appropriate in Somers include:

- shared roadway,
- wide curb lane,
- shoulder bikeway, or
- multi-use trails.

Whenever practical, road improvement projects should consider bicycle circulation by providing such measures as wide paved shoulders (even by narrowing lane widths for cars).

Transit Services

As a rural community, Somers has very little in the way of transit services for residents.

However, there is a “dial-a-ride” service for elderly or disabled residents that allows them to shop, visit doctors and perform other activities. Somers should monitor usage of this service due to the anticipated growth in the senior population.

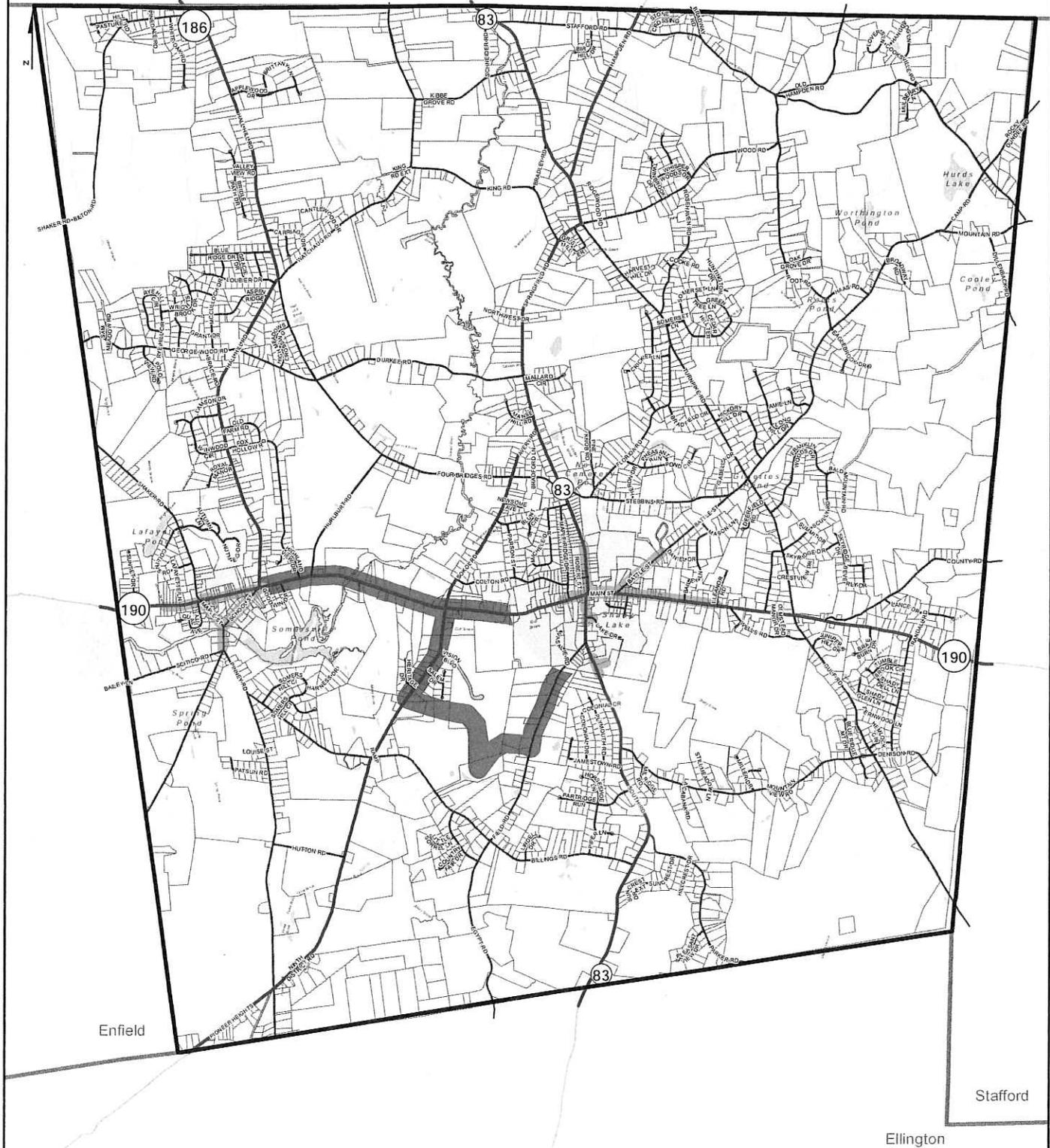
Promote Transportation Alternatives	
Policies	
1.	Require or provide for sidewalks in Somers Center and Somersville Center (including crosswalks and other safety enhancements).
2.	Provide multi-use trails between villages and activity nodes.
3.	Enhance and protect the existing hiking trail system throughout Town.
4.	Accommodate bicycles whenever practical in road and site development projects.
5.	Monitor the dial-a-ride service to anticipate future demand.
Initial Action Items	
6.	Review and revise sidewalk standards as appropriate.
7.	Seek to be recognized as a “heart healthy” community.
8.	Seek to be designated as a bicycle-friendly community.

Pedestrian / Bicycle Map

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

-  Existing Sidewalks
-  Sidewalk Priority Areas
-  Important Pedestrian Connections

2,900 Feet



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Provide For Utility Services

Water Service

While most properties in Somers rely on private wells, public water service is available in Somers Center, Somersville and some adjacent areas from the Connecticut Water Company and the Hazardville Water Company.

Both water systems have adequate capacity to meet demand over the next decade and beyond. Efforts are being dedicated to providing fire hydrants in the villages and water supplies for fire response in outlying parts of the community. Interconnection of the two water systems is also recommended for possible future emergency use.

Sewer Service

While most properties in Somers rely on private septic systems, sewer service exists in three areas in Somers:

- Somersville (managed by the Somers Water Pollution Control Authority),
- State correctional facilities in the northwest corner of Somers (through an independent arrangement with Enfield), and
- the Maple Ridge Road area in Somers Center (served by a community septic system managed by the Somers Water Pollution Control Authority).

The treatment plant on the Scantic River in Somersville has been expanded to accommodate future development in this area and the repurposing of the Somersville Mill property.

These arrangements are expected to be adequate for the planning period.

Stormwater Drainage

Storm drainage in most areas of Somers is accomplished by structural systems (catch basins, pipes, and culverts) or by sheet flow off impervious surfaces such as roads, roofs and parking areas.

During the planning period, it is anticipated that Somers will transition to “low impact development” (LID) approaches where storm water quality and quantity is managed more by non-structural systems. By addressing stormwater runoff closer to where the raindrop falls, LID approaches can help promote groundwater recharge, reduce the frequency or severity of flooding, and address water quality.

Natural Gas

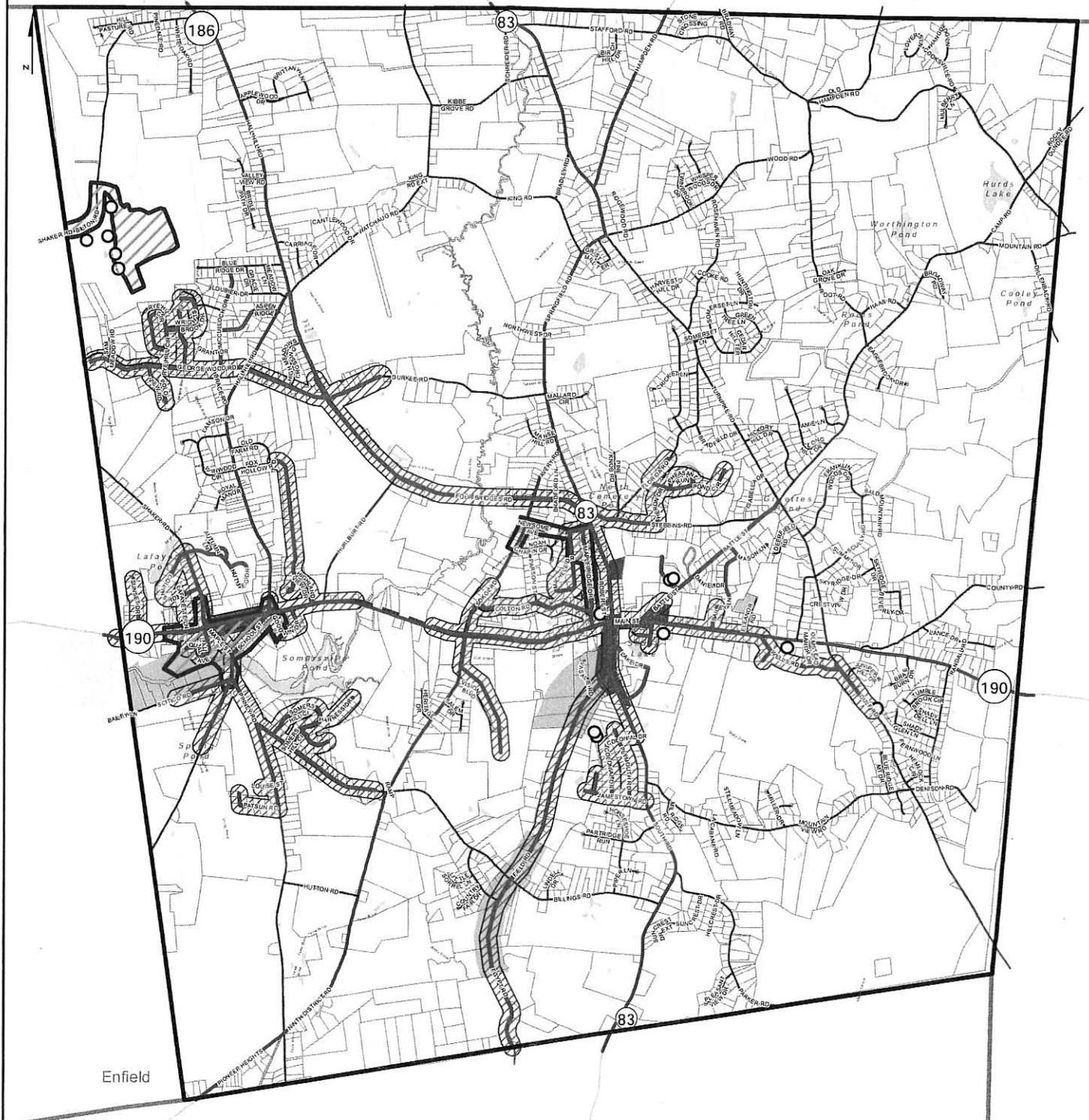
While natural gas service is not presently available in Somers, there are plans to extend natural gas from Enfield to Stafford along Route 190. Somers should support this project since it will make natural gas service available within Somers in the future.

Utilities Infrastructure

Somers, CT

East Longmeadow, MA

Hampden, MA

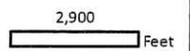


Legend

-  Community Well
-  Sewer Service Area
-  Existing Water Service Line
-  Recommended Water Service Line
-  Water Service Area
-  Business Zone
-  Industrial Zone
-  Water and Watercourses

Stafford

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Electrical Service

Electricity is delivered locally by Connecticut Light and Power Company. Electric service in Somers is reported to be reliable town-wide and should be able to meet both current and anticipated future needs.

The main threat to electrical reliability in Somers is downed power lines due to storm events. Electrical lines can be protected by placing them underground as opportunities present themselves although this can be very expensive. Finding an appropriate balance between tree-lined streets and electrical reliability will be an on-going issue.

Wired Communication

Wired communication services (telephone, cable, internet) are available town-wide to meet current and anticipated future needs. As the use of digital communication devices grows, Somers should seek ways to enhance the capacity and speed of wired communication services.

Wireless Communication

More and more communications are happening on wireless devices and Somers should seek to enhance the coverage, capacity and speed of wireless communication services.

As people may migrate away from "wired" communications in the future to wireless devices, Somers should evaluate the best ways to address this trend. Finding an appropriate balance between a rural landscape and the quality and reliability of wireless communications will be an on-going issue.

Provide For Utility Services	
Policies	
1.	Continue efforts to providing fire hydrants in the villages and water supplies for fire response in outlying parts of the community.
2.	Encourage interconnection of the water systems for possible future emergency use.
3.	Maintain sewage capacity to address community needs.
4.	Transition to "low impact development" (LID) approaches.
5.	Support the extension of natural gas from Enfield to Stafford along Route 190.
6.	Seek to find an appropriate balance between tree-lined streets and electrical reliability.
7.	Seek to place electrical lines underground as opportunities present themselves.
8.	Seek ways to enhance the capacity and speed of wired communication services.
9.	Seek to enhance the coverage, capacity and speed of wireless communication services.
10.	Find an appropriate balance between a rural landscape and the quality and reliability of wireless communications.

FUTURE LAND USE PLAN

Overview

The recommendations of each of the preceding chapters can be combined to present an overall Future Land Use Plan for Somers. The Future Land Use Plan is a reflection of the stated goals, objectives, and recommendations of the Plan.

The Future Land Use Plan depicts the Plan's recommendations for the future conservation and development of Somers...

In essence, the Future Land Use Plan is a statement of what the Somers of tomorrow should look like.

Conservation



Development



Infrastructure



Future Land Use Categories

NATURAL RESOURCES / OPEN SPACE

Natural Resources	Areas with significant environmental constraints (wetlands, watercourses, steep slopes, floodplains, etc.) that are high priorities for conservation.
Open Space	Areas currently preserved and/or used for open space purposes including farmland that protected from future development by the purchase of development rights.

AGRICULTURE

Existing Farms	Areas currently being farmed and where farming is desired in the future.
-----------------------	--

RESIDENTIAL AREAS

Low Density	Areas where environmental conditions are suitable for residential densities of approximately one dwelling unit per acre or less.
Multi-Family	Areas where multiple dwelling units exist.

BUSINESS AREAS

Business	Areas that have been, and are intended to be, developed with retail, personal service, and office facilities. Residential uses may be allowed in combination with these uses in village environments.
Industrial	Areas that have been, and are intended to be, developed with office and industrial development and similar facilities.

OTHER AREAS

Community Facility / Institutional	Areas that have been developed or are intended to develop with community facilities and/or institutional uses.
Village Area / Focal Point	Areas which may have potential for mixed uses and more intensive development in a pedestrian-oriented and village-type setting.

Future Land Use Plan

Somers, CT

East Longmeadow, MA

Hampden, MA



Legend

- | | | | |
|--|--------------------------|--|------------------------------------|
| | Natural Resources | | Business |
| | Open Space | | Industrial |
| | Existing Farms | | Community Facility / Institutional |
| | Low Density Residential | | Village Area / Focal Point |
| | Multi-Family Residential | | |

2,900

Feet



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Plan Consistency

State - Locational Guide Map

In accordance with CGS Section 8-23, this POCD was compared with the 2013-18 State Conservation and Development Policies Plan and found to be generally consistent with that Plan and its Locational Guide Map except that the “priority funding areas” do not reflect Town desires.

Somers believes the Village Area / Focal Points” identified in this POCD should be identified and designated as “priority funding areas.”

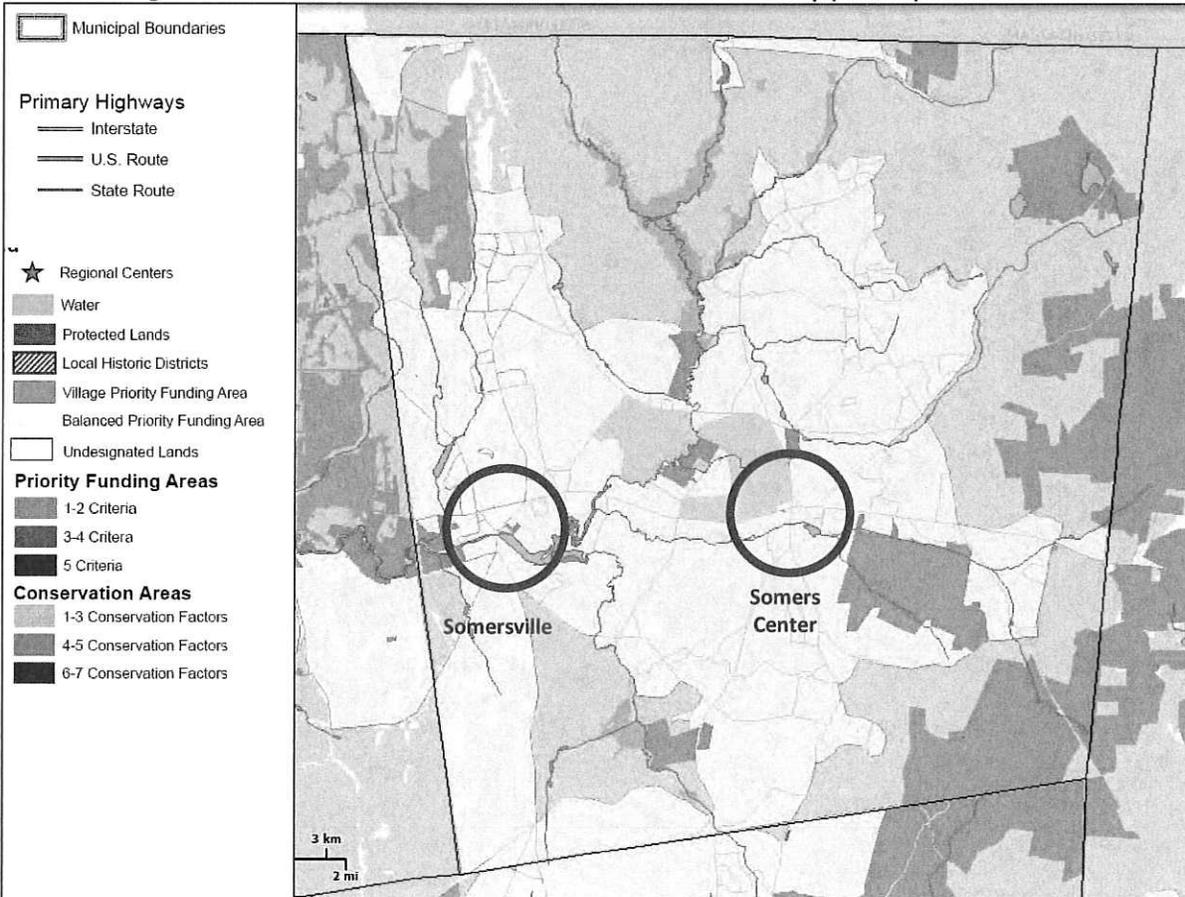
As part of the next State Plan update process, Somers will work with the Connecticut Office of Policy and Management to revisit the delineation of the “priority funding areas” shown in the State Plan.

Somers’ vision for its future conservation and development is generally consistent with the State plan ...

... except that Somers Center and Somersville are not clearly designated as “Priority Funding Areas”

State Plan Categories

State Locational Guide Map (2013-18)



State Growth Principles

In accordance with CGS Section 8-23, the Plan of Conservation and Development was evaluated for consistency with statewide growth management principles and found to be generally consistent with those principles.

Somers' vision is generally consistent with the State's growth management principles ...

<p>Principle 1 – Redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure.</p>	<p>FINDING – Consistent</p> <p>The Plan encourages appropriate growth in Somers Center and Somersville, which are mixed use areas. Development of each area will occur in accordance with soil types, terrain, and infrastructure capacity.</p>
<p>Principle 2 – Expand housing opportunities and design choices to accommodate a variety of household types and needs.</p>	<p>FINDING – Consistent</p> <p>The Plan recommends that Somers seek to diversify its housing “portfolio” and address recognized housing needs – housing that is more affordable and housing for an aging population.</p>
<p>Principle 3 – Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.</p>	<p>FINDING – Consistent</p> <p>The Plan continues with the overall zoning framework of more intensive development in Somers Center and Somersville.</p>
<p>Principle 4 – Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.</p>	<p>FINDING – Consistent</p> <p>The Plan identifies the importance of protecting important community resources such as the natural environment, farmland, open spaces, and historic resources.</p>
<p>Principle 5 – Protect environmental assets critical to public health and safety.</p>	<p>FINDING – Consistent</p> <p>The Plan contains recommendations to protect environmental assets critical to public health and safety. In particular, the Plan stresses the importance of protecting water quality.</p>
<p>Principle 6 – Integrate planning across all levels of government to address issues on a local, regional, and statewide basis.</p>	<p>FINDING – Consistent</p> <p>The Plan is part of the process of integrating planning with other levels of government and with other agencies. The Plan will be used to coordinate efforts with:</p> <ul style="list-style-type: none"> • adjacent communities, • regional organizations, and • state agencies.

Regional Plan

In addition, this Plan was compared with the 2014-24 Regional Plan of Conservation and Development adopted by the Capitol Region Council of Governments and found to be generally consistent with that Plan except that the “municipal focus areas” do not reflect the “Village Area / Focal Point” locations identified in this POCD.

As part of the next regional plan update process, Somers will work with the Capitol Region Council of Governments to revisit the delineation of the “municipal focus areas” shown in the regional plan.

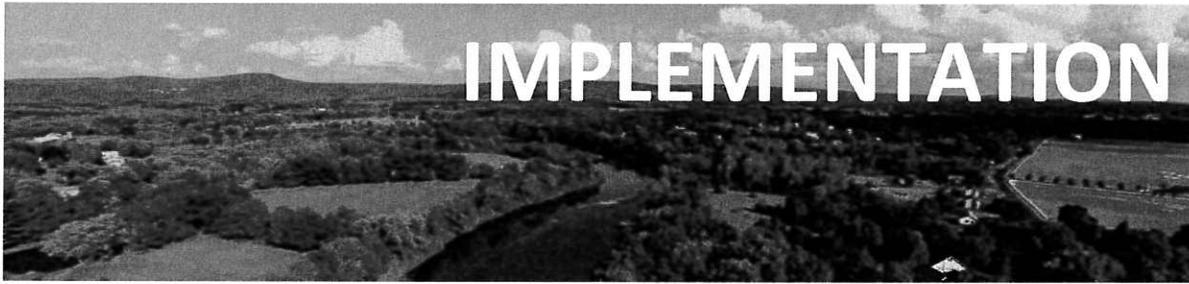
Somers' vision is generally consistent with CRCOG's regional land use plan ...

... except that Somers Center and Somersville are not clearly designated as "Municipal Focus Areas"

CRCOG Plan Categories

CRCOG Land Use Policy Map (2014)





Overview

Implementation of the Plan, which is the main goal of the planning process, should be an ongoing priority.

While some recommendations can be carried out in a relatively short period of time, others may only be realized by the end of the planning period or beyond. Since some recommendations may involve additional study or a commitment of fiscal resources, their implementation may take place over several years or occur in stages.

The Planning Commission can implement many of the recommendations of the Plan of Conservation and Development through regulation amendments, application reviews, and other means and has the primary responsibility of overseeing the implementation of all of the Plan's recommendations.

Other recommendations may require cooperation with and action by other local boards and commissions such as the Zoning Commission, Board of Selectmen, and similar agencies.

However, if the Plan is to be realized, it must serve as a guide to all residents, businesses, builders, developers, applicants, owners, agencies, and individuals interested in the orderly conservation and development of Somers.

Tools

The following tools have been shown to be effective at implementing POCD recommendations and are recommended for Somers.

Plan Implementation Committee

A Plan Implementation Committee (PIC) is an effective way to help implement the Plan. An "ad hoc" committee made up of residents and representatives of local boards would be a significant step towards including a variety of Town agencies in implementing the Plan and monitoring progress. This Committee could provide status reports to the Planning Commission, Board of Selectmen, and others.

The PIC could meet two to four times a year to establish priorities and guide implementation of the Plan's recommendations. In addition, the Committee could assess the status of specific recommendations, establish new priorities, and suggest new implementation techniques.

The PIC can prepare implementation schedules and/or develop an annual implementation program of issues to be addressed by boards and commissions.

As the ultimate responsible agency, the Planning Commission can also assume the responsibility for coordinating implementation of the Plan's recommendations.

Using the Plan For Land Use Decisions

Using the Plan of Conservation and Development as a basis for land use decisions by the Planning Commission and Zoning Commission will help accomplish the goals and objectives of the Plan. All land use proposals should be measured and evaluated in terms of the Plan and its various elements.

Updating Zoning and Subdivision Regulations

Many of the recommendations in the Plan of Conservation and Development can be implemented by the Planning Commission and Zoning Commission through application reviews. However, this is only true if the regulations reflect the recommendations of the Plan.

In the near future, the Planning Commission should undertake a comprehensive review of the subdivision regulations and the Zoning Commission should similarly review the zoning regulations and zoning map, making whatever revisions are necessary to:

- make the regulations more user-friendly,
- implement Plan recommendations, and
- promote consistency between the Plan and the regulations.

The importance of updating local regulations as soon as possible cannot be over-emphasized.

Compared to a number of other communities, the regulations in Somers lack some of the basic land use tools that will serve to promote the best possible conservation and development of the community.

Capital Improvement Program

The Capital Improvement Program or CIP is a tool for planning major capital expenditures of a municipality so that local needs can be identified and prioritized within local fiscal constraints that may exist.

The Plan contains several proposals whose implementation may require the expenditure of Town funds. The Plan recommends that these and other items be included in the Town's CIP and that funding for them be included as part of the Capital Budget.

Referral of Municipal Improvements

Section 8-24 of the Connecticut General Statutes requires that municipal improvements (defined in the statute) be referred to the Planning Commission for a report before any local action is taken. A proposal disapproved by the Commission can only be implemented after a two-thirds vote by Town Meeting. All local boards and agencies should be notified of Section 8-24 and its mandatory nature so that proposals can be considered and prepared in compliance with its requirements and in a timely manner.

Inter-Municipal and Regional Cooperation

Somers can continue to work with other towns in the region, the Capitol Region Council of Governments, the State of Connecticut, and other agencies to explore opportunities where common interests coincide.

Implementation Schedules

As was done for the 2004 POCD (shown below), implementation tables can be prepared to organize POCD recommendations by the entity responsible, priority, desired completion date, or other metrics. These tables can be used by the Plan Implementation Committee to promote implementation of Plan recommendations.

Somers should prepare implementation tables to encourage and facilitate implementation of the Plan ...

Implementation Table Example

PROTECTING IMPORTANT RESOURCES				Legend	
Preserve More Meaningful Open Space					
Preserve More Open Space (Page 3-2)					
		Who	Priority	Done	
	1. Increase the mandatory open space 'set-aside' to 15%, as part of every residential development application.	PC ZC	1	<input type="checkbox"/>	AO Assessor's Office
	2. Enhance the open space acquisition fund through annual contributions in the budget and/or by bonding to have a more immediate effect.	BOF BOS	A		BOE Board of Education BOF Board of Finance BOS Board of Selectmen
	3. Pursue state and/or federal open space grants.	CC PC	A		CC Conservation Commission
	4. Convert unprotected and perceived open space into protected open space by acquiring land or easements.	BOS CC PC ZC	B		COG Central Region Council of Governments
	5. Establish criteria in regulations to allow development flexibility for open space preservation.	PC ZC	1	<input type="checkbox"/>	DOT Department of Transportation
	6. Continue to require conservation easements or other measures during approvals.	CC PC ZC	A		DPW Department of Public Works
	7. Adopt regulations to allow off-site dedication and/or banking of open space.	PC ZC	1	<input type="checkbox"/>	EDC Economic Development Commission
	8. Amend the regulations allow "open space developments" resulting in a higher percentage of open space by right and require a Special Use Permit from the Planning Commission for "conventional developments" that maximize lot sizes.	PC ZC	1	<input type="checkbox"/>	FD Fire Department
	9. Educate residents about benefits of open space donation and sale of development rights.	CC LUO OSTS PC	A		FM Fire Marshal HS Historical Society LB Library Board LUO Land Use Office
Preserve Meaningful Open Space and Create a Greenway System (Page 3-5)					
		Who	Priority	Done	
	10. Identify and prioritize open space parcels for acquisition.	CC OSTS	1	<input type="checkbox"/>	OSTS Open Space/Trails Subcommittee
	11. Interconnect open spaces into a system of greenways.	All	A		PC Planning Commission
	12. Establish trails along greenways to encourage passive recreation.	All	A		RD Recreation Department
	13. Encourage other organizations to allow for public access and use.	OSTS	A		ST State Trooper
				Priorities	
	Task				
1	High Priority				
2	Moderate Priority				
3	Lower Priority				
	Policy				
A	High Priority				
B	Moderate Priority				
C	Lower Priority				

Recommendations in each section of the POCD have been broken into “policies” and “initial action items.”

Policies are long-term guidelines that do not readily lend themselves to a specific schedule or measurement. Policies might be used by the Planning Commission or other agency to determine if a proposed activity is consistent with the POCD.

Action Items on the other hand, are specific actions that can typically be scheduled, completed, and evaluated. These are discrete work items, which can and should be completed to implement the strategies recommended in this POCD.

Implement The Plan	
Policies	
1.	Make implementation of the Plan an ongoing priority.
2.	Use the POCD as a basis for land use decisions by the Planning Commission and Zoning Commission.
3.	Use the POCD as a guide when preparing the Capital Improvement Program.
4.	Use the POCD as a guide when reviewing referrals of municipal improvements under CGS Section 8-24.
5.	Continue to work with other towns in the region, the Capitol Region Council of Governments, the State of Connecticut, and other agencies to explore opportunities where common interests coincide.
Initial Action Items	
6.	Establish a Plan Implementation Committee to help implement the Plan.
7.	Prepare implementation schedules and/or an annual implementation program of issues to be addressed by boards and commissions.
8.	Undertake a comprehensive review of the subdivision regulations.
9.	Undertake a comprehensive review of the zoning regulations and zoning map.



Overview

The Plan of Conservation and Development has been prepared to meet the challenges that will confront the Town of Somers over the next ten years and beyond.

The first step in the planning process was to review the previous POCD (2004) and identify work items that had been accomplished and new priorities for the community. Information was collected, presented, reviewed, and discussed as part of this process.

The second step was to determine what direction the residents of Somers want to take. A municipal survey was conducted to get input from residents about strategies for the future. From this, general goals were developed and refined.

The third step was to develop actions and policies to guide Somers' residents and agencies towards achieving their vision. These specific strategies are detailed throughout the Plan.

Despite all of the thought and effort that went into preparing this Plan, the most important step of the planning process is implementation. While the task of implementation falls on all Somers residents, the responsibility for implementing the Plan lies with the Planning Commission and other Town agencies.

The Plan is intended as a guide to be followed in order to enhance the quality of life and the community character of Somers. It is intended to be flexible in terms how specific goals and objectives are reached, provided that the long-term goals of the community are achieved.

During the next few years, many of the higher priority action items will be completed and hopefully goals will be achieved. Circumstances will inevitably arise that may suggest that it is time to reconsider the Plan or some of its elements. Such situations should be welcomed since it will mean that the Plan is being actively used and considered by residents.

By preparing this Plan of Conservation and Development, Somers has taken the first step towards creating a better future for its residents.



ACKNOWLEDGEMENTS

The Residents of Somers

Plan of Conservation and Development Steering Committee

Clifford Bordeaux	Planning Commission
Richard Cheney	Economic Development Commission
Jill Conklin	Zoning Commission
John T. Curran Jr.	Planning Commission
Kathy Devlin	Board of Selectmen
Greg Genlot	Planning Commission
Dave Reed	Economic Development Commission
William Salka	Planning Commission
Adam Van Wingerden	Planning Commission

Planning Commission

Greg Genlot	Chair
Clifford Bordeaux	Vice-Chair
William Salka	Secretary
John T. Curran Jr.	
Adam Van Wingerden	

ACKNOWLEDGEMENTS



Town Staff

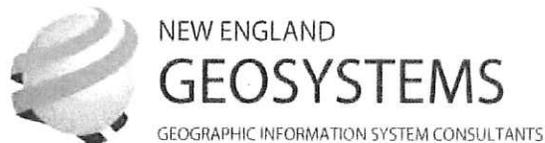
Lisa Pellegrini	First Selectman
Jeffrey Bord	Town Engineer / Director of Land Use
Michael D'Amato	Zoning Enforcement Officer (to October 2014)
Todd Rolland	Deputy Director of Public Works
Steven Jacobs	Town Sanitarian
Lt. Jose Claudio	Police Department
Gary Schiessl	Fire Chief
Robert Morpugo	Fire Marshal
Francine Aloisa	Library Director
Patricia Juda	Assessor
Dr. Maynard Suffredini, Jr.	Superintendent of Schools

Editing Assistance /Plan Preparation Provided by:



Glenn Chalder, AICP

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Alfredo Herrera



ATTACHMENT 4

Chapter 214. Zoning

[HISTORY: Adopted 3-19-1990 by the Zoning Commission of the Town of Somers. Amendments noted where applicable.]

GENERAL REFERENCES

Flood and Erosion Control Board — See Ch. 29.
Town property — See Ch. 51.
Building construction — See Ch. 88.
Inland wetlands and watercourses — See Ch. 211.
Subdivision of land — See Ch. 213.

Article I. General Provisions

§ 214-1. Statutory authority; purpose; construal of provisions.

- A. These Zoning Regulations for the Town of Somers are and have been adopted in accordance with and for the purposes set forth in Chapter 124 of the Connecticut General Statutes^[1] and more specifically for the following purposes:
- (1) To protect and promote the public health, safety, welfare, convenience and property values.
 - (2) To lessen congestion in the streets.
 - (3) To secure safety from fire, panic, flood, environmental damage and other dangers.
 - (4) To provide adequate light, air and water.
 - (5) To prevent overcrowding of land.
 - (6) To avoid undue concentration of population.
 - (7) To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.
 - (8) To preserve and protect the unique character of the Town of Somers.

- (9) To protect sites and features of historic and archaeological significance.
- (10) To conserve and protect existing and potential surface water and groundwater drinking supplies and other valuable natural resources.
- (11) To prevent unnecessary soil erosion and sedimentation.
- (12) To provide adequate housing opportunities for all citizens of Somers consistent with soil types, terrain, infrastructure capacity and the rural character of the Town.^[2]

[2] *Editor's Note: Former Subsection B, regarding times and locations for interpretations of these regulations, was repealed 4-16-2001, effective 5-12-2001.*

[1] *Editor's Note: See Connecticut General Statutes Section 8-1 et seq.*

§ 214-2. Comprehensive Zoning Plan.

These Zoning Regulations established hereunder, including the Official Zoning Map, are in accordance with and are hereby declared to embody the Comprehensive Zoning Plan of the Town of Somers.

Article II. Word Usage; Definitions

§ 214-3. Word usage.

For the purpose of these Zoning Regulations, the following terms, phrases, words and their derivations shall have the meanings given therein. When not inconsistent with the context, words used in the present tense include the future, and the singular includes the plural. The word "shall" is always mandatory and not merely directory, and the word "may" is permissive. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table or illustrative table, the text shall control. The terms "used" and "occupied" include the meanings "intended, arranged or designed to be used (or occupied)."

§ 214-4. Definitions.

For the purposes of these regulations, the terms, phrases and words listed below have the meanings thereafter stated:

ACCESSORY BUILDING OR STRUCTURE

A supplemental building or structure, the use of which is subordinate or incidental to that of the principal building or structure and which is located on the same lot or a contiguous lot under the same ownership.

ACCESSORY USE

A use of land, or of all or a portion of a building or structure, which is subordinate or incidental to the principal use of the land, building or

structure and which is located on the same lot as the principal use or on a contiguous lot under the same ownership.

ADJOIN or ADJOINING

Lots or parcels of land which either have a common boundary or which are separated only by a street or other existing or proposed public or private right-of-way.

AGRICULTURAL BUILDINGS AND STRUCTURES

Buildings or structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment and supplies.

AGRICULTURE

The cultivation of land, including planting and harvesting of crops, tillage, horticulture and forestry, and the raising and management of livestock.

AQUIFER

A geological formation, such as bedrock, sand and gravel or glacial till, capable of yielding usable amounts of groundwater.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to one-percent or greater chance of flooding in any given year.

BARN

A building where hay, tools and equipment are kept and livestock may be sheltered.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year, commonly called the "one-hundred-year flood."
[Amended 7-24-2006, effective 7-27-2006]

BASE FLOOD ELEVATION (BFE)

The elevation of the crest of the base flood or one-hundred-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
[Added 7-24-2006, effective 7-27-2006]

BASEMENT or CELLAR

A portion of a building partially or completely below finished grade, but having at least three feet of its wall height below grade plane for at least one-half (1/2) of its perimeter. The minimum height of said "basement" shall be seven feet, eight inches. For the purposes of the National Flood Insurance Program only, a "basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

BED-AND-BREAKFAST

A dwelling, part of which is occupied by the owner of the building as a permanent residence, in which rooms and breakfast meals only are provided on a daily basis to transients for compensation.

BOARDINGHOUSE

A dwelling, part of which is occupied by the owner of the building as his permanent residence, in which rooms and meals are offered or provided for compensation to no more than three persons.

[Amended 6-17-1991]

BUFFER AREA

A strip or strips of land densely planted (or having equal natural growth) with shrubs and/or trees at least four feet high at time of planting, of a type that will form year-round dense screening. Such area must be without buildings, structures, parking or other accessory uses, except that a public road right-of-way may pass through a buffer as close to 90° as possible.

BUILDABLE AREA

The area of a lot excluding inland-wetlands, watercourses, one-hundred-year floodplain or slopes in excess of 25%.

[Amended 4-7-2014, effective 4-24-2014]

BUILDING

Any structure having a roof, supported by columns or walls, and intended for the shelter, housing or enclosure of persons, animals or materials. The word "building" shall also refer to any modification, addition or alteration to an existing building.

BUILDING COVERAGE

See "lot coverage."

BUILDING HEIGHT

The vertical distance from the mean level of ground (finished grade) to the highest point of the roof.

BUILDING LINE

A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Town of Somers and recorded in the land records of the Town of Somers.

BUILDING PERMIT

A permit which must be obtained from the Building Official before construction starts.

BUILDING, PRINCIPAL

A building in which is conducted the primary or principal use of the lot on which said building is situated.

CERTIFICATE OF OCCUPANCY/USE

A certificate granting the right to occupy or use a building, structure or land and attesting to the applicant's having met all the requirements of these regulations and other applicable laws. Such certificate may be issued only after a final inspection by the Building Official.

CLUB

An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that no commercial activities are conducted except as required generally for the membership and purposes of the club.

COMMISSION

The Zoning Commission of the Town of Somers.

CONDITIONS

Necessary requirements or stipulations to ensure compliance with the objectives of these Zoning Regulations.

CONVALESCENT HOME

A home for the aged, or any establishment, other than hospitals, where three or more persons suffering from, afflicted with or convalescing from any infirmity, disease or ailment are habitually kept, boarded or housed for remuneration, but not including a "group home."

CORRAL

A fenced enclosure for containing livestock.

DEVELOPMENT

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

DRIVE-THRU ESTABLISHMENT

A business establishment so developed that its retail and service character is dependent upon or includes providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle at a service window.

[Added 4-7-2014, effective 4-24-2014]

- A. Type A — A food service establishment that serves patrons packaged food or drinks while in the motor vehicle, or else intended to permit consumption on premises or in the motor vehicle of packaged food or beverages obtained by the patron from such business establishment.
- B. Type B — Establishments such as banks, pharmacies, dry cleaners, and similar non-food or beverage service type businesses.

DWELLING

A building designed and used exclusively as living quarters for not more than two families. The terms "dwelling," "attached dwelling," "detached dwelling" and "dwelling unit" shall not be deemed to include a hotel, motel, inn, boarding- or rooming house, convalescent or nursing home, mobile home trailer, tourist home or tent. In the case of buildings having two or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate dwelling.

DWELLING UNIT

One or more rooms in a building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

[Amended 7-11-1994]

EARTH REMOVAL

Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar material, or combinations thereof.

ENERGY EFFICIENT

That type and quality of construction as envisioned by Connecticut General Statutes Section 8-2, the Basic Building Code of the State of Connecticut and ASHRAE 90-75, with the determination of whether a proposed building is to be designated "energy efficient" to be made by the Somers Zoning Commission after consultation with the Somers Building Inspector.

FAMILY

One or more persons related by blood, adoption, marriage or legal guardianship living, sleeping, cooking and eating on the same premises as a single housekeeping unit under one head of household, including domestic servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall also be deemed to constitute a family unit.

FARM

A tract of land containing five acres or more, with a minimum of three acres used principally for agricultural purposes. A "farm" may include premises used for the raising and keeping of livestock and other domestic animals when permitted by these regulations.

FARM WORKERS' HOUSING

[Added 10-15-2001, effective 11-2-2001; amended 6-30-2003, effective 8-1-2003]

A building or dormitory to house farm workers at an active farm, provided:

- A. Such farm employs at least six workers at any given time during the year, including seasonal or otherwise.
- B. The number of workers housed shall not exceed two workers per cultivated acre. Applicable acreage must be within the Town of Somers and owned by the applicant.
- C. Adequate documentation shall be submitted in order to determine that the above criteria are met and maintained before construction or use of any such facility.

FLOOD INSURANCE RATE MAP (FIRM)

The official map of the Town of Somers on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to a community.

[Amended 7-24-2006, effective 7-27-2006]

FLOOD INSURANCE STUDY (FIS)

The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

[Added 7-24-2006, effective 7-27-2006]

FLOOD-PRONE AREA

Any area which is designated as a special flood hazard area or a Zone A on the FIRM.

FLOODWAY

The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the phrase "floodway."

[Amended 7-24-2006, effective 7-27-2006]

FLOOR AREA

The floor area for dwelling units shall be measured by the outside dimensions of the walls enclosing the dwelling unit, but it shall not include porches, breezeways, basements, garages, uninhabitable or unfinished attic space or any common areas serving several dwelling units. Party walls serving two dwelling units shall be equally divided between the dwelling units for the purpose of determining the floor area. Only that portion of

the floor area which is finished for living purposes shall be counted in meeting the above requirements. Second-floor areas may be left unfinished but shall not be included in calculating floor area.

FLOOR, LOWEST

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's "lowest floor."

FRONTAGE

See "lot frontage."

FUNCTIONALLY DEPENDENT FACILITY

A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

GARAGE, PRIVATE

A building or part thereof accessory to a primary building, providing for the storage of motor vehicles and personal property belonging to the occupants of the premises and in which no occupation or business for profit is carried on.

GOLF CENTER

A recreational facility, including, but not limited to, more than one of the following uses: golf driving range, golf putting green, golf sand trap, miniature golf. Golf centers may include non-golf related uses as otherwise permitted under these regulations.

[Added 4-20-1998, effective 4-27-1998]

GOLF COURSE

A par-three or regulation golf course containing nine or more holes, designed by a professional golf course architect, and expressly excluding miniature golf courses.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE

A structure devoted to the production of plants and flowers, including the seasonal retail sale of products raised exclusively on the site.

GROSS FLOOR AREA

The sum of the horizontal area of all floors of a building, measured by exterior dimensions.

GROUNDWATER

All water beneath the surface of the ground found in the pore spaces between particles of soil. The "maximum groundwater level" is defined as the level to which the water table rises for a duration of one month or longer during the wettest season of the year.

GROUP CARE FACILITY

A supervised residence facility which houses persons who are aged, disabled or in need of rehabilitation but are not acutely ill and are provided services to meet their needs. It does not include an institution as defined in Section 19a-490 of the Connecticut General Statutes and required to be licensed pursuant to the provisions of Sections 19a-490 through 19a-503 of the Connecticut General Statutes.

HAZARDOUS MATERIAL OR WASTE

Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Somers. "Hazardous material or waste" includes, but is not limited to, the following:

- A. Any chemical, substance or material identified as a "hazardous waste" in Connecticut General Statutes Section 22a-448 or any regulations promulgated pursuant to Connecticut General Statutes Sections 22a-448 through 22a-457.^[1]
- B. Any chemical, substance or material identified as a "hazardous chemical" in Connecticut General Statutes Section 29-336 or any regulations promulgated under Connecticut General Statutes Sections 29-336 through 29-341.
- C. Any chemical, substance or material identified as a "hazardous waste" in 42 U.S.C. § 6903 or in any regulations (including but not limited to 40 CFR 261) promulgated under the Federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 et seq.), as amended.

HOME FOR THE AGED

An establishment, other than a hospital, which furnishes food, shelter, laundry and other nonmedical services to three or more persons over the age of 60 years for remuneration.

HOME OCCUPATION

- A. Customary home occupation for gain carried on entirely within the dwelling by residents thereof and requiring only customary home equipment, provided that:
 - (1) The use is clearly incidental and secondary to the use of the building for dwelling purposes.
 - (2) The use does not change the residential character of the dwelling in any visible manner.
 - (3) The use does not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises.
 - (4) The use does not create interference with radio and television reception in the vicinity.
 - (5) The use does not create a health or safety hazard.
 - (6) No more than one nonresident is employed for that purpose.
 - (7) No trading in merchandise is carried on.
 - (8) No personal physical service of any kind is performed.
 - (9) No external or internal alterations or construction features not customarily found in a home are required.

(10) No more than one commercial-type vehicle shall be used in connection with the home occupation.

(11) Not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

B. Tearooms, antique shops, barbershops and beauty shops shall not be permitted as "home occupations."

HOTEL, INN, MOTEL or MOTOR COURT

A building or group of buildings designated as a temporary abiding place for more than 15 persons or providing five or more sleeping rooms in which lodging is provided for compensation with or without meals.

JUNK

Any worn-out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered "junk."

JUNKYARD

A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded materials or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or discarded solid materials, including garbage, scrap metal, junk and refuse materials, including inert matter and landscape refuse.

KENNEL

One pack or collection of dogs kept under one ownership on a single premises bred for show, sports or sale.

[Amended 6-30-2003, effective 8-1-2003]

KENNEL, COMMERCIAL

A kennel maintained as a business for boarding or grooming dogs or cats, including, but not limited to, a veterinary hospital which boards or grooms dogs or cats for nonmedical purposes.

[Added 6-30-2003, effective 8-1-2003]

LIVESTOCK

Includes such domestic animals as horses, cows, goats and sheep.

LOT

A plot or parcel of land which was created before the adoption of zoning regulations in the Town of Somers or which, when created, was of at least sufficient size to meet the then-existing minimum zoning requirements for use, coverage and area, all parts of which are in the same ownership, occupied or capable of being occupied by one principal or primary building and the accessory buildings or uses customarily incidental to it, including such yards, other open spaces and buffer areas as are required by these regulations.

LOT AREA

The actual area, in square feet, enclosed by boundaries of the lot.

LOT, CORNER

A lot having two adjoining sides facing a street or streets so that the interior angle of the intersection is not more than 120°. "Corner lots" shall be

considered as having two front yards, two side yards and no rear yard, and frontage requirements must be met along both street lines.

LOT COVERAGE

The part or percentage of the total lot area occupied by buildings, surface structures and parking lots.

LOT DEPTH

The mean horizontal distance from the front lot line to the rear lot line.

LOT FRONTAGE

The footage required of a lot along a Town-approved or state-approved road between lot side lines measured along the street line.

LOT LINE

The established division line between lots, or between a lot and a street or other proposed or dedicated public right-of-way.

LOT LINE, FRONT

All lines dividing the lot from the street or streets.

LOT LINE, REAR

The lot line which is generally opposite the front lot line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the "rear lot line" shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front line.

LOT LINE, SIDE

Any lot line which is not a front lot line or a rear lot line, as defined herein, extending from a street and dividing separate lots.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of Chapter 213, Subdivision of Land.

MANUFACTURED HOME

For the purposes of the National Flood Insurance Program, a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For purposes of these regulations, the term includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
[Added 7-24-2006, effective 7-27-2006]

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME

See "trailer."

MOBILE OFFICE

Similar to a mobile home except that such vehicle is not intended for dwelling purposes.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date, February 17, 1982, of the floodplain management regulation adopted by the Town of Somers and includes any subsequent improvements to such structures.

[Added 7-24-2006, effective 7-27-2006]

NONCONFORMING BUILDING

A building which does not conform to all of the applicable requirements of these regulations and which is legally and actually in existence on the effective date of these regulations or any amendments thereof.

NONCONFORMING LOT

A lot which does not conform to all of the applicable requirements of these regulations but which, when created, conformed to all then-existing zoning requirements.

NONCONFORMING USE

A use of any land, building or structure which does not conform to all of the applicable requirements of these regulations but which, when commenced, conformed to all then-existing zoning requirements.

NURSING HOME

See "convalescent home."

OPEN SPACE

Undeveloped land.

OWNER OF RECORD

The owner whose name is recorded in the street books in the office of the Assessor at the time when any required mailing lists and notices are prepared.

PARK

An area of land and/or water, primarily in its natural state, except for man-made recreation facilities or other improvements related to the purposes hereafter stated, and dedicated and used for nonprofit recreation, scenic, leisure, conservation, historic or ornamental purposes. A "park," as used herein, does not include an amusement park or any type of park with mechanical rides, games, arcades or the like, for profit or gain, either directly or indirectly.

PARKING AREA

An open space used for parking motor vehicles exclusively, in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

PASSIVE GEOTHERMAL

A dwelling specifically designed to use natural and architectural components to collect and store the heat of the earth's interior without using any external mechanical power.

PASSIVE SOLAR

A dwelling specifically designed to use natural and architectural components to collect and store solar energy without using any external mechanical power.

PERSON

Any legal entity, including but not limited to a natural person, partnership, corporation, organization, association or syndicate.

PLANNING COMMISSION

The Planning Commission of the Town of Somers.

RECREATIONAL VEHICLE

Any motorized vehicle which can be registered for highway use and which is capable of being occupied, with sleeping and/or cooking accommodations, on a temporary basis and may or may not contain sanitary facilities. For purposes of the National Flood Insurance Program, a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
[Amended 7-24-2006, effective 7-27-2006]

RESTAURANT

Space in a suitable and permanent building kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served.

ROOM, HABITABLE

A room or enclosed floor space arranged for living, eating or sleeping purposes, with a minimum dimension of seven feet and a minimum area of 70 square feet, and in compliance with the building and fire codes.

ROOMING HOUSE

A dwelling, part of which is occupied by the owner of the building as his permanent residence, in which rooms are offered or provided for compensation to no more than three persons.

[Amended 6-3-1991, effective 6-17-1991]

SCREENING

Natural or man-made materials used to prevent a structure or land use from being visible from a road or from nearby property.

SEPTAGE

Domestic wastes which are pumped from septic tanks.

SEPTAGE LAGOON

A shallow pond holding septage.

SIGN

Any device for visual communication used to announce, advertise, identify or attract attention to any object, project, place, person, activity, institution, organization or business. The term "sign" includes any structure or natural object, such as a tree or rock, which is utilized as a visual communication device. For the purposes of these regulations, the term "sign" shall also include interior signs, if located on a window or within three feet from a window and if obviously intended for viewing from the exterior, but shall not include the flag, pennant, badge or insignia of any government or governmental agency; or signs directing or guiding traffic and parking on private property but bearing no advertising matter; or official traffic signs; or notices required by law. Merchandise or facsimile merchandise shall not be considered a "sign."

SIGN, GROUND

Any sign affixed to the ground by its own support and/or foundation.

SIGN, PORTABLE

Any sign used or intended to be used in different locations.

SITE DEVELOPMENT PLAN

That part of a certified plan for development which clearly defines all buildings, parking areas, driveways, walkways, utilities and proper water drainage, and including all other items required by the Commission as per these regulations.

SOIL SCIENTIST, CERTIFIED

An individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the United States Civil Service Commission) and who maintains an office in the State of Connecticut or who demonstrates familiarity with Connecticut inland wetlands classifications to the satisfaction of the Commission.

SPECIAL USE

A use of property that would not be appropriate generally or without restriction throughout the zoning district but which may be allowed by the Zoning Commission in accordance with procedures established by statute, upon determination that all requirements and standards set forth in these Zoning Regulations are met and that the Commission finds that such specific use, structure(s) and required facilities are in harmony with the neighborhood and the Town as a whole.

STABLE

A building in which horses are sheltered.

START OF CONSTRUCTION

The date the building permit was issued, provided that the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date, including substantial improvement. The "actual start" means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work

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

STORAGE TRAILER

A vehicle without means of propulsion which can be used for hauling or storing of materials or goods and is capable of being readily moved by a tractor or other vehicle.

STORY

That portion of a building, other than a cellar or a mezzanine, included between the surface of any floor and the surface of the next floor above or, if there is no floor above, then the space between the floor and the next ceiling above.

STREET

Includes streets, avenues, boulevards, roads, lanes, highways, places and other thoroughfares, including all land dedicated as a public right-of-way, which afford a principal means of access to abutting property and which are dedicated and accepted by the Town or the state.

STREET LINE or HIGHWAY LINE

The line separating the street right-of-way from adjoining property and, if not established, at least 25 feet off the center line of the existing traveled way, or such other width as established by the Selectmen.

STRUCTURE

Anything constructed, erected or assembled which requires a location on or within the ground or attachment to something having a location on the ground. The term "structure" includes, but is not limited to, buildings, manufactured homes, paved areas, storage tanks, signs, walls, retaining or otherwise, swimming pools, fences and other man-made utilities and infrastructures, excluding a public utility pole or a flagpole.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
[Added 7-24-2006, effective 7-27-2006]

SUBSTANTIAL IMPROVEMENT

Any combination of repairs, reconstruction, alteration or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

TAVERN/INN

A structure designated for combined use as a restaurant and inn and containing sleeping rooms offered for compensation.

TOWN

The Town of Somers, Tolland County, in the State of Connecticut.

TRAILER

Any vehicle or similar movable structure which is or can be used for sleeping, living or working quarters and which is, has been or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation. The term "trailer" expressly excludes manufactured homes having as their narrowest dimension 22 feet or more and built in accordance with federal manufactured home construction and safety standards. As used in these regulations, the term includes, but is not limited to, park trailers, travel trailers, camper trailers and mobile homes.

UNIT OF OCCUPANCY

Any structure, or part thereof, that is intended to be or is used to house one family, business, industry or corporate entity for the purpose of carrying out the business appurtenant thereto.

USE, PRINCIPAL

The primary purpose for which land, water or a building or structure is designed, arranged or intended or for which it is or may be occupied or maintained.

VARIANCE

A relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
[Added 7-24-2006, effective 7-27-2006]

WAITING POSITION

A space in line of approach nine feet wide by 20 feet long.

WATERCOURSE

Any rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and other bodies of water, natural or artificial, public or private, vernal or intermittent, which are contained within, flow through or border upon the Town or any portion thereof, not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

A. **BOGS**

Usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage and highly acidic conditions.

B. **MARSHES**

Areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

C. **SWAMPS**

Areas with soils that exhibit aquic moisture regimes and are dominated by wetland trees and shrubs. Red maple is the most characteristic tree of the wooded swamps, with black gum and black ash as frequent associates. A conspicuous shrubby understory of highbush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present, and a rich diversity of wildflowers, such as marsh-marigold, skunk-cabbage, jewelweed, violets and cardinal flower, may also be present. Shrub swamps represent another swamp type, where alders, willows, buttonbush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated to a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps, the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through the gradual invasion of marshes by woody species or directly, as in poorly drained depressions.

- D. For further information, see Inland Wetland Plants of Connecticut, Niering, W.A. and R. H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT, May 1973.

WATER TABLE

The level in the ground below which all voids and pore spaces are filled with groundwater.

WETLAND or INLAND WETLAND

Any land, including submerged land, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

YARD

An open space or undeveloped area on the same lot with a building or structure which lies between said building or structure and the nearest lot line and which is unoccupied, except as may be specifically authorized in these regulations. In measuring a yard, as hereafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line.

YARD, FRONT

A yard extending across the full width of the lot and lying between the front lot line and the nearest line of any building or structure.

YARD, REAR

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of any building or structure.

YARD, SIDE

A yard between the side line of a lot and the nearest line of the building or structure and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line, as the case may be.

ZONE

One of the different districts into which the Town of Somers has been divided for the purposes set forth in § 214-1 of these regulations.

ZONING PERMIT

A permit issued by the Zoning Enforcement Officer, upon application, certifying that a proposed land use or any extension or alteration thereof

conforms to requirements of these Zoning Regulations. A zoning permit is required prior to the issuance of a building permit.

[1] *Editor's Note: Sections 22a-455 through 22a-457 of the Connecticut General Statutes were repealed by P.A. 87-125.*

Article III. General Regulations

§ 214-5. Applicability; conformity with regulations required; prohibited uses.

[Amended 6-3-1991, effective 6-17-1991]

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly provided that no land, building, structure or premises, or part thereof, shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with all of the regulations herein prescribed for the zone in which it is located. Uses that are not expressly permitted are prohibited.

§ 214-6. Substandard lots.

- A. The lot frontage and lot area requirements of these regulations or amendments thereto shall not prevent construction of a permitted building or establishment of a permitted use on a lot that was owned separately from any adjoining land prior to December 12, 1953, as evidenced by deed recorded in the Somers land records, or was lawfully established in conformance with the lot frontage and lot area requirements of these Zoning Regulations that were in existence at the time the lot was established or was shown on a plan of subdivision or resubdivision approved by the Planning Commission after December 12, 1953, provided that such lot has its frontage on a street and that sanitary sewage disposal and a potable water supply can be assured without hazard to public health, and provided, further, that any deviation from current side or rear yard requirements shall require a variance from the Zoning Board of Appeals.
- B. In no case of division or combination shall any residual lot or parcel be created which does not meet the zoning requirements.

§ 214-7. Change of use.

No change shall be made in the use of any building, structure or land unless the Commission or its authorized agent, upon proper application, issues a permit for such change in accordance with these regulations.

§ 214-8. Lot frontage.

No building or zoning permit shall be issued for any building, structure or land use unless the lot for which the permit is sought has the required frontage on either a Town-approved or state-approved street or street under construction which shall have been approved by the Planning Commission and complies with the frontage requirements stated in Article XVII of these regulations. Corner lots shall be considered as having two front yards, two side yards and no rear yard, and frontage requirements must be met along all street lines.

§ 214-9. Height regulations.

The height limitations of these regulations shall not apply to church spires, belfries and domes not used for human occupancy, nor to chimneys, skylights, water tanks, bulkheads, solar panels, silos, scenery towers, antennas, air-conditioning equipment, ventilating equipment, elevator structures and similar features usually carried above the roof level, except as may be specifically modified by other provisions of these regulations or other regulations. Such features, however, must be an integral part of the primary structure, must occupy in the aggregate no more than 10% of the building area, must not be used for human occupancy and may be erected only to such height as is reasonable and necessary to accomplish the purpose that they are intended to serve.

§ 214-10. Maximum number of buildings per lot.

In all residential zones only one principal building or structure shall be placed on a lot. In nonresidential zones, the Commission may approve a plan for more than one principal building or structure on a lot (but not more than one principal residential building) if the buildings or structures and land otherwise comply with all other requirements of the zone in which they are located. In the case of public, commercial or industrial buildings or structures, but not in the case of multiple dwellings, a group of buildings under the same ownership may be considered as occupying the same lot.

§ 214-11. Frontage of lot used for residential purposes; yards and open space.

- A. No lot shall be occupied for residential purposes unless it has the required frontage in the applicable zone on a Town-approved or state-approved street.
- B. No yard or other open space on a lot shall be considered as a yard or other open space on any other lot.

§ 214-12. Drainage.

No structure shall be used, erected or expanded and no land shall be graded or hard-surfaced unless provisions have been made and approved by the Somers Town Engineer or his agent for the proper disposal of drainage water, particularly from parking areas and driveways, from areas contiguous to property lines and from low areas which tend to collect drainage water. Said disposal shall not increase peak runoff onto nearby properties or public roadways, except as permitted by law. Disposal of driveway surface water onto a Town roadway is prohibited. Cellar or groundwater interceptor drains shall not be permitted to drain onto public roadways and shall be disposed of in a manner approved by the Building Inspector.

§ 214-13. Building restoration.

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of a building or structure declared unsafe by the Building Official or where required by any lawful order.

§ 214-14. Building lines.

No structure (with the exception of an appropriate driveway) or accessory building shall be erected or altered, except in accordance with these regulations, on any lot nearer to the street than the building line.

§ 214-15. Corner lots; visibility at intersections.

The minimum street frontage for the district in which such lot is located shall be met on all streets on any corner lot. No obstruction, such as vehicles, machinery, materials, signs, hedges, trees, shrubs or other growth, shall be created, established or erected which interferes with a clear view of drivers of vehicles on a curve or at any street intersection and which endangers the safety of those traveling upon such streets. The Commission or its authorized agent may order the removal of any object which unreasonably obstructs the clear view of drivers or which otherwise endangers the safety of those traveling on a street. For minimum vision clearance, no structure or other object shall be created, established or erected to a height exceeding three feet above the street grade for a distance of at least 50 feet back from two intersecting street lines on local roads. A greater distance may be required upon higher volume roads.

§ 214-16. Obstructions in yards; reduction of yards for solar access.

- A. No structures or projections from structures shall be permitted in any required yard, except as follows:
 - (1) Minor projections of structures, such as window or door frames and sills, belt courses, cornices or other architectural features, may project not more than one foot into any required yard.
 - (2) Major projections of structures in A and A-1 Zones, such as chimneys, bay windows not longer than 25% of the wall from which they project, eaves, roofs over doorways, hatchways, steps, areaways and fire escapes, may project not more than five feet into any required yard.
- B. The yard requirements of these regulations shall not be deemed to prohibit any necessary retaining walls nor any fence, wall or other required barrier to contain noise or provide screening. However, in any residence zone, no wall or fence shall exceed eight feet in height, measured above the natural grade.
- C. Where it can be demonstrated that solar access, protection or control of the south facing wall of a dwelling will be hindered by the required minimum distance between the structure and the lot line, said yard may be reduced by the Zoning Commission not more than 10 feet in order to accommodate passive solar facilities for homes that are one year old or older.
- D. No structure shall be erected between the building line and the street line, except:
 - (1) A wall or fence not over three feet in height and not more than one-half (1/2) solid, excluding stone walls and agricultural fences taller than three feet in height.
 - (2) Signs as specified in Article X of these Zoning Regulations.

(3) As in Subsection C above.

(4) An appropriate driveway.

§ 214-17. Outdoor lighting.

Any outdoor lighting for illumination of signs, spotlighting or floodlighting shall be so shielded that the light source cannot be seen from adjoining properties or the street or produce an objectionable visual disturbance to obstruct scenic views. There shall be no spillover of light beyond the property line exceeding one-half (1/2) footcandle. The lighting of any outdoor recreation facilities shall be subject to the approval of the Zoning Commission.

§ 214-18. Topsoil.

The removal or destruction of topsoil of more than 20 cubic yards on any lot shall not be permitted except in connection with construction, regrading or landscaping work. After completion of such work the topsoil shall be replaced and seeded according to accepted landscaping practices and the Connecticut Guidelines for Soil Erosion and Sediment Control.

§ 214-19. Storage of recreational vehicles, boats and trailers.

A recreational vehicle, boat and/or trailer may be stored by its owner in the rear or side yard of a lot occupied by his permanent residence, but no unit may be used for sleeping, living, cooking or for carrying on a business in any district except as provided elsewhere in these regulations. Screening shall be provided for such unit, when stored, to substantially reduce the visibility of the unit from the street and from nearby properties.

§ 214-20. Sewers and water.

All lots shall provide for an adequate potable water supply and for proper sewage disposal for the users intended. Where a private water system and/or sewage disposal system are planned, a statement of the systems to be used shall be filed with the application for a zoning permit and the system(s) installed shall have the written approval of the Somers Sanitarian before a certificate of occupancy may be issued.

§ 214-21. Driveways.

Driveways are permitted in front yards, and entrances to a street shall be so located as to provide maximum visibility and safety to the general public. No obstructions will be permitted near a driveway which interfere with visibility of those using such driveway or those passing by. The location of any driveway serving a home occupation shall be subject to review and approval of the Zoning Commission. Residential driveways shall be located no nearer than 10 feet to a side lot line and meet the requirements of Chapter 104, Driveways.

§ 214-22. Streets.

All streets, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets. Where the center line of a street serves as a zone boundary, the zoning of such street shall be deemed the same as that of abutting property up to such center line, unless otherwise specifically designated.

Article IV. Zoning Districts

§ 214-23. Division of Town into zones.

For the purpose of these regulations, the Town of Somers is hereby divided into the following zones:

Residential A (A)

Residential A-1 (A-1)

Business (B)

Industrial (I)

§ 214-24. Zoning Map.

The boundaries of the zones established hereunder are indicated on the map entitled "Zoning Map, Town of Somers," dated 1967, revised 1974, 1978, 1983, 1988 and 1989, and on file in the office of the Somers Town Clerk. The Zoning Map and any amendments thereto are hereby made a part of these regulations.

§ 214-25. Zoning district boundaries.

Unless otherwise indicated on the Zoning Map, the zone boundary lines are the center lines of streets; or the middle of the channels of waterways; or the center lines of utility rights-of-way; or the boundary lines of state forests and/or reservations. Where a zone boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street line and at such a distance measured from the street line therefrom as indicated on the Zoning Map. In case of uncertainty as to the location of any zone boundary line, the determination thereof shall be made by the Commission.

§ 214-26. Lot in more than one district.

In the case of a lot of record lying in more than one district, the provision of the less restrictive district may be applied for a distance of not more than

25 feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district and said twenty-five-foot strip shall be utilized as a buffer.

Article V. Nonconforming Uses

§ 214-27. Continuance.

Any nonconforming use, including nonconforming buildings, structures and lots, lawfully existing as of the effective date of these regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these regulations or any amendment thereof.

§ 214-28. Change of use.

No use which conforms to these regulations may be changed to a nonconforming use. A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use which does not conform to these regulations.

§ 214-29. Extension or enlargement.

No nonconforming use shall be extended or enlarged inside or outside any building or structure except as otherwise provided herein. No extension or enlargement of any nonconforming building or structure shall be made which increases the nonconformity of such building or structure, except that a nonconforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or within a line which is not nearer to the lot lines than the existing building, provided that such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building. The extension or enlargement of any building within a special flood hazard area shall meet the Flood Damage Prevention Regulations.^[1]

[1] *Editor's Note: See Art. XV, Flood Damage Prevention.*

§ 214-30. Moving.

No such nonconforming use shall be moved in whole or in part to any other portion of the property occupied by such use at the effective date of adoption or amendment of these regulations.

§ 214-31. Alterations and repairs.

A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or

reconstructed as made necessary by wear and tear or deterioration. The alteration or repair of any building within a special flood hazard area shall meet the Flood Damage Prevention Regulations.^[1]

[1] *Editor's Note: See Art. XV, Flood Damage Prevention.*

§ 214-32. Restoration.

Any building or structure which is in conformance with these regulations but which contains a nonconforming use and which has been destroyed or damaged by fire, explosion, act of God or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided that such restoration is commenced within six months after such damage or destruction.

- A. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God or public enemy and which has thereby been reduced more than 50% in fair market value may be restored or rebuilt only in accordance with these regulations.
- B. A building or structure suffering such damage or destruction but retaining 50% or more of its fair market value may be restored or rebuilt to the same dimensions, floor area, cubic volume, density, bulk and/or site location as existed immediately prior to the damage or destruction only if such restoration or repair is commenced within six months after such damage or destruction; otherwise, such restoration or repair must comply with these regulations.
- C. The restoration or repair of any building or structure within a special flood hazard area must comply with Article **XV** of these regulations.

§ 214-33. Discontinuance or abandonment.

[Amended 6-15-1998, effective 7-1-1998]

Any nonconforming use which has been voluntarily abandoned or discontinued shall thereafter conform to the provisions of these regulations. In determining whether a nonconforming use has been voluntarily abandoned or discontinued, the Commission shall examine various factors, including the length of the period of nonuse and the intent of the property owner.

§ 214-34. Illegal use.

Nothing in these regulations shall be interpreted as authorization for or approval of the continuation of any use of land, building, structure or premises which, when commenced or first established, was in violation of the zoning regulations then in effect and which has never subsequently been legally validated by any amendment to such regulations or by any provision of state law.

§ 214-35. Unsafe buildings.

Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

§ 214-36. Effect of adoption or amendment of regulations.

- A. Nothing in these regulations, or any amendment thereof, or in any subsequent change in zoning classification shall be deemed to require any alteration in the plans, construction or designated use of a building, structure or premises for which a zoning permit and building permit have been issued before the effective date of the relevant regulations, amendment or change in zoning classification and substantial construction has been commenced, provided that the entire building or structure is completed within two years from such effective date. If any of the foregoing provisions are not complied with, such zoning permit shall become null and void.
- B. Nothing in these regulations, or any amendment thereof, or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit or variance has been issued prior to the effective date of the relevant regulations, amendment or change in zoning classification, provided that a building permit is obtained from the Building Official within one year from such effective date, substantial construction is commenced within one year of the date of issuance of such building permit and the entire building or structure is completed according to the approved plans within two years from the date of issuance of the building permit. If any of the foregoing provisions are not complied with, such special permit or variance shall become null and void.
- C. Notwithstanding the foregoing provisions, no improvements or proposed improvements shown on a site plan for residential property which has been approved prior to the effective date of a change in these Zoning Regulations or zoning classification and filed or recorded with the Somers Town Clerk shall be required to conform to such change.

§ 214-37. Nonconforming lots of record and in subdivisions.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings may be erected on any single lot of record not having lost such status by virtue of Section 8-26c of the Connecticut General Statutes, as amended, at the effective date of adoption of amendments of these regulations. This provision shall apply even though such lot fails to meet the requirements for area or lot frontage, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or frontage, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.

Article VI. Accessory Uses

§ 214-38. Use; location; height regulations.

- A. Accessory structures customarily incidental to any use permitted herein are allowed, provided that such accessory structures shall not include any advertising signs, signboards or posters, except for small announcement signs or a farm name as provided under §§ 214-57 and 214-58.
- B. An accessory building, including those attached to a main building by means of a breezeway or a roofed passageway or other connection, shall not

be used for residential purposes, except as specifically provided elsewhere in these regulations.

- C. A barn, stable or garage may be erected to the same height limits as the main building.
- D. Accessory buildings on a residential lot may include private garages in which not more than one space may be occupied by a commercial vehicle.
- E. Greenhouses as accessory buildings are limited to one structure, not exceeding 200 square feet in area on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm without restriction as to size.
- F. Accessory buildings for commercial or industrial uses shall observe the same yard and height requirements as a main building.
- G. Accessory buildings that are less than 10 feet in height may be located only in the rear half of any lot, but not nearer than 75 feet to any street and not less than 25 feet from the side or rear lines of said lot.
- H. Accessory buildings to farming use and buildings housing farm animals are not permitted less than 100 feet from a street line. Buildings housing farm animals shall be not less than 200 feet from side or rear lot lines. Other farm buildings shall be not less than 100 feet from side or rear lot lines.
- I. Stables for horses shall be at least 100 feet from property lines. Corrals shall be at least 10 feet from property lines.
- J. Accessory buildings to a proposed main building may be erected on a then-vacant residential lot, if so placed as to not interfere with the eventual practicable and conforming location of the principal building.

§ 214-38.1. Drive-thru establishment.

[Added 4-7-2014, effective 4-24-2014]

- A. A Type A drive-thru establishment is allowed by special use permit and subject to the following:
 - (1) A single property may have only one such establishment that shall occupy no greater than 25% of the total ground floor area of all buildings on the property.
 - (2) The serving window shall not be located closer, measured horizontally, than 1,500 feet from the serving window of a Type A drive-thru establishment on another property.
 - (3) No said use will be permitted within 450 feet of a residential zone measured horizontally from the Type A serving window to the nearest point of the residential property.
 - (4) The serving window shall be located at the rear or side of the building arranged to harmonize with the character of the surrounding area.
 - (5) There shall be only one serving window served by one vehicular service lane. Unless otherwise required by the Commission, the vehicular service queue lane shall be not less than 200 feet in length (measured from behind the vehicle at the service window) and located so as to not obstruct access to parking spaces, sidewalks and pedestrian access to the building.

- (6) Hours of operation shall be limited to between 5:00 a.m. to 11:00 p.m. unless waived or further limited by the Commission.
- (7) No outside audio system is permitted except for a central service ordering menu board.
- (8) Said use shall not create visibility problems for motorists or pedestrians and shall be located in such a manner as to not restrict access by emergency services to any portion of the building.
- (9) Outdoor seating limited to not more than 20 seats may be permitted as an accessory use. Outdoor seating areas are to be separated from traveled areas by walls, fences or landscaping.
- (10) Trash receptacles are to be located for the convenience of the patrons and are to be shown on the proposed site plan.
- (11) One menu sign board not exceeding 24 square feet may be permitted in addition to signage allowed in § 214-58 subject to the requirements of Section VII.

B. A Type B drive-thru establishment is allowed by special use permit.

§ 214-39. Professional offices, home occupations and bed-and-breakfast establishments.

The Commission, as a special use, may permit a professional office, home occupation or bed-and-breakfast facility as an accessory use to a residence in an A-1 Zone. The following shall apply as applicable:

- A. Said accessory uses are restricted to the residential owner.
- B. A certified site plan shall be submitted in accordance with § 214-101 of these regulations.
- C. Adequate off-street parking shall be provided on the premises.
- D. Professionals and a bed-and-breakfast establishment may have one nonresident employee, except that a medical doctor or dentist may have two nonresident employees.
- E. Office use and home occupations shall not occupy more than 25% of the total floor area of a residence.
- F. The Commission shall establish reasonable requirements in respect to screening, time limits, hours of use and other factors which control such special use.

Article VII. Performance and Environmental Standards

§ 214-40. Purpose; penalties for offenses.

- A. In accordance with the purposes described in § 214-1 of these regulations, and more specifically to promote and protect the public health, safety

and welfare by minimizing noise, glare, odors, heat and vibrations and by minimizing the discharge of toxic substances and other pollutants into the air, surface water, soil and groundwater, the following performance and environmental standards are hereby established to apply to all buildings, structures and uses in all zones within the Town of Somers.

- B. No permit shall be issued for a building, structure or use under these regulations if the Commission determines that such building, structure or use would not comply with these standards.
- C. If the Commission determines that any building, structure or use established after the effective date of these regulations is or has been in violation of these standards, the Commission may issue any order or seek any remedy or penalty provided by state or municipal law for the violation of zoning regulations.

§ 214-41. General standards.

- A. No treated or untreated sewage, hazardous or industrial materials or wastes or other waste or refuse shall be discharged into any watercourse or wetlands. All methods of sewage and waste treatment and disposal shall comply with regulations of the State of Connecticut and the Town of Somers for maximum protection of groundwater. No effluent shall contain acids, oils, dust, toxic metals, corrosive or other toxic substances, grease or phosphates, in solution or suspension, which would create odors or which would discolor, poison or otherwise pollute a watercourse, wetlands or groundwater.
- B. No operation or activity shall be carried on which would produce heat perceptible from any property line of the lot on which the operation is located.
- C. No vibration shall be transmitted outside the property where it originates.
- D. No mining, extracting, filling or soil-stripping operations shall be allowed except as provided in Article XII.
- E. No construction, excavation or other use of land shall be allowed which is unreasonably or unnecessarily destructive to sites having historical or archaeological significance.

§ 214-42. Noise.

- A. Definitions. The following definitions are applicable to the noise standards set forth in this section:

BACKGROUND NOISE

Noise which exists at a point as a result of the combination of distant sources, individually indistinguishable.

CONSTRUCTION

The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

DAYTIME HOURS

The hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday, and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

DECIBEL

A unit of measurement of the sound level.

EMERGENCY

Any occurrence or set of circumstances which involves actual or imminent physical trauma or property damage and which demands immediate action.

EMITTER

The zone from which the sound is created or sent, or the person or thing creating the sound.

EXCESSIVE NOISE

Any sound, the intensity of which exceeds the standards set forth in Subsection B of this section.

IMPULSE NOISE

A sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

MOBILE SOURCE

Nonstationary sources of sound, including but not limited to moving aircraft, automobiles, trucks and boats.

MOTOR VEHICLE

A vehicle as defined in Subdivision (30) of Section 14-1, Connecticut General Statutes, as amended.^[1]

NIGHTTIME HOURS

All hours not listed as being daytime hours.

RECEPTOR

The zone in which sound is received, or the person or thing receiving the sound.

SOUND

A transmission of energy through solid, liquid or gaseous media in the form of vibrations which cause alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

SOUND LEVEL

A frequency-weighted sound-pressure level as measured with a sound-level meter using the A-weighting network. The level so read is designated "dBA."

SOUND-LEVEL METER

An instrument used to measure sound levels. A "sound-level meter" shall conform, at a minimum, to the American National Standards Institute's Operational Specifications for Sound-Level Meters S1.4-1971 (Type S2A).

SOUND-PRESSURE LEVEL

A number equal to 20 times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty microneutons (0.00002 newton) per square meter. The number is expressed in decibels (dB).

[1] *Editor's Note: The reference to Section 14-1(30) of the Connecticut General Statutes should be to Section 14-1(a)(90).*

- B. Standards. No sound shall be emitted beyond the boundaries of the lot or parcel on which such sound originates which exceeds the sound levels specified below:

Emitter	Commercial and Retail		Receptor Residential and All Other Zones	
	Industrial	Trade	Daytime Hours	Night time Hours
Industrial	70 dBA	66 dBA	61 dBA	51 dBA
Commercial and retail trade	62 dBA	62 dBA	55 dBA	45 dBA
Residential and all other zones	62 dBA	55 dBA	55 dBA	45 dBA

- C. High background noise levels and impulse noise.
 - (1) In those individual cases where the background noise caused by sources not subject to these regulations exceeds the standards contained herein, a source shall be considered to cause excessive noise only if the sound emitted by such source exceeds the background noise levels by five dBA, provided that no source subject to the provisions of these regulations shall emit sound in excess of 80 dBA at any time; and provided that this section does not decrease the permissible levels of other sections of these regulations.
 - (2) No impulse noise shall be caused or allowed in excess of 80 dB peak sound-pressure level during nighttime hours in any residential zone.
 - (3) The emission of impulse noise shall not be caused or allowed in excess of 100 dB peak sound-pressure level at any time in any zone.
- D. Exclusions. These standards shall not apply to unamplified sounds emitted by or related to the human voice, natural phenomena or wild or domestic animals; bells or chimes from a clock in any building or from a school or church; a public emergency sound signal; and sounds created by farming equipment or farming activity, any emergency and snow removal.
- E. Exemptions. The following shall be exempt from the provisions of this section, subject to the conditions noted:
 - (1) Noise created by the operation of property maintenance equipment during daytime hours.
 - (2) Noise generated by any construction equipment operated during daytime hours.
 - (3) Noise created by any recreational activities which are sanctioned by the Town, including but not limited to parades, sporting events, concerts, fireworks displays and local public celebrations.
 - (4) Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time and provided that a permit for such blasting has been obtained from appropriate state authorities and the Zoning Commission.
 - (5) Noise created by refuse and solid waste collection and disposal, provided that such activity is conducted between 8:00 a.m. and 6:00 p.m.

- (6) Noise created by a fire alarm or intrusion alarm.
 - (7) Noise created by public facility maintenance during daytime hours and snowplowing whenever necessary.
 - (8) Noise created by church bells.
- F. Noise level measurement procedures. For the purpose of determining sound levels as set forth in these standards, the following guidelines shall be applicable:
- (1) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.
 - (2) Instruments used to determine sound-level measurements shall be sound-level meters as defined under Subsection A.
 - (3) The following steps shall be taken when preparing to take sound-level measurements:
 - (a) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - (b) Measurements to determine compliance with these standards shall be taken at a point that is located about one foot beyond the boundary line of the lot or parcel on which the sound is emitted and within the lot or parcel on which the sound is received.

§ 214-43. Sites of historical and archaeological significance.

- A. If during the course of any construction, excavation, removal or filling activities any sites or materials are discovered which appear to have been made, used or handled by persons, or which otherwise suggest the past use or habitation of the site, and which may reasonably be suspected of having historical or archaeological significance, such discovery shall be immediately reported to the Commission. The Commission may order a suspension of all or any portion of the activities for a period not to exceed four months for the purpose of allowing further investigation of any such discovery.
- B. If within such four-month period the Commission determines that the site has historical or archaeological significance, the Commission may revoke any existing permit or site plan pertaining to the property. If the Commission does revoke any permit or site plan pursuant to this section, it shall, within 10 days after revocation, issue an amended permit and, if a site plan was involved, approve a modified site plan which will allow the work specified in the original permit and/or site plan to proceed subject only to such restrictions or conditions as the Commission may reasonably deem necessary to protect the historical or archaeological value of the site.

Article VIII. Prohibited Uses

§ 214-44. Prohibited uses.

The following buildings, structures and uses are prohibited in all zoning districts:

- A. The production, use, storage or disposal of hazardous materials or wastes, except as these regulations may specifically allow. The use or storage of reasonable amounts of such materials as determined by the Commission, when clearly incidental to the principal use of a building, structure or land shall be exempt from this regulation.
- B. The following uses involving commercial processing or incineration of animal and vegetable products: breweries and distilleries; slaughterhouses; stockyards; fat rendering; soap manufacturing; glue manufacturing; tanneries; paper manufacturing; wool scouring and cleaning; cotton textile sizing, scouring, bleaching, dyeing and similar operations; paint and varnish manufacturing; and creosote and creosote products manufacturing.
- C. Facilities for metal heat treatment, annealing, descaling or plating processes.
- D. Dry-cleaning establishments.
- E. Furniture stripping establishments.
- F. Commercial laboratories and commercial photographic developing and processing.
- G. Trailer parks.
- H. Junkyards.
- I. Racetracks, animal and vehicular.
- J. Amusement parks.
- K. Drop forges.
- L. Nuclear power plants.

[1] *Editor's Note: See also § 214-97.*

Article IX. Screening and Landscaping Standards

§ 214-45. Purpose.

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect and increase property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of soil, excessive runoff of drainage water and the consequent depletion of the groundwater table and the pollution of water bodies.

§ 214-46. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMPLETE VISUAL SCREENING

A type of screening which affords a year-round effect and through which the screened object is obscured.

EFFECT

The visual impression desired from screening and landscaping.

GROUND COVER

A medium used in a confined area to check or prohibit the growth of undesirable plant materials. "Ground cover" may consist of plants such as Pachysandra and Myrtle or materials such as white gravel, brick or stone paving, in combination with live planting materials.

HEDGE

A hedge shall provide complete visual screening and consist of evergreens at least four feet in height at the time of planting and it shall be maintained at a height of at least six feet.

LANDSCAPED or LANDSCAPING

An area shall be at least covered with grass or ground cover. Any additional planting is either specifically required by the regulations or left to the discretion of the property owner.

LARGE TREES

Deciduous shade trees such as Sugar Maple, Pin Oak, London Plane or Linden and conifers such as White Pine, Austrian Pine or Canadian Hemlock. All of the required large trees shall be at least two and one-half (2 1/2) to three inches in caliper at the time of planting.

PARTIAL VISUAL SCREENING

A type of screening through which the screened object is partially visible.

SCREENING FENCE or SCREENING WALL

Devices for complete visual screening. They shall be at least six feet in height and a maximum of eight feet in height and three-fourths (3/4) solid.

§ 214-47. General screening standards.

- A. Landscaping, trees and screening plants required by these Zoning Regulations shall be planted and in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and screening plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- B. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of use of the property.
- C. All landscaping, trees and screening material adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles.

- D. To the extent that existing healthy trees, if properly located, are preserved, they shall be fully credited against the requirements of these Zoning Regulations. The Commission may determine which trees shall be preserved as part of the site plan.
- E. Structures in nonresidential districts shall be suitably landscaped.

§ 214-48. Screening specifications.

The following are considered as prototypes. In order to comply with the stated desired effect, the number and spacing of required trees and the width of the screening strip may be varied.

- A. Type A Screening. The desired effect is partial visual screening. The width of the screening strip may be varied; however, it shall be at least five feet. Plant material shall consist of large trees spaced about 20 feet on center or a mixture of both. Where a continuous landscaped screening strip is impractical, the trees may be located in islands at least 20 square feet in area.
- B. Type B Screening. The desired effect is partial visual screening between zoning districts of different classification. Plant material shall be the same as specified for Type A Screening except that one-half (1/2) of the trees shall be evergreens and double the number of trees are required.
- C. Type C Screening. The desired effect is complete visual screening of parking and loading areas. The screening material shall consist of a hedge, screening fence, screening wall, or a combination thereof. The screening strip shall be at least five feet wide for a fence or wall and landscaped and at least 10 feet for a hedge, unless a greater width is required elsewhere in these Zoning Regulations.
- D. Type D Screening. The desired effect is separation and partial visual screening without creation of visual obstructions for traffic. The screening material shall consist of planting materials with low growth habits interspread with flowering trees about 20 feet on center and deciduous shade trees spaced 40 feet on center. Said strip shall not be less than 10 feet in width within the property line.

§ 214-49. Modifications.

The Zoning Commission may consider and approve such modification in the above standards where the Commission makes a finding that equivalent or superior screening will be provided in a specific case.

Article X. Signs

§ 214-50. Measurement of sign area.

The area of a sign shall be considered to be that of the entire communication device, exclusive of the supports, unless such supports are also used to advertise.

§ 214-51. Location.

- A. All nonresidential signs must be located on the same lot as the business location.
- B. A sign shall project not more than 18 inches from the face of a structure and not more than 12 inches into any street and it shall be at least 10 feet above the level of any walkway it may overhang.
- C. Signs shall be located only along or in back of (as these regulations may permit) the street line of the street providing access to the property.
- D. Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy, provided that the combined area of such signs shall not exceed six square feet.
- E. Excluding public safety signs and other municipal informational signs, no sign shall be erected within, or overhang, public rights-of-way.
[Added 12-2-2013, effective 12-20-2013]

§ 214-52. Height regulations.

- A. Ground signs, including supports, shall not exceed a height of six feet in a residential district, or 15 feet in a business or industrial district, above the surface of the ground where located.
- B. No sign attached to a structure shall project more than two feet over the top of the exterior wall of such structure at the location of the sign, except that in an industrial district, a sign may project up to six feet over the top of the exterior wall of such structure, provided that the sign is not within 500 feet of the boundary of a residential district.
- C. Where more than one sign is permitted on a building, such signs shall be of uniform height and shape.

§ 214-53. Temporary signs.

- A. Political signs. Signs pertaining to candidates, political parties or political issues in a national, state or municipal election for a period of 60 days prior to said election shall be allowed subject to the following:
 - (1) No political signs shall be allowed on government property.
 - (2) All political signs shall be removed within five days after the election.
 - (3) Political signs are exempt from the temporary sign permit process.
[Added 12-2-2013, effective 12-20-2013]
- B. Special event signs for noncommercial or civic events.
[Amended 12-2-2013, effective 12-20-2013]
 - (1) One sign not exceeding 32 square feet in total sign area at the site of the event may be posted, provided that the sign is posted no sooner than 30 days prior to the event and removed within five days of the event.

- (2) Off-premises temporary signs not exceeding 12 square feet in total sign area announcing special events shall be permitted only for a period of 30 days prior to, and including the duration of, the activities which the sign describes, and such sign shall be removed within five days after completion of such activity which said sign describes.
 - (3) Off-premises temporary signs shall be limited to 15 off-premises locations, and a zoning permit for such signs shall be filed with the Town of Somers Zoning Enforcement Officer on an application form approved by the Zoning Commission.
- C. Signs temporarily attached or temporarily painted on a door, window or wall announcing sales or special features are permitted, provided that they do not exceed 25% of the area of said door, window or wall. Temporary signs shall be removed immediately after the termination of such sale or special feature and shall be permitted for a period of not over 30 days.

§ 214-54. Illuminated and moving signs.

- A. A sign may be illuminated if illumination is confined to or directed to the surface of the sign only. No flashing, rotating or intermittent illumination shall be permitted except signs indicating time and/or temperature by means of white, intermittent lighting, provided that the longest dimension of such a sign does not exceed five feet.
- B. All light sources of signs shall be so designed and shielded that they cannot be seen from beyond the property lines on which such sign is located. No neon signs visible from the exterior of the building shall be permitted.
- C. No sign or any part thereof shall be mechanically rotated or moved except traditional signs of barber shops, provided that the longest dimension of such sign does not exceed three feet.
- D. No floodlights of the magnitude typically used as search lights or airport beacons shall be permitted.
- E. No sign or lighting shall be higher than the surrounding tree line so as to obstruct or interfere with a scenic view from afar.
- F. Internally lit signs are not permitted.

§ 214-55. Nonconforming signs; modifications.

Signs existing at the time of the adoption of these regulations must be maintained in their existing size, shape and illumination and cannot be structurally altered, enlarged, expanded or moved, and no lights may be added thereto, except as such changes may keep or bring the signs into conformance with these regulations.

§ 214-56. Approval; maintenance; discontinuance of tenancy.

- A. All signs under these regulations shall require the approval of the Zoning Enforcement Officer unless otherwise noted and shall meet all requirements of the Building Code and these Zoning Regulations.

- B. All signs shall be properly maintained and shall not be allowed to fall into disrepair. Failure to maintain signs shall be considered a violation of these regulations.
- C. Upon discontinuance of tenancy it shall be the responsibility of the property owner to eliminate signs pertaining to a removed use, business or proprietor within 30 days of such discontinuance.

§ 214-57. Residential districts.

The following signs shall be permitted in residential districts, and all other signs are expressly prohibited:

Signs in Residential Districts

Type of Sign	Maximum Sign Area (square feet)	Maximum Number of Signs	Location (see also § 214-51 of these regulations)	Permit Required
a. Signs giving name and address of the property and/or the occupant	1	1 per lot	Back of street line	No
b. Signs pertaining to a profession or occupation permitted as an accessory use of the lot	4	1 per lot	Back of street line	Yes
c. Signs giving the name of the farm on a wall of an accessory building	No larger than 3 for every running foot of wall where displayed	1 per farm	30 feet back of street line	Yes
d. Signs in connection with special use permits authorized by Zoning Commission [Amended 11-1-1999, effective 11-18-1999]	15	1 per lot	15 feet back of street line	Yes
e. Signs pertaining to the sale, lease or rental of property on which they are located	6 per sign	2 per lot	Back of street line	No
f. Signs pertaining to and during the construction or repair of property on which they are located	25 aggregate	2 per lot	15 feet back of street line	Yes
g. Signs on the premises offering lots and/or homes for sale within approved subdivisions; these signs shall not be displayed for more than 12 months	25 per sign	2 per subdivision	15 feet back of street line	Yes
h. Signs of civic and nonprofit organizations on the premises for not	25	1 per lot	15 feet back of street line	Yes

Signs in Residential Districts

Type of Sign	Maximum Sign Area (square feet)	Maximum Number of Signs	Location (see also § 214-51 of these regulations)	Permit Required
more than 90 days within any 12-month period				
i. Holiday decorations without commercial advertising	---	---	Back of street line	No
j. Private directional signs	2	---	Back of street line	No
k. Directional signs or traffic signs	6	---	Within street line; police approval required	No
l. 1 sign on each major highway near the Town line serving as a common directory for civic, educational and religious organizations located in Somers; the erection of signs under this subsection shall be subject to Zoning Commission approval	50; 6 per sign	1 per locale	Within street line; approval of Highway Department having jurisdiction required	Yes
m. Temporary signs (see § 214-53A and B)	---	---	---	Yes

§ 214-58. Business and industrial districts.

The following signs are permitted in any business or industrial district and all other signs are expressly prohibited:

- A. Any sign permitted in a residential district.
- B. Signs advertising the use of the land and building upon which displayed and the sale of goods or services on the premises and the name and location of the proprietor, as follows:

Signs in Business and Industrial Districts

Maximum Area of Sign	Location (see also § 214-51 of these regulations)	Permit Required
1. The total permitted exterior sign area on any premises shall be computed as follows: the total combined sign area for each unit of occupancy on the first floor and permanent ground signs shall not exceed 2 square feet for each linear front foot of exterior building wall.	Back of street line	Yes

Signs in Business and Industrial Districts

Maximum Area of Sign	Location (see also § 214-51 of these regulations)	Permit Required
2. 1 detached double-faced sign may be erected on each lot or on each 200 linear feet of building frontage, whichever is the more restrictive. Such signs shall not exceed 20 square feet in total area per lot per sign face. A detached sign shall not exceed 15 feet in height nor be within 20 feet of a side lot line.	20 feet back of street line	Yes
3. Within 10 feet of each entrance of a building, 1 common sign may be provided allowing not more than 1 square foot of sign area for each unit of occupancy which is served by said entrance. The total area of each common sign shall not exceed 24 square feet.	Back of street line	Yes
4. Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy, provided that the combined area of such signs shall not exceed 6 square feet.	---	No
5. 1 portable sign may be placed on a business property during business hours only. The total display area of such movable sign shall not exceed 6 square feet. Lighted portable signs are not permitted except by government agencies in conjunction with road construction or maintenance. The Zoning Enforcement Officer may require the immediate removal of any sign which endangers pedestrian or vehicular movement.	Back of street line	No
6. Temporary signs (see § 214-53)	---	Yes
7. Other outdoor advertising devices. Outdoor advertising devices, including but not limited to plaques, banners, pennants and streamers, are permitted for a period of not more than 2 weeks after the opening of a new business.	Back of street line	No

Article XI. Off-Street Parking and Loading

§ 214-59. Adequate spaces to be provided; access for emergency vehicles.

- A. All buildings, structures and uses of land shall be provided with a sufficient number of off-street motor vehicle parking spaces to meet the needs of persons who may reasonably be expected to use such buildings or structures or to make such uses of land. Sufficient provisions must also be made for access to the buildings, structures or uses by emergency vehicles, such as police, fire and medical vehicles.
- B. For all nonresidential uses in business and industrial districts there shall be provided adequate space in suitable locations for the loading and unloading of goods and materials. In determining the adequacy and suitability of such space, the Commission shall be guided by the nature and

intensity of the use, the volume of traffic expected to use such space and the location of buildings and structures in relation to the street.

§ 214-60. Unregistered motor vehicles.

Parking or storage of more than two unregistered motor vehicles shall not be permitted on any residential property except within a building. Vehicles used on a farm are exempted, but such vehicles shall not be kept in front of any building or front building line. Unregistered motor vehicles may not be stored on residential property for purposes of private sale, except that storage for one such sale may be allowed every six months, provided that prior notification is given to the Zoning Enforcement Officer of the dates of such storage and further provided that such storage shall not exceed a period of 30 consecutive days. The six-month period described above shall commence on the last day of the most recent allowed storage of a vehicle for sale.

§ 214-61. Parking and loading plan.

Applications for building and/or zoning permits shall be accompanied by a certified plot plan, drawn to scale, showing the location, size and arrangement of off-street parking and loading facilities required by these regulations, the means of access to said facilities from the public street and any separate egress from such facilities. Such parking plan shall also show proposed screening, landscaping, lighting, drainage and other improvements. The parking plan shall be submitted to the Zoning Commission for review and approval as complying with these Zoning Regulations, including adequate relationship of entrances and exits to the flow of traffic on the public streets, safeguarding of pedestrians in the public way and in the parking facility itself and adequacy of vehicular and pedestrian circulation. The parking plan shall be approved before a building or zoning permit is issued. The Commission or its designated agent may waive the requirements of this section in accordance with § 214-101E.

§ 214-62. Location of facilities.

The parking and loading facilities which are required by these regulations shall be provided on the same lot or premises with the structure or land use they are to serve. This requirement shall not apply to the temporary use of land for special events authorized or sponsored by the Town of Somers.

§ 214-63. Design specifications.

- A. Parking and loading facilities shall be designed to provide for safe circulation of vehicular and pedestrian traffic within the parking area and in relation to adjacent streets. Where trucks are to be admitted to parking lots, suitable turning and maneuvering geometry shall be provided as recommended by the Trucking Institute and American Association of State Highway and Transportation Officials (AASHTO).
- B. Parking and loading facilities shall be laid out so that vehicles shall enter and leave the public street or right-of-way only at the approved entrances and exits. Parking emptying onto a state road also requires a state permit.
- C. All parking spaces in parking areas of more than 25 cars and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility within 20 feet of any street line.

- D. Any area of 100 square feet or more in a parking lot which is not required for a parking space, loading space, aisle, driveway or walkway shall be landscaped. In every parking area at least one tree shall be provided for each 10 parking spaces provided in said parking area. The trees shall be distributed over the entire parking lot.
- E. Provisions shall be made to prevent vehicles from overhanging any walkway and from damaging trees or other landscaping materials, however, use of concrete wheel stops shall be prohibited in the direct path of pedestrians. If a parking lot abuts a street line, a landscaped strip at least 10 feet wide shall be provided on the interior side of the property line to prevent encroachment on the street or any sidewalk. A sidewalk within the right-of-way may be required by the Commission if, in its opinion, circumstances warrant such facility.
- F. Dimensions of parking spaces and aisles shall be at least as follows:
 - (1) Width of space: nine feet, or 10 feet if adjacent to wall or column.
 - (2) Length of space: 20 feet.
 - (3) Width of aisle:

Width of Aisle	Two-Way (feet)	One-Way (feet)
Space angle 80° or greater to aisle	24	24
Space angle 70° to 79° to aisle	20	19
Space angle 60° to 69° to aisle	20	18
Space angle 40° to 59° to aisle	20	13
Space angle 39° or less to aisle	20	12

§ 214-64. Off-street parking requirements.

[Amended 4-7-2014, effective 4-24-2014]

The following schedule of parking requirements shall apply (singularly for a single use and in combinations for more than one use):

Use	Spaces Required
a. Dwelling	2 per dwelling unit
b. Dwelling with medical or dental office	2 per dwelling unit, 1 per employee, plus 4
c. Dwelling with professional office	2 per dwelling unit, 1 per employee, plus 2
d. Dwelling with home occupation	2 per dwelling unit, plus 1
e. Housing for the elderly	2 per 3 dwelling units
f. Roadside stands, residence zone	Minimum of 4
g. Theater, assembly hall or auditorium having fixed seats and restaurants	1 per 3 seats

Use	Spaces Required
h. Churches and other places of public assembly or recreation	1 per 6 legal occupants
i. Lodging facilities	1 per guest sleeping room, plus office, restaurant and dwelling requirement where applicable
j. Meeting or conference rooms	1 per 3 persons/design capacity
k. Convalescent or nursing home	2 per 3 beds and 1 per 3 employees
l. Business offices and banks	1 per 200 square feet of building floor area, excluding basement storage, utility areas, stairs and halls
m. Retail and personal service stores	1 per 150 square feet of gross floor area, excluding utility and storage areas
n. Physician/dentist office, clinics	1 per doctor, 1 per employee and 2 per examining room
o. Industrial uses, including wholesale and storage	2 per 3 employees employed or intended to be employed on the largest shift when the capacity of building is in full use
p. Senior high school	4 per classroom, plus parking required for auditorium
q. Type B drive-thru	At least 5 waiting positions between the street line and said window for cars approaching and at least 1 waiting position for cars leaving said window. Waiting spaces shall not block other circulatory aisles, obstruct visibility for entrances or exits or cross pedestrian walks or paths
r. Type A drive-thru	The vehicular service queue lane shall be not less than 200 feet in length [See § 214-38.1A(5).]

§ 214-65. Off-street loading space requirements.

Loading spaces shall be not less than 10 feet wide, 25 feet long and 14 feet high. All building areas are gross floor areas.

Use Classification and Building Size	Number of Spaces
a. Retail store buildings (square feet):	
2,000 to 4,999	1/2
5,000 to 24,999	1
25,000 to 50,000	2
Each additional over 50,000	1 additional
b. Office, institution, theater and public assembly building (square feet):	
5,000 to 24,999	1/2
25,000 to 100,000	1

Use Classification and Building Size	Number of Spaces
Each additional over 100,000	1 additional
c. Industrial and warehousing buildings (square feet):	
0 to 49,999	1
50,000 to 100,000	2
Each additional over 100,000	1 additional

Article XII. Earth Removal and Filling

§ 214-66. Purpose.

The purposes of this article are to preserve a cover crop on the land, to prevent erosion and to control any excavation or filling operations that may create a safety or health hazard to the public or the nearby property owners or be detrimental to the immediate neighborhood or to the Town of Somers.

§ 214-67. Special use permit required.

No excavation or removal of sand, gravel, clay, soil, humus, quarry-stone, rock or other earth materials and no filling of land shall be allowed in any zone without a special use permit, except as hereafter provided.

§ 214-68. Exemptions.

A special use permit shall not be required for the necessary and incidental excavation or removal of 1,000 cubic yards or less of material on or from a lot or parcel, or for any filling activity, only if such activity occurs in connection with one of the following:

- A. A bona fide construction or alteration of a structure for which a zoning permit or special use permit has been issued and the amount of material to be removed or filled has been approved by the Commission. Topsoil or loam may only be removed to the extent necessary to allow permitted building or other construction activities. Such topsoil or loam shall be retained on the property and shall be respread on the property following the completion of construction activities. Such topsoil and loam shall then be reseeded or otherwise stabilized to prevent erosion. Topsoil or loam may be removed from the property only if the applicant demonstrates to the Zoning Commission that such materials cannot be practically reused on the property.
- B. The landscaping of a lot having one or more existing structures.
- C. Normal agricultural operations.

- D. The construction of ponds for agricultural or conservation purposes, provided that the material removed is left on the site, that the excavation or construction does not affect any watercourse or wetlands drainage or flow and will not cause soil erosion or sedimentation problems and that any other state or municipal permits required for such activity have been issued.
- E. A bonded or otherwise secured subdivision approved by the Planning Commission.

§ 214-69. Site plan requirements.

In addition to any other requirements for site plans under these regulations, the site plan for an excavation, removal or filling activity shall include the following information:

- A. Location of area to be excavated or filled and proposed commencement and completion dates.
- B. A detailed statement of the nature, extent, timing and purpose of the operation.
- C. Depth of existing topsoil at various locations.
- D. Depths to water table before and after the operation.
- E. Proposed truck routes. Access and egress to and from the property must be at least 100 feet from side and rear lot lines.
- F. Proposed truck circulation within the property.
- G. Existing and proposed drainage on the premises.
- H. Proposed measures for control of runoff, soil erosion and sedimentation.
- I. Existing topographic contour lines on the premises and proposed final contour lines resulting from the intended excavation, removal or filling, shown on a map, drawn to scale of not more than 40 feet to the inch, and with contour intervals of no greater than five feet. Contour lines must be shown for all areas within, and within 100 feet of, the site of the proposed excavation, removal or filling.
- J. All existing buildings or structures on the site and any buildings, structures or uses being applied for.
- K. Surrounding properties and streets.

§ 214-70. Issuance and renewal of special use permit.

- A. The Zoning Commission may issue or renew a special use permit for excavation, removal or filling operations involving earth products and shall establish an expiration date for any special use permit issued pursuant to this article which shall not exceed one year from the date of issuance. This special use permit shall be filed in accordance with § 214-102H(6) of these regulations prior to commencement of any operations.
- B. The Zoning Commission may renew a special use permit if it determines that the operation, as carried on, is in compliance with these regulations

and with any and all conditions set forth in the permit. No special use permit shall be renewed until the Commission or its authorized agent has inspected the work under the previous permit. A project may be divided into stages and approval shall be required by the Commission before each stage is undertaken if deemed necessary or desirable by the Zoning Commission.

[Amended 4-16-2001, effective 5-12-2001]

- C. No special use permit shall be issued or renewed pursuant to this article unless the following conditions are met:
- (1) The activity shall not result in the creation of any sharp declivities, pits or depressions, soil erosion, soil fertility problems or permanently depressed land values, or create any drainage or sewage problems or other conditions which would impair the use or reuse of the property or neighboring property in accordance with these Zoning Regulations or which would create a nuisance.
 - (2) The activity shall be in harmony with the general purpose and intent of these regulations and shall not have an adverse affect on any existing or potential surface water or groundwater supplies.
 - (3) The premises shall be excavated and graded in conformity with the proposed plans as approved.
 - (4) During the period of excavation and removal, adequate barricades and/or woven fences with middle posts, four feet in height, shall be erected for protection of vehicles and pedestrians.
 - (5) No heavy equipment other than for digging, leveling, loading and carting excavated material shall be used on the site, and no material shall be processed on the site, unless permission, in writing, is first obtained from the Zoning Commission.
 - (6) At all stages of operation, proper drainage will be provided to avoid the occurrence of stagnant water and to prevent interference with and contamination of surface water and groundwater.
 - (7) During and after the excavation, removal or filling, the site shall be cleared of debris.
 - (8) Silt and sediment shall not be permitted to run off the site and settlement basins shall be used to control sedimentation.
 - (9) All arable soil from any excavation or fill area shall be set aside and retained on the premises, and shall be respread over the affected area and permanently seeded upon completion of the entire operation or any part thereof.
 - (10) Unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission, no activity involving or related to the removal of earth materials or the filling of land shall be conducted nearer than 100 feet from any property line. If the final grade of any excavated or filled area will be below the established elevation of a street, no activity involving or related to the removal of earth materials or the filling of land shall be conducted nearer than 100 feet from such street line. Such prohibited activities include, but are not limited to, excavation, removal, stockpiling and clearing. Measurement shall be made from the property line or street line, as appropriate, to the nearest point of such removal, filling or other activity.
[Amended 6-15-1998, effective 7-1-1998]
 - (a) In areas in which the natural vegetation within any such one-hundred-foot buffer area is not, in the opinion of the Commission, sufficient to provide screening of adjacent properties or streets from dust, noise, erosion, drainage or other potential problems arising from the activity, the Commission may require that suitable plantings or other screening be provided by the applicant.

- (b) Notwithstanding the foregoing provisions, the Commission may allow any buffer area to be crossed by a driveway or other accessway not to exceed 28 feet in width and as close to 90° through the buffer area as possible if such access is necessary to allow the conduct of the proposed activity, or if it would be more reasonable and prudent than any alternative access. The length, cost, location and other characteristics of any alternative access may be considered by the Commission in determining whether such access would be more reasonable or prudent.
- (11) Earth products removal operations shall not be permitted to excavate to a depth any closer than five feet above the site's high-water table.
- (12) Proper measures shall be taken to minimize the generation of dust on access roads or driveways, and to minimize the nuisance of noise, flying dust and rocks, both on and off the premises, including any nuisance created by trucks hauling away or delivering material. If considered necessary by the Zoning Commission, a limitation may be placed upon the stockpiling of excavated or fill material. Local streets shall be kept clean by the permittee of the bank at all times.
- (13) Upon completion of an approved operation, the final grades in any area excavated or filled shall not be steeper than three to one (3:1), horizontal to vertical, or whatever lesser slope is necessary to maintain stability under particular soil conditions, and this area shall be covered with not less than six inches of topsoil, and, unless put under cultivation, it shall be treated with two tons of lime per acre, 1,000 pounds of 10-10-10 fertilizer per acre and permanently seeded. A permanent grass mixture and/or trees spaced apart not more than seven feet on center shall be planted on the restabilized area. These plans shall be referred to the Tolland County Soil Conservation District for recommendations.
- (14) Machines and trucks working in, to and from the pit area shall be properly muffled and covered at all times.
- (15) All trucks shall be required to take the shortest distance to a state road.
- (16) Topsoil or loam shall not be removed from any property except in accordance with § 214-68.
- (17) The site will be subject to continuously conform to the State of Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

§ 214-71. Blasting; operation standards and hours.

- A. Blasting for the removal of earth products shall not be permitted unless written approval is granted by the Zoning Commission and any other local or state agency having jurisdiction over blasting operations. An applicant for any activities involving blasting shall be required to show that the blasting will not cause a nuisance or damage to nearby property.
- B. At no time shall more than one undivided area, which area shall not exceed three acres in size, be opened within the lot, it being the intent of these regulations that the remainder of the lot either shall be undisturbed land or shall have been restored or stabilized in accordance with § 214-70C(13). Boundary stakes shall be maintained at all times for the purpose of inspection for compliance.
- C. No excavation or filling shall be permitted within 50 feet of a wetland or watercourse unless the applicant demonstrates that such excavation or filling will not adversely affect the water quality of such wetlands or watercourse or cause erosion of or sedimentation into such wetland or watercourse. The applicant should be aware that a permit from the Somers Conservation Commission may be required in such cases.

- D. No activity connected with any excavation, removal or filling operation may be undertaken on any Sunday or any legal holiday; or earlier than 7:30 a.m. nor continue after 5:30 p.m. Monday through Friday; or earlier than 8:00 a.m. nor continue after 12:00 noon on Saturday. No processing of earth products shall take place on Saturdays. Processing of earth products in cases of emergencies may be granted by special permission of the Zoning Commission.
- E. As a condition for granting a special use permit, the Zoning Commission shall decide on the total number of acres to be excavated and the depth of the operation.
- F. Filling operations shall be carried on in such a manner as to prevent the breeding or harboring of insects, rats or other vermin, and to prevent the transport of fill or excavated material, or any waste or debris, off the premises by wind, water or other causes.
- G. No crushing or separating operations shall be permitted unless, after a public hearing is held, written approval is granted by the Zoning Commission.
- H. Failure to meet any requirement shall bar the issuing of a permit, regardless of whether such failure was caused by the applicant, any predecessor in title or any other person.

§ 214-72. Performance security.

[Amended 6-16-1997, effective 7-1-1997]

The applicant shall file with the Commission a detailed estimate of the cost of the work to be performed a part of the special use permit to be reviewed and approved by the Commission. The estimate shall include, but not be limited to, all excavation, removal and filling, as well as all sedimentation and erosion control measures to be installed and continuously maintained, and all work necessary to completely restore the ban as required by these Zoning Regulations.

- A. As a condition of the special use permit, the applicant shall post security in the amount equal to the cost estimated by the applicant and approved by the Commission, plus a contingency of 20% of that amount. Minimum bonding of \$10,000 per site will be required. Such security shall be in the form of a continuous surety bond, irrevocable letter of credit, cash or passbook acceptable to the Commission.
- B. In order to ensure the faithful performance and completion of the work pursuant to the conditions of the special use permit approval, any security provided under this section shall be filed with the Town Planner in a sum and form satisfactory to the Town Engineer, Town Attorney and the Commission and shall be in force until canceled by the Commission. Such security may be canceled only with the approval of the Zoning Commission and only if notice of such proposed cancellation is provided to the Commission at least 30 days in advance of such proposed cancellation.
- C. Prior to any transfer of deed involving an active gravel bank or prior to the complete restoration of a gravel bank, the present owner, responsible for the restoration of the gravel bank, must show proof that new security, satisfactory to the Commission, is in force before the present security is released, and must also be in compliance with § 214-74 of these regulations.

§ 214-73. Fees; permit renewal; abandonment.

A fee of \$600 per year shall be levied upon the permittee to defray the expenses of inspections and monthly reports. No permit shall be renewed unless an updated, certified engineered site plan has been approved by the Zoning Commission and is in compliance with § 214-70 of these regulations. Cessation of operations for a six-month period shall be considered as abandonment and a permit shall terminate and the security in place shall be forfeited.

§ 214-74. Transfer of permit.

No special use permit issued in accordance with this article shall be transferable or assignable to any other person, corporation or legal entity. Any alienation of title to the premises concerning which a permit has been issued, whether by sale, lease, gift, devise or other means, shall operate as a revocation of said permit, and any subsequent owner, lessee or sublessee must apply for a new permit before any excavation, removal or filling operations may be conducted upon said premises. No such permit shall be issued unless all conditions stated in these regulations, and in any previous permits, have been met.

§ 214-75. Revocation of permit.

If it appears to the Commission or its authorized agent at any time after the issuance of a special use permit under the provisions of this article and prior to the completion of the work thereunder, that any of the work is not in accordance with these regulations or the terms of the special use permit, the Commission or its authorized agent may serve a notice on the violator stating the nature of the violation and giving not more than 30 days for the violation to be corrected. If the violation is not corrected within the time specified in the notice, the Commission or its authorized agent may revoke the permit and take such other action as it or he may reasonably deem necessary to bring the work into compliance with these regulations and the terms of the special use permit, including but not limited to calling the performance bond. These provisions are in addition to, and not in lieu of, the provisions of § 214-108 of these regulations.

§ 214-76. Existing operations.

Existing excavation, removal or filling operations may continue as nonconforming uses until the expiration of their yearly permit, but the operator must file with the Commission a statement setting forth the area included in the operation and the nature, extent and purpose of the operation now being carried on. After such a statement is filed with and approved by the Commission, any extension, change or renewal of the operation shall be considered a new operation and shall require compliance with these regulations.

Article XIII. Groundwater Protection

§ 214-77. Purpose.

Approximately 60% of the land in the Town of Somers consists of stratified drift sediments capable of yielding large amounts of water. The various

subregional drainage basins discharge centrally into this sediment requiring uniform controls throughout the Town in order to ensure an adequate supply of safe drinking water.

§ 214-78. Hazardous waste contingency plan.

Any commercial or industrial application which uses or generates any hazardous materials shall furnish a hazardous waste contingency plan to the Somers Water Pollution Control Authority and the Somers Fire Marshal for their review and approval, in addition to any other requirements found elsewhere in these regulations. This plan shall include, but is not limited to, the following:

- A. A general description of the facilities with a site plan and floor plan showing the inside and outside locations of any hazardous materials.
- B. The amount and composition of any hazardous materials that will be handled, stored, generated, treated and/or disposed of on the property.
- C. Provisions for treatment, storage and/or disposal of any hazardous materials.
- D. Provisions for containment and emergency procedures in the event of a sudden or non-sudden discharge of hazardous materials, fire or explosion.
- E. Distance to nearest public water supply wells or AA streams (tributary to public water supply).

§ 214-79. Storage of potential water contaminants.

- A. Commercial underground tanks and storage systems shall be designed, constructed and installed in accordance with the standards of the State Building and Fire Codes, National Fire Prevention Association (NFPA 30), American Society For Testing Materials, Connecticut Regulations For Control of Nonresidential Underground Storage And Handling of Oil and Petroleum Liquids and the Department of Environmental Protection.
- B. The burial of fuel tanks intended for residential fuel oils or other petroleum products shall be discouraged. Where possible, fuel tanks shall be located in basements, garages or in approved structures aboveground. Where extenuating circumstances exist (buildings on slab construction, replacement of existing underground tanks, larger than normal tank installation with limited placement possibilities) which create the need for an underground storage tank, new and replacement domestic underground fuel oil or other petroleum product storage tanks shall be designed, constructed and installed in accordance with the standards of the State Building and Fire Codes, National Fire Prevention Association (NFPA 30), American Society For Testing Materials, Connecticut Regulations For Control of Nonresidential Underground Storage And Handling of Oil and Petroleum Liquids and the Department of Environmental Protection.
- C. New and enlarged sites for the accommodation or storage of chemical fertilizers, pesticides, salt and herbicides shall:
 - (1) Have a roof which shall prevent precipitation from coming into contact with these materials.
 - (2) Have a liquidtight floor with no drains.
 - (3) Be located so that the surface water runoff drains away from the storage area.

- D. Plans for new and enlarged manure storage sites shall be submitted for review to the Department of Environmental Protection and the United States Department of Agriculture no later than the day of submission of any application for a zoning permit for such site.
- E. Any aboveground storage tank shall be on an impervious, structurally diked area to contain any leaks or spills, with no drains, and shall be suitably covered to prevent precipitation accumulation.
- F. Any of the facilities described above shall be shown on a plot plan filed with the Town Fire Marshal and Sanitarian.

§ 214-80. Inspection of new and existing uses.

The Town Sanitarian, the Building Inspector, the Fire Marshal and/or the Zoning Enforcement Officer, as the case may be, shall check all nonresidential facilities at least once a year at random, including but not limited to:

- A. Metal plating, industrial manufacturing and printing operations.
- B. Gasoline stations, auto body shops and small engine repair shops.
- C. Aboveground and below-ground fuel or chemical storage facilities.
- D. Chemical fertilizer, pesticide, salt and herbicide storage facilities.
- E. Junkyards and landfill operations.
- F. Commercial animal farms.
- G. Town operated and controlled septage lagoons.

§ 214-81. Corrective action.

Should the Town Sanitarian, Building Inspector or Fire Marshal upon inspection determine that a facility is not in compliance with this article, said official shall immediately notify the Zoning Enforcement Officer. He/she shall notify, in writing, the owner of said facility of such noncompliance and the reasons for the same. The owner shall have 15 days from the date of said notification to cure such noncompliance. If not corrected within said period, the certificate of occupancy for the property shall be revoked. Upon revocation of said certificate of occupancy, the Zoning Enforcement Officer shall notify the owner of said facility and undertake appropriate enforcement action with the concurrence of the Zoning Commission.

Article XIV. Inland Wetlands and Watercourses

§ 214-82. (Reserved)

[1] *Editor's Note: Former § 214-82, Purpose, was repealed 7-13-1998, effective 7-25-1998. See now Ch. 211, Inland Wetlands and Watercourses.*

§ 214-83. (Reserved)

[1] *Editor's Note: Former § 214-83, Restrictions on adjacent areas; soil erosion and sediment control, was repealed 6-15-1998, effective 7-1-1998. See now Ch. 211, Inland Wetlands and Watercourses.*

Article XV. Flood Damage Prevention

§ 214-84. Areas of special flood hazard.

[Amended 7-24-2006, effective 7-27-2006]

- A. This article shall apply to all areas of special flood hazard within the jurisdiction of the Town of Somers. The areas of special flood hazard, identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM), dated August 16, 2006, or any subsequent adoption thereto, with accompanying floodway maps, or the Somers, Connecticut Floodplain Management Study For Gillettes Brook, Gulf Stream, Abbey Brook, and Thrasher and Schanade Brooks and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this article. Since mapping is legally adopted by reference into this article, it must take precedence when more restrictive, until such time as a map amendment is obtained.
- B. Specific standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 214-84 or as determined in § 214-86D, the following provisions, in addition to those in Subsection A, are required:
- (1) Permit procedures. An application for any building, structure or use in a special flood hazard area shall be made to the Town Sanitarian as part of the zoning permit application process.
 - (2) Water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (3) In A-Zones where base flood elevations have been determined, but before a floodway is designated, no development, including fill, shall be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
 - (4) Floodways. In areas where floodways have been designated or determined, encroachments, including fill, new construction, substantial improvements, and other developments, shall be prohibited unless certification (with supporting technical data, hydrologic and hydraulic analyses performed in accordance with standard engineering practice) by a registered professional engineer licensed to practice in the State of Connecticut is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during the occurrence of

the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

- (5) Compensatory storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of floodwater at each elevation, up to and including the one-hundred-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
 - (6) Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the Town of Somers, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- C. Abrogation and greater restrictions. This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. Interpretation. In the interpretation and application of this regulation, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- E. Warning and disclaimer of liability. The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the special flood hazard area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Somers or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Somers, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Somers.

§ 214-85. Provisions for flood hazard reduction.

New construction or substantial improvements of residential structures, nonresidential structures and manufactured homes shall be prohibited except for restorations as in § 214-32 of these regulations. All restorations which are substantial improvements in special flood hazard areas must meet the following provisions:

- A. General standards. In all areas of special flood hazard where base flood elevation data has not been provided (Zone A), the following provisions are required:
 - (1) All restorations which are substantial improvements shall be:
 - (a) Anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Constructed with materials and utility equipment resistant to flood damage.
 - (c) Constructed by methods and practices that minimize flood damage.
 - (d) Constructed with electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (2) Manufactured homes. All manufactured homes within Zone A on the Town's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Specific standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 214-84 or as determined in § 214-86D, the following provisions, in addition to those in Subsection A, are required:
 - (1) Residential structures. Residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 - (2) Nonresidential structures. Commercial, industrial or nonresidential structures located in a special flood hazard area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.
 - (3) Floodproofing. Nonresidential structures located in all A Zones may be floodproofed in lieu of being elevated, provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
 - (4) Elevated buildings. Elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic flow of floodwaters in both directions.
- (5) Manufactured homes. Manufactured homes to be newly placed, substantially improved, or repaired as a result of substantial damage shall have the lowest floor elevated to or above the base flood elevation. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored. Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level. This standard applies to any manufactured home outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
[Amended 7-24-2006, effective 7-27-2006]
- (6) Recreational vehicles. Recreational vehicles placed on sites within a SFHA shall either:
[Added 7-24-2006, effective 7-27-2006]
 - (a) Be on the site for fewer than 180 consecutive days; and
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all the elevation and anchoring requirements of §§ 214-85A(2) and 214-85B(5).
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

§ 214-86. Powers and duties of Town Sanitarian.

- A. Duties of the Town Sanitarian shall include, but not be limited to:
 - (1) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - (2) Advise permittee that additional federal or state permits may be required. Notify abutting communities and the Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (3) Record the elevation (in relation to mean sea level) of the lowest floor, including basement, or floodproofing level of substantially improved restorations. When floodproofing is utilized for a particular structure, the Town Sanitarian shall obtain certification from a registered professional engineer or architect at the applicant's expense.
 - (4) When base flood elevation data or floodway data have not been provided, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this article.

(5) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, make the necessary interpretation.

B. All records pertaining to the provisions of this article shall be maintained in the office of the Town Sanitarian.

Article XVA. Somersville Center Overlay District (SCOD)

[Added 7-23-2007, effective 7-26-2007]

[1] *Editor's Note: Former Art. XVA, Ridgeline and Hillside District, added 11-1-1997, was repealed 6-30-2003, effective 8-1-2003.*

§ 214-86.1. Statement of purpose.

The intent of the overlay district is to enhance Somersville's primary commercial center into a mixed-use Town center. The SCOD will provide for the community's neighborhood commercial needs, improve the quality of life and support multi-modal transportation options.

§ 214-86.2. District boundaries.

The SCOD boundaries contain properties zoned for commercial use located with frontage on both sides of Main Street/Route 190 (Main Street), between Maple Street/Shaker Road to the west and School Street/Hall Hill Road to the east, and north along Hall Hill Road for existing commercial zoned properties.

§ 214-86.3. Historical context.

This section of Somersville developed as a mill-housing district to support the Somersville Manufacturing Company (the Mill), which was founded by the Keeney family in 1879. But recent development trends, the closing of the Mill and increased traffic along Main Street have transformed it into a commercial district.

§ 214-86.4. Objectives.

The objectives of the Somersville Center Overlay District are:

- A. To provide a mix of land uses and promote development that is compatible with the community's existing residential and neighborhood commercial character.
- B. To provide a range of housing options, such as senior housing and multifamily dwelling units.
- C. To provide a safe, well-connected and high-quality pedestrian environment.

- D. To accommodate nonvehicular transportation options, such as bicycle lanes along Main Street.
- E. To provide roadway improvements and access management to support efficient vehicular traffic movement.
- F. To provide uniform and aesthetically attractive signage that supports the development character.
- G. To provide uniform and attractive site landscaping.
- H. To provide adequate and convenient on-street and off-street parking that does not detract from the Main Street character, and to encourage cooperation between landowners to enhance the character through collaborative parking areas and vehicle entrances.

§ 214-86.5. Eligible uses.

A. Land uses within the SCOD are intended to encourage a mixed-use character and should be compatible with surrounding development. The Somers Plan of Conservation and Development (POCD), adopted in October 2004, recommended that land uses should be designed to meet residents’ shopping needs, expand the local tourist economy, enhance the local economy and provide a variety of housing alternatives.

B. The following land uses apply to all new development within the SCOD area:

(1) Prohibited uses: Uses described in § 214-44, Prohibited Uses, and § 214-97, Prohibited uses, shall not be allowed within the Somersville Center Overlay District.

(2) Allowed uses:

(a) Mixed-uses are encouraged within the SCOD area. The Town of Somers staff and the Design Advisory Review Board established by the Town will review the mix of uses and densities for all new development. Preliminary submission to the land use staff and Design Advisory Review Board is required. Final submission for the development will be evaluated in accordance with § 214-101, Site plan approval.

[1] Commercial uses are required at the first floor level and retail uses are encouraged.

[2] Commercial or residential uses are allowed on the second and third floor levels.

[3] Lot assembly, or the merging of lots to create a unified parcel will be encouraged for providing a mix of land uses.

(b) Land uses currently allowed within the Business Zone shall be allowed in the Somersville COD with the following exceptions:

Modifications to the Schedule of Permitted Uses^[1]

Primary Uses

District

Business (B)

2.	Multifamily dwelling, 2 units maximum per lot	P
4.	Farms, utility lines	N
7.	Removal of earth products	N

Modifications to the Schedule of Permitted Uses^[1]

Primary Uses	District
11. Commercial swimming, golf or country club	N
15. Cemetery	N
19. Retail, personal services, bank or office (less than 5,000 square feet per use)	P
20. Restaurant (less than 9,000 square feet)	P
21. Underground storage of fuel	N
22. Motor vehicle sales, service, gasoline sales	N
34. Conversion of industrial buildings to residential uses	P
Tattoo parlors	N
Adult establishments	N

NOTES:

Designations under Business:

- P: Permitted use as of right subject to the issuance of a zoning permit and/or building permit.
- N: Prohibited in that particular zoning district.

[1] *Editor's Note: The Schedule of Permitted Uses is included in § 214-98B.*

§ 214-86.6. Site layout.

Development within the SCOD area will undergo a special design review by the Town of Somers staff and a Design Advisory Review Board (DARB) established by the Town. The following site layout design criteria will be evaluated for consistency with the intent of the SCOD:

- A. Height restrictions: New development is restricted to no higher than three stories and a maximum building height of 35 feet. For this regulation, building height is measured at the finished street grade to the highest point of the roof.
- B. Setbacks for buildings:
 - (1) A maximum front setback of 15 feet and a minimum front setback of four feet shall be allowed for buildings along Main Street.
 - (2) A minimum side setback of 10 feet shall be allowed for all new development.
 - (3) A minimum rear setback of 30 feet shall be allowed for all new development.
 - (4) Maximum lot coverage of 60% will be allowed for new development.
 - (5) A maximum distance of 20 feet and minimum distance of 10 feet will be allowed between adjoining buildings within the same lot.

C. Landscape and outdoor uses:

- (1) The area between the building facade and property line should be adequately landscaped using small shrubs, flower baskets or plantings. Indigenous and/or ornamental, disease-resistant plants are encouraged.
- (2) Active uses, such as outdoor seating and displays will be encouraged in the area between the building facade and property line, with the intent of incorporating this area into the walkable streetscape planned along Main Street.

D. Building character.

- (1) Building facades should be appropriately proportioned to be consistent with the area's architectural character.
- (2) Promote architecture that is based on Shaker-styled architecture. (See Appendix A.^[1])
^[1] *Editor's Note: Appendix A is on file in the Town offices.*
- (3) Vertical elements, such as columns and vertical siding patterns, are encouraged on linear buildings.
- (4) Entrance porches or canopies consistent with the building style and surrounding character are encouraged. Porches and canopies shall be allowed within the front setback area, up to a distance of two feet from the property line.
- (5) Large windows with grille and transom are encouraged at the first floor level. Windows should be utilized for displays.

E. Parking and access.

- (1) Access is restricted to a maximum of one driveway per development from Main Street if no access is currently available.
- (2) Shared driveway access and common parking areas with the adjoining business is encouraged.
- (3) Increased coverage of up to 70% shall be permitted with shared driveway and common parking areas.
- (4) Driveways should be clearly marked using permitted signage.
- (5) Parking requirements follow existing zoning guidelines as described in § 214-64, Off-street parking requirements, of the Somers Zoning Code.
- (6) Parking is prohibited in the area between the front of the building and property line fronting Main Street. All parking should be located at the rear or side of the building.
- (7) Shared parking facilities between office, retail and residential uses are encouraged.
- (8) Shared spaces shall be counted as great as 1.5 spaces for each parcel pending review by the Zoning Commission.
- (9) The Commission may consider overlapping/complementary parking spaces for uses that can demonstrate that uses occur at off-setting time periods.
- (10) On-street parking provided by the developer/owner shall be counted as 1.5 spaces towards the overall parking count for the proposed use.

- (11) The Town of Somers staff and the Design Advisory Review Board (DARB) will consider reduced parking requirements as part of the evaluation process.
- (12) On-street parking on Main Street is encouraged to support retail uses at the first floor level. On-street parking provided by the developer shall be considered towards overall parking requirements for the project.

F. Environmental considerations.

- (1) Ensure the maintenance and effective stormwater drainage system throughout the neighborhood.
- (2) Effective storm drainage systems or best management practices (BMPs) may include vegetated swales, rain gardens, or other methodologies to improve water quality and encourage infiltration.
- (3) Encourage the appropriate public agencies to examine and to resolve drainage problems that occur along Main Street, and as it relates to the rear of the parcels, which ultimately releases into Somersville Mill Pond, recognizing that the stormwater discharged ultimately releases into the Long Island Sound.
- (4) Encourage low-impact drainage solutions, utilizing innovative stormwater management solutions. These may include pervious pavements, rain gardens, bio-filtration swales, etc.

§ 214-86.7. Signage.

- A. Signage shall meet Article X, Signs, of the current Town zoning regulations.
- B. Signage should be designed to reinforce the Somersville COD's character and unique features.
- C. Signs should effectively identify commercial/residential spaces and should be located to benefit both motorists and pedestrians.
- D. They should add interest to the street level environment.
- E. Awning signs, perpendicular wall-mounted signs, and window signs are encouraged.
- F. Signage shall not be located within the roadway right-of-way.
- G. Illumination shall be accommodated with down lighting fixtures, such as goose neck fixtures.
- H. Signage shall be low to ground, blended with the landscape.
- I. Neon signs are not permitted.
- J. Internally illuminated signs are not permitted.

§ 214-86.8. Main street design.

- A. Recommendations for roadway and streetscape improvements to Main Street are currently underway. The cross section for the improved Main Street will include:
 - (1) Eleven-foot-wide travel lanes (one lane in each direction).
 - (2) Four-foot-wide bicycle lanes (one lane in each direction).
 - (3) Eight-foot- to eighteen-foot- (depending on parking area) wide landscape area/furniture zone (as approved by Town)/tree planting area (both sides of Main Street).
 - (4) Six-foot wide paved sidewalks (both sides of Main Street).
 - (5) Four-foot wide outdoor seating and landscape area (both sides of Main Street).
- B. The landscape treatment will include decorative lighting, plantings, banners, and trees.

§ 214-86.9. Application procedure.

The approval process shall follow the site plan approval process, in accordance with § 214-101, including:

- A. Review and approval of architectural drawings of any proposed buildings, structures, or exterior renovations.
- B. Review by the Town's Design Advisory Review Board.

Article XVI. Special Uses

§ 214-87. Alcoholic beverages.

After a public hearing, the Zoning Commission may grant a special use permit for the use of property for the sale of alcoholic beverages, subject to State Liquor Commission control and restrictions under this section.

- A. No building or premises shall be used for the purpose of sale or exchange of alcoholic liquors at retail if the main entrance to that part of the building subject to licensing is within 750 feet of a church or public school or another establishment having a liquor control permit. Notwithstanding the foregoing provision, an establishment allowing only on-premises consumption of beer, wine and cider not exceeding six percent liquor by volume may be located less than 750 feet but not less than 100 feet from a church or public school.
- B. Grocery stores with beer and wine permits shall be considered or regarded as a package store outlet.
- C. Except as limited above, the bottling and wholesale sale and storage of alcoholic liquors is permitted in the Industrial District, without limitation of distance from any liquor outlet.

- D. In residential districts, the sale of alcoholic liquors for consumption on the premises is permitted, subject to Subsection A above, only by special use permit issued by the Zoning Commission as follows:
 - (1) A club under a club permit.
 - (2) At a public golf course or golf center under a restaurant permit, a restaurant permit for beer only, a restaurant permit for beer and wine only or a cafe permit, as defined in the Connecticut General Statutes.
[Amended 4-20-1998, effective 4-27-1998]

§ 214-88. Greenhouses.

After a public hearing, a special use permit may be granted for greenhouse operations or expansions which are proposed as the principal use of farm property. Prior to issuance of a special use permit, the Commission shall make findings that the plan of the proposed land use as approved will be:

- A. In harmony with the actual or permitted development of nearby properties and immediate neighborhood.
- B. For agricultural purposes with any on-premises sales limited to products raised on the premises.
- C. Adequately buffered from nearby residential properties and appropriately located on the property to protect the residential character of the area.

§ 214-89. Horses and ponies.

- A. For commercial purposes. The Commission, as a special use, may permit the keeping of horses and ponies for breeding, boarding and/or instruction for commercial purposes.
 - (1) The premises shall not be less than 10 acres in area.
 - (2) The use may be conducted only by the resident of the premises as an accessory use.
 - (3) Buildings housing horses or ponies and areas of concentrated storage of waste shall be not less than 200 feet from any street line and not less than 200 feet from side and rear lot lines.
[Amended 7-13-1998, effective 7-25-1998]
 - (4) A single dwelling for a full-time caretaker or watchman may be allowed on the premises, but shall be limited to three rooms, including a kitchen. Said dwelling shall not be freestanding and shall be an integral part of a building housing horses or horse facilities.
 - (5) In considering such special use, the Commission shall weigh the agricultural and rural, as well as the residential, character and potential of the area, and shall find that the granting of such land use shall result in an appropriate use of the land and will not have a detrimental effect on the value or enjoyment of existing residential or other uses in the area.
- B. For pleasure.

- (1) The lot shall contain not less than two acres for one horse and one additional acre for each additional horse. The provisions of Subsection A(1) shall apply for more than three horses.
- (2) Buildings housing horses and areas of concentrated storage of waste shall be not less than 100 feet from any street line and not less than 100 feet from side and rear lot lines.
[Amended 7-13-1998, effective 7-25-1998]

§ 214-90. Restaurants.

Alcoholic drink may not be served in any restaurant, except as an adjunct to the primary function of serving food and operating under a restaurant liquor permit as provided in Section 30-22a of the Connecticut General Statutes, as amended. Such service of alcoholic drink shall comply with all Liquor Control Commission regulations appertaining thereto. All establishments serving food and nonalcoholic drink must be housed in an enclosed structure and must provide seats for their customers either at a counter or at separate tables.

§ 214-91. Permanent public uses.

The Commission may permit the following uses in any zone if it finds such use to be essential to the public convenience and welfare:

- A. Firehouses.
- B. Libraries.
- C. Cemeteries.
- D. Churches open to the public.
- E. Town parks and playgrounds.
- F. Public utility lines, substations and buildings, provided that:
 - (1) The location, construction and right-of-way of any transmission line shall be such as to prevent hazard to the public and surrounding property.
 - (2) Gas booster stations shall be located on a site at least one acre in area and having no dimension less than 100 feet.
 - (3) A utility substation shall be located on a lot at least 10,000 square feet in area. There shall be suitable fencing to protect the public and landscaping to effectively screen the substation from surrounding property. Yard setbacks of the district in which the substation is located shall be met. In addition, there shall be adequate off-street parking areas providing at least two parking spaces.
 - (4) Minor structures, such as hydrants, telephone or light poles or similar equipment, shall not be subject to these regulations.

§ 214-92. Temporary uses.

- A. Any church, school, civic association, volunteer fire department or other nonprofit organization may hold a fair, carnival, circus, athletic meet, sporting event or similar event on its own premises for a period not exceeding seven days if the profits are to be used for civic, religious or philanthropic purposes.
- B. School bus shelters may be located 20 feet from the street line subject to the following:
 - (1) Approval of Building Inspector and Zoning Enforcement Officer.
 - (2) Certification of construction by the Building Inspector.
 - (3) Verification of use for a school approved bus stop.
 - (4) Building to be in place only from September to June.
 - (5) Permits to be issued to current owner only. Permit is automatically void upon transfer of title.
 - (6) A permit is required for each school year.
 - (7) The shelter may not exceed 24 square feet in floor area, nor seven feet in ceiling height.
- C. The Commission may issue a special use permit for up to one year, which may be renewed by the Zoning Commission or its agent after a public hearing for the limited use of trailers or mobile homes for the following purposes:
[Amended 6-30-2003, effective 8-1-2003]
 - (1) Mobile homes used as an office to service a construction project, which may include facilities for a watchman, for up to one year.
 - (2) Temporary uses other than for residential purposes which in the judgment of the Commission warrant such special use permit.

§ 214-93. Temporary commercial uses.

- A. The Commission may issue a special use permit for auctions, food festivals, music jamborees and flea markets, provided that:
 - (1) The activities are an accessory and secondary use to an existing commercial use in an A-1, B or I Zone.
 - (2) The proposed activities shall be conducted on property situated adjacent to a state highway.
 - (3) Said permit shall be valid up to three years or any other shorter time period approved by the Commission. A minimum written notification of 45 days to the Zoning Commission or its agent shall be given if there is no prescheduled date for an approved event(s). Written notification to the Zoning Commission or its agent shall be given no later than 45 days prior to the holding of an approved event if such event has been approved without prescheduled dates. The special use permit may be renewed annually after a public hearing is held by the Commission. The

fee for renewal shall be equal to the special use permit fee.

[Amended 4-3-2006, effective 4-6-2006; 4-7-2014, effective 4-24-2014]

- B. Prior to issuance of a special use permit, the Commission shall make findings that the plan of the proposed land use as approved will be:
 - (1) In harmony with the actual or permitted development of nearby properties and immediate neighborhood.
 - (2) Adequately buffered from nearby residential properties and appropriately located on the property to protect the character of the area.
 - (3) In accordance with §§ 214-102 and 214-103 of these regulations. The Commission shall consider conditions of the permit, including but not limited to parking, hours of operation, type and size of signs and length of permit. The applicant is responsible for police and traffic control if required for his/her event.
- C. The granting of a permit under this section does not supersede the conditions set forth herein or other permits which may be necessary. All required permits must be obtained and conditions met prior to the commencement of any event. Any permit for any event which threatens the health, safety or welfare of the community may be revoked by the Zoning Commission or its agent in accordance with § 214-108 of these regulations.
[Amended 8-10-1993]

§ 214-93.1. Adult-oriented establishments.

[Added 2-16-1999, effective 3-1-1999]

All adult-oriented establishments, as that term is defined in Chapter 72 of the Town of Somers Code, as may be amended from time to time, shall be subject to the following regulations:

- A. The lot on which such establishment is located shall be a minimum of 1,000 feet from any lot that is zoned for residential uses or any lot that contains other adult-oriented establishments or any lot containing an existing residential use or from any building or premises used for the purpose of a hotel, motel, public schools (or a duly authorized school other than a public school, conducted for the instruction of children under 18 years of age and giving instruction at least eight days a week for eight or more months a year), a church, charitable institution (whether supported by public or private funds), hospital, convalescent home, cemetery, library, museum, child day-care center, park or recreation facility, public playground, municipal fire or police station or municipal Town Hall. The required minimum distance shall be determined by measuring along a radius from the property of the use in question to the nearest property line of any protected use.
- B. Adult-oriented establishments are permitted only in the Business Zoning District and shall be subject to the special permit and site plan review provisions of Article XVII of the Somers Zoning Code. The following specific site plan criteria shall apply to any adult-oriented establishment:
 - (1) No exterior sign shall contain any photographic or artistic representation of specified anatomical areas.
 - (2) All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.
 - (3) No adult use shall be established in any building of which any part is used for residential purposes.

- (4) No residential use shall be established in any building of which any part is used as an adult use establishment.
- (5) Stairways, sloping or rising paths and building entrances and exits shall be illuminated. Spotlight-type fixtures attached to the building should be avoided.
- (6) Adequate lighting shall be provided on a site to ensure the safe movement of persons and vehicles and for security purposes.
- (7) All lighting shall be shielded to prevent direct glare and/or light trespass onto adjoining properties. All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing for any upward distribution of light. Flood lighting is prohibited. All nonessential lighting shall be turned off after business hours, leaving only the necessary lighting for site security. Nonessential lighting includes display, aesthetic, parking and sign lighting. The use of motion detection lighting for security is preferred over a constant light source.
- (8) Parking. One parking space for every 100 square feet of gross floor area devoted to the adult-oriented establishment shall be provided.

§ 214-93.2. Outdoor wood-burning furnaces.

[Added 7-14-2008, effective 7-17-2008]

As allowed by special use permit in § 214-102, and regulated by CGS § 22a-174k, outdoor wood-burning furnaces (OWBF) must operate only on wood that has not been chemically treated; must be located not less than 200 feet from the nearest residence not being served by the unit; and must have a chimney that is more than the height of the roof peaks of residences located within 500 feet of the OWBF, provided the chimney height is not more than 55 feet. Prior to the installation of an OWBF, the applicant shall submit to the Somers Zoning Official a map drawn by a licensed land surveyor showing vertical and horizontal measurements to all residences within the five-hundred-foot radius required by law in order to demonstrate compliance with CGS § 22a-174k. The Zoning Commission can waive the requirement of a professionally drawn survey if the applicant can demonstrate that the OWBF will be located at least 500 feet from any of their property lines. Operation of any OWBF shall be prohibited from April 15 to October 15. The Commission may extend the operational use of an OWBF if an applicant can demonstrate the OWBF use is for an agricultural operation or for farm use.

Article XVII. Minimum Requirements in Zoning Districts

§ 214-94. Residential districts.

A. Purpose of residential districts.

- (1) The predominant character of the Town as it exists and as planned is residential, which is provided for by two districts which vary only as to permitted uses and dwelling size to meet the needs and desires of the Town's residents, and also to recognize the prevailing character of existing residential and agricultural areas which fit into the Comprehensive Zoning Plan. Said districts are designated "Residence A" and "Residence A-1."
- (2) These districts are intended to provide areas for those residents who desire individual dwelling structures surrounded by open space which can be landscaped and developed with facilities for outdoor family living while at the same time preserving those areas which are capable of

supporting agricultural pursuits and those areas which are recognized as being incapable of urban development because of natural physical factors.

- (3) In keeping with these purposes it is intended that nonresidential uses in such districts be limited to those which are primarily necessary or desirable to serve the residents of these districts and are compatible with residential uses when located in their midst.
- B. Residential basement requirements. All residential buildings shall have full basements with a ceiling height in compliance with the State Building Code and these regulations, except that:
- (1) Any split-level style or raised ranch dwelling shall have a basement area of at least one-half (1/2) the first floor area of said dwelling.
 - (2) By special use permit, this requirement may not apply where a basement would substantially hinder or prevent the construction of proposed energy efficient passive solar or geothermal dwellings.
 - (3) Additions to an existing residential building need not have a basement, provided that the original building has the required minimum floor area. Such additions shall not exceed 50% of the original floor area.

§ 214-95. Business District.

The Business District in these regulations is established in order to provide areas for convenience goods and services and commercial uses which are considered necessary to serve the residents and businesses of the Town.

§ 214-96. Industrial District.

This district permits a variety of uses allowed in other districts and provides for a number of uses that would not be desirable in residential or business areas. In addition, certain types of uses that are incompatible and/or undesirable are prohibited, or would be prohibited due to physical capabilities of the land.

§ 214-97. Prohibited uses.

The following buildings, structures and uses are prohibited in all zoning districts:

- A. Abattoir, meat packing, distillation of bones, offal or dead animals, rendering or dumping.
- B. Blast furnaces or smelting of copper, iron, lead, tin or zinc, drop forging or foundries.
- C. Coal or petroleum distillation or derivation of by-products.
- D. Manufacture of cement, lime, gypsum, plaster of Paris, creosote, chlorine or carbolic, hydrochloric, nitric, picric or sulfuric acid.

- E. Manufacture, storage or disposal of hazardous materials and wastes.
- F. Manufacture or storage of explosives or nuclear products or their development or assembly.
- G. Fertilizer manufacture, except in connection with the operation of a sewage disposal plant.
- H. Refining and recovery of products from fish or animal refuse.
- I. Plastics or rubber manufacture or paint or lacquer.
- J. Petroleum gas manufacture and storage by other than a public utility, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted by the Zoning Commission as a special use and provided that the standards established by the National Board of Fire Underwriters, NBFU pamphlet 58 and 59, and applicable state laws, including revisions, are complied with. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut state laws.
- K. Junkyards, motor vehicle salvage and processing.
- L. Leather tanning.
- M. Dry-cleaning establishments and similar uses using chemicals.
- N. Hazardous waste dumps.
- O. Private septage lagoons.
- P. Photographic processing.
- Q. Furniture stripping.
- R. Fiberglass manufacture.
- S. Electroplating.
- T. Smelting.
- U. Metalfinishing and heat treating.
- V. Burial of stumps.
- W. Similar uses to the above Subsections A through K which are dangerous by reason of fire or explosion or injurious, noxious or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise, vibrations.
- X. Organizations in which compensation is charged for the privilege of hunting wild game on private property.
[Added 6-3-1991, effective 6-17-1991]
- Y. Commercial kennels.

[Added 6-30-2003, effective 8-1-2003]

[1] *Editor's Note: See also § 214-44*

§ 214-98. Area, yard and bulk regulations; permitted uses and accessory uses.

A. Standards for districts. The following standards shall apply to all buildings, structures and uses in each applicable district:

	Single-family Residence		Two-family Residence	Business	Industrial
	A	A-1	A-1		
Lot area (square feet)	40,000	40,000	80,000	40,000	60,000
Contiguous buildable area (square feet)	40,000	40,000	80,000	40,000	60,000
Lot frontage (feet)	175	175	300	75	200
Minimum front yard (feet)	50	50	50	25	35
Minimum side yard (feet)					
Primary building	25	25	25	10	20
Accessory building	25	25	25		
Parking area	10	10	10		
Minimum rear yard (feet)					
Primary building	40	40	40	30	40
Accessory building	25	25	25		
Parking area	10	10	10		
Maximum height (feet)					
Primary building	35	35	35	35	40
Accessory building	20	20	20		
Maximum height (stories)					
Primary building	2 1/2	2 1/2	2 1/2	2	2
Accessory building	2	2	2		
Maximum lot					

Standards for Districts

	Single-family Residence		Two-family Residence	Business	Industrial
	A	A-1	A-1		
coverage (percent) [Amended 11-1-1999, effective 11-18-1999]	25	25	25	60	60
Minimum floor area (square feet)					
1-story structure	1,550	1,200	1,150 per unit		
2-story structure					
Ground floor	1,200	850	1,150 per unit		
Total floor area	2,000	1,500			

B. Schedule of Permitted Uses.

Schedule of Permitted Uses

Primary Uses	Districts			
	A	A-1	B	I
1. Single-family detached dwelling, 1 per lot	P	P	N	N
2. Multifamily dwelling, 2 units maximum per lot	N	P	N	N
3. Place of worship or religious institution	SU	SU	SU	SU
4. Farms, utility lines	P	P	P	P
5. Governmental uses, power transmission and substations	SU	SU	SU	SU
6. Fur farm, commercial piggery or poultry farm	N	N	N	N
7. Removal of earth products	N	SU	SU	SU
8. Public or quasi-public camp ¹	N	SU	SU	SU
9. Conservatory for music or other arts	N	SU	SU	N
10. Convalescent or nursing home or home for aged	N	SU	SU	N
11. Commercial swimming, golf or country club	N	SU	SU	N
12. Private landing strip	N	N	N	N
13. Public or private school (not including business or trade schools), nursery, dancing school or riding school	N	SU	SU	SU
14. Radio and television studio	N	N	SU	SU
15. Cemetery ²	N	SU	SU	SU

Schedule of Permitted Uses

	Primary Uses	Districts			
		A	A-1	B	I
16.	Wireless transmitting and receiving ³	N	SU	SU	SU
17.	Membership club, outdoor recreation ⁴	N	SU	SU	SU
18.	Nonprofit institution or private museum	N	SU	SU	SU
19.	Retail, personal service, bank or office	N	N	SP	SP
20.	Restaurant, tavern, eating place (indoor seating), commercial parking	N	N	SP	SP
21.	Underground storage of fuel ⁵	N	N	SP	SP
22.	Gasoline sales [Amended 7-26-2004, effective 7-29-2004]	N	N	SP	N
23.	Funeral home	N	N	SP	N
24.	Warehousing, wholesaling, building material sale, contractor's yard, truck terminal	N	N	N	SP
25.	Industrial or manufacturing use, provided that such use does not emit dust, odor, gas, fumes, noise, glare or vibration beyond the property lines in which it is located	N	N	N	SP
26.	Autobody repair and painting	N	N	N	SP
27.	Commercial horse farm	N	SU	N	SU
28.	Animal hospital	N	N	SU	SU
29.	Hotel or motel	N	N	SP	N
30.	Greenhouse operations and nurseries	N	SU	SU	SU
31.	Industrial research and service	N	N	SU	SP
32.	Printing	N	SU	SU	SU
33.	Liquor store	N	N	SU	SU
34.	Conversion of industrial buildings to residential uses [Added 12-3-1990, effective 12-12-1990]	N	N	N	SU
35.	Age-restricted housing [Added 1-21-2003, effective 2-1-2003]	N	SU	SU	N
36.	Motor vehicle sales, service [Added 7-26-2004, effective 7-29-2004]	N	N	SP	SP

Schedule of Permitted Uses

	Primary Uses	Districts			
		A	A-1	B	I
37.	Outdoor wood-burning furnaces [Added 7-14-2008, effective 7-17-2008]	SU	SU	SU	SU

NOTES:

- ¹ Camping areas shall have a minimum boundary buffer of 50 feet.
- ² A twenty-foot buffer strip shall be provided between burial plots and cemetery lot lines.
[Amended 7-13-1998, effective 7-25-1998]
- ³ Please see Article XXII of this chapter.
[Added 9-8-1998, effective 10-1-1998]
- ⁴ Property shall contain 400 square feet of land per member.
- ⁵ Shall be in accordance with Section 22a-449 of the Connecticut General Statutes, as amended.

C. Schedule of Permitted Accessory Uses.

Schedule of Permitted Accessory Uses

	Permitted Accessory Uses	Districts			
		A	A-1	B	I
1.	Boarders or roomers (not more than 3)	N	P	N	N
2.	Private garage for motor vehicles, not to include more than 1 commercial vehicle of maximum capacity of 10,000 pounds gross vehicle weight ¹	X	X	X	X
3.	Building for storing and/or processing of agricultural products produced on the premises	X	X	X	X
4.	Roadside stand for sale of agricultural produce	N	X	P	X
5.	Building for storage and repair on a farm of any number of motor vehicles and equipment for operation of such farm	X	X	X	X
6.	Off-street parking and loading	X	X	X	X
7.	Noncommercial swimming pool and tennis court	P	P	X	X
8.	Noncommercial greenhouse, storage shed or boathouse	X	X	X	X
9.	Signs as specified in Article X	X	X	X	X
10.	Horses and ponies for pleasure only (§ 214-89B)	X	X	X	X
11.	Livestock and poultry not raised commercially	X	X	X	X

Schedule of Permitted Accessory Uses

	Permitted Accessory Uses	Districts			
		A	A-1	B	I
12.	Building housing animals in accordance with § 214-89B [Amended 7-13-1998, effective 7-25-1998] Concentration of wastes shall be stored at the point farthest from existing houses under separate ownership and shall not exceed 2 cubic yards in bulk	X	X	X	X
13.	Satellite receivers and antennas ²	X	X	X	X
14.	Recreational vehicle, boat or trailer	X	X	X	X
15.	Accessory uses and structures in accordance with § 214-4, Article VI, §§ 214-92 and 214-93 and this section	X	X	X	X
16.	Professional office and home occupation	N	SU	N	N
17.	Bed-and-breakfast	N	SU	N	N
18.	Dwelling unit [Added 7-11-1994, effective 7-11-1994]	N	N	SU	N
19.	Kennels [Added 6-30-2003, effective 8-1-2003]	X	X	X	X
20.	Farm workers' housing [Added 10-15-2001, effective 11-2-2001]	P	P	P	P
21.	Mobile homes for emergency housing or storage for up to 6 months necessitated by natural disaster or equally similar occurrence [Added 6-30-2003, effective 8-1-2003]	X	X	X	X
22.	Drive-thru, Type A [Added 4-7-2014, effective 4-24-2014]	N	N	SU	N
23.	Drive-thru, Type B [Added 4-7-2014, effective 4-24-2014]	N	N	SU	N

NOTES:

¹ No restrictions in Business or Industrial Zone.

² Satellite receivers in excess of four feet in diameter shall meet accessory building requirements.

D. Explanation of tables.

(1) Any use marked "SU" in the preceding tables is a permitted use subject to the issuance of a zoning permit and/or building permit and subject

to § 214-102, Special use permit, which is subject to a public hearing.

- (2) Any use marked "SP" in the preceding tables is a permitted use subject to the issuance of a zoning permit and/or building permit and subject to § 214-101, Zoning permit and site plan approval.
- (3) Any use marked "P" in the preceding tables is a permitted use as of right subject to the issuance of a zoning permit and/or building permit.
- (4) Any use marked "X" is a permitted accessory use subject to the same permits and review procedures as the main use to which it is an accessory.
- (5) Any use marked "N" is prohibited in that particular zoning district.
- (6) Any use marked "SU1" in the preceding tables is a permitted use subject to the issuance of a zoning permit and/or building permit and subject to § 214-103, Conversion of mill buildings to residential uses, which is subject to a public hearing.
[Amended 12-3-1990, effective 12-12-1990]

§ 214-99. Buffers and screening.

A. Screening in nonresidential districts adjoining residential districts.

- (1) Front yard:
 - (a) Buildings: building line, including Type B screening.
 - (b) Parking areas: 10 feet plus Type D screening.
 - (c) Loading areas: in side or rear yards only.
- (2) Side and rear yards:
 - (a) Buildings: side and rear yards of the building(s) shall have a width of at least the height of said building(s), but not less than 25 feet, including Type B screening.
 - (b) Parking areas: Type C screening.
 - (c) Loading areas: Type C screening.

B. Screening in nonresidential districts not adjoining residential districts.

- (1) Front yard:
 - (a) Buildings: building line, including Type A screening.
 - (b) Parking areas: 10 feet plus Type D screening.

- (c) Loading areas: in side or rear yards only.
- (2) Side and rear yards:
 - (a) Buildings: all yards shall be accessible for fire-fighting purposes and shall include Type A screening.
 - (b) Loading areas: where visible from a street, loading areas shall be screened by Type C screening.
- C. Additional requirements for industrial uses adjoining existing residential uses. There shall be a landscaped buffer strip of 25 feet in industrial districts adjacent to residential dwellings which may be part of the side or rear yard. The landscaped buffer strip, consisting of Type C screening, shall not be used for internal roads, parking, buildings or storage, with the exception of a Town road (see "buffer area" definition). A planting plan is required as part of the site plan submission.
[Amended 6-30-2003, effective 8-1-2003]

Article XVIII. Administration and Enforcement

§ 214-100. Powers and duties of Zoning Commission; enforcement agent.

[Amended 4-16-2001, effective 5-12-2001]

The provisions of these regulations shall be administered by the Somers Zoning Commission as provided herein. These regulations shall be enforced by the Zoning Enforcement Officer as designated by the Zoning Commission. In the event that the Commission has not appointed or is otherwise without a Zoning Enforcement Officer, the Commission shall appoint, on a temporary basis, an agent to enforce these regulations.

§ 214-101. Zoning permit and site plan approval.

- A. Permits required. No land use shall be established or changed and no building or structure shall be used, erected, constructed, moved, enlarged or altered, in whole or in part, until a zoning permit has been issued by the Commission. This requirement shall be in addition to the requirement of obtaining any necessary special use permit.
[Amended 4-16-2001, effective 5-12-2001]
- B. Applications. Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The application shall contain a written statement by the owner of the property or his/her authorized agent giving consent for the Commission or its agent to inspect the property. One copy of each application shall be submitted, accompanied by three copies of a Class A-2 certified site plan in ink at a scale of one inch equals no more than 20 feet and showing:
[Amended 12-5-1994, effective 1-1-1995]
 - (1) The direction of true North.
 - (2) The actual shape and dimensions of the lot to be used; provided, however, that if the lot is substantially larger than the area to be developed,

the Commission may allow the applicant to submit a site plan showing the lot in an inset map at a different scale from the scale of the remainder of the site plan.

- (3) The exact size and location on the lot of existing and proposed buildings, structures and parking and loading areas, including access thereto, parking barriers and walkways. Surface treatments to be specified.
- (4) The location of any required setback or yard lines.
- (5) A computation of lot coverage.
- (6) The names of all owners of record of any land abutting the lot to which the zoning permit would apply.
- (7) The location and name of any Town or state street, road or highway which passes through or adjoins the lot or, if no such street, road or highway passes through or adjoins the lot, the entire route of vehicular access to the lot from such a street, road or highway.
- (8) The locations and numbers of any utility poles within 100 feet of the lot or, if there are no such utility poles, the location and number of the utility pole nearest to the lot.
- (9) The location of any existing or proposed driveway. (A driveway permit is required before any driveway may be constructed or altered.)
- (10) The location of any existing or proposed water supply (either by well or public water supply) and sewage disposal facilities (including primary and reserve leaching areas) showing precise minimum distances among the wells, sewage disposal facilities, buildings, structures, driveways and parking areas.
- (11) The location of all watercourses, wetland boundaries, areas subject to flooding during the one-hundred-year flood and floodplain areas (as shown on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency), ledge outcrops and large trees on the lot.
- (12) The existing and proposed contours at two-foot intervals or less, if any change in grading is proposed.
- (13) The type, size and location of all proposed or existing signs.
- (14) The nature and location of any required and/or proposed screening, landscaping, buffer areas and any existing or proposed fences or walls.
- (15) Where a proposal will disturb more than 1/2 acre, an erosion and sedimentation control plan in accordance with Chapter 161, Soil Erosion and Sediment Control, and state guidelines shall accompany the zoning permit application.
- (16) In the case of uses requiring approvals from other agencies, such approvals must be received before a zoning permit will be issued.
- (17) Such additional information as required by the Commission or its designated agent, where it is necessary to determine that the requirements of these Zoning Regulations are met.
- (18) Two certified copies of dimensional plans of floors and elevations of any proposed or existing structure, and specifications to indicate the size, kind and quality of the proposed construction.

- C. Additional application requirements. All site plans, except those for single-family dwellings, are required to be referred by the Somers Zoning Commission to the Somers Planning Commission. The Planning Commission shall have 35 days in which to review and submit comments and recommendations in an advisory capacity. Approval shall be assumed if no comments are received from the Planning Commission. Application may also need to be made to the Conservation Commission either prior to or simultaneously with any application for any permit for a parcel of land containing wetland soils or watercourses. The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed building, structure or use conforms to these regulations. Such additional information may include, but is not limited to, the following:
- (1) Name and address of owner-of-record and builder, scale of drawing, date of preparation or revision, and if a lot is in a subdivision, a reference to the original subdivision plan.
 - (2) A key map at a scale of not more than one inch equals 1,000 feet to assist in locating the property.
 - (3) Percolation tests and deep test pit data, if applicable. Said soil tests shall be approved by the Town Sanitarian.
 - (4) Existing and proposed (finished grade) contour lines at an interval of two feet over the entire site plan or the minimum area of the site prescribed by the Commission.
 - (5) The nature and amount of any hazardous materials or wastes to be produced, used, stored or disposed of on the lot, and the manner in which such production, use, storage or disposal will be carried out as required by these regulations.
 - (6) The nature of existing land uses on abutting properties.
 - (7) The location of natural features, including but not limited to rock outcroppings, slopes in excess of 20%, soil types, forested areas and vegetation types.
 - (8) The location and a description of any measures to be used to prevent soil erosion and sedimentation.
 - (9) The location and a description of any proposed surface or subsurface drainage improvements, facilities or structures.
 - (10) The location of soil test pits and test borings, if any, and a description of the soils encountered in such pits or borings.
 - (11) The location of any existing or proposed exterior lighting or signs.
 - (12) The location of any existing or proposed underground storage tanks.
- D. When an application, petition, request or plan is filed concerning any project on any site which is within the watershed of the water company, as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of such, including a copy of the application and a full set of plans, to the water company by certified mail, return receipt requested, which shall be mailed within seven days of the date of the application.
- E. Waiver of certain requirements for applications. The Commission or its designated agent may waive any of the requirements in Subsection B if, and only if, the following conditions exist or are met:
- (1) The proposed activity will not require the use of wells or sewage disposal facilities.

- (2) The Commission or its designated agent determines that the requirements sought to be waived are not reasonably necessary to a proper disposition of the application.

F. Procedure.

[Amended 4-16-2001, effective 5-12-2001]

- (1) Whenever the approval of a site plan is the only requirement to be met or remaining to be met under these regulations for a proposed building, use or structure, the Commission shall render a decision on any application for approval of such site plan within 65 days after the receipt of a complete application. Decisions shall be made on any application for a zoning permit not requiring either a site plan approval or special use permit within 65 days after the receipt of a complete application. The applicant may consent to one or more extensions of any such period, provided that the total period of any such extension or extensions shall not exceed one further sixty-five-day period. No site plan will be accepted unless it is accompanied by the proper application forms or unless those forms have been previously been filed with the Commission.
- (2) The Commission may either deny or approve the zoning permit application as submitted, and may either deny the site plan as submitted, modify and approve the site plan or approve the site plan as submitted. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification. Written notice of any decision shall be mailed or delivered to the applicant. The failure of the Commission to act on any request for a waiver within such time shall be deemed to be a denial of the request.
- (3) Public hearings are not required for site plan applications. However, the Commission may hold a public hearing on any site plan application when it has determined that it is in the public interest to do so. When a public hearing is held, the public notice requirements of these regulations shall apply. Notwithstanding that a public hearing is held on a site plan application, the time limit for making a decision on site plans as set forth in the applicable general statutes shall apply.

[Added 4-7-2014, effective 4-24-2014]

- G. Performance security. The Commission may, as a condition of approval of any site plan, require security in the form of surety, irrevocable letter of credit or passbook, and in an amount satisfactory to it, securing that any modifications of such site plan are made. The security shall not be released until the work secured is completed to the satisfaction of the Zoning Commission.

§ 214-102. Special use permit.

- A. Statement of purpose. The purpose of the special use permit regulations is to provide a comprehensive review of the proposed plan for the layout of the building(s), structure(s), sign(s) or use(s) in relationship to the topographical, geological and other natural features of the land and of the impact of the use(s) upon the environment, health, safety, welfare and convenience of the members of the community. It is intended to ensure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in a decrease in property values or a detriment to the present and potential use of the area in which it is to be located. Special use permit procedures are also intended to assure that proposed buildings, structures and uses will provide for the maintenance of air, surface water and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

[Amended 11-1-1999, effective 12-3-1999]

- B. When required. A special use permit must be issued by the Commission before any person may establish or change any land use or use, erect, construct, move, enlarge or alter any building or structure, in whole or in part, if the use, structure or building resulting from such activity is listed as a specially permitted use under Article XVII of these regulations for the zone in which it would be located.
- C. Applications. Applications for special use permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. One copy of each application shall be submitted, accompanied by three copies of a site plan in ink at a scale of one inch equals no more than 20 feet and showing:
[Amended 12-5-1994, effective 1-1-1995]
- (1) All the information specified for a site plan under § 214-101B and C of these regulations.
 - (2) A traffic report indicating existing traffic conditions at normal and peak travel times for, at a minimum, any road abutting or passing through the lot affected by the application and any road within three miles of such lot, and also indicating the projected impact of the proposed use on such traffic conditions.
 - (3) The schedule for any construction or other development activities, including but not limited to erection of or other work on any buildings or structures, grading, removal of vegetation, landscaping and drainage improvements.
- D. Additional application requirements. The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed buildings, structures or uses conforms to these regulations.
- (1) Such additional information may include, but is not limited to, the following:
 - (a) Chemical analyses of existing surface water and groundwater.
 - (b) Hydrological analyses of runoff and peak flow, both before and after development.
 - (c) Analyses of local air quality, both before and after development.
 - (d) Depths to seasonal high groundwater levels and bedrock.
 - (e) Analyses of wildlife habitats on and near the site and the impact of the proposed use on such habitats.
 - (f) A description of vegetation types, including any rare or endangered species, on the lot to be used under the application.
 - (g) A list of other federal, state or municipal permits or licenses which the applicant will need to implement the uses applied for and the status of any applications for such permits or licenses.
 - (h) Architectural drawings of any proposed buildings or structures.
 - (i) Traffic reports to determine the impact and safety of the proposal on the existing area.
 - (2) The Zoning Commission may refer any application to the Eastern Connecticut Environmental Review Team (ERT) for an environmental impact review.

- E. Criteria for evaluation. In deciding upon any application for a special use permit, the Commission shall consider the following criteria in addition to the other applicable criteria set forth in other sections of these regulations:
- (1) The size and intensity of the proposed use and the impact of such use on neighboring property.
 - (2) The potential for creation of a nuisance to neighboring properties, whether by noise, air or water pollution, offensive odors, smoke, dust, vibrations or other effects of the proposed use.
 - (3) The convenience and safety of vehicular and pedestrian movement on the site, and the impact of the proposed uses on existing local traffic conditions.
 - (4) Accessibility of emergency vehicles, e.g., police, fire and emergency transportation vehicles.
 - (5) The adequacy of proposed methods for disposal of wastes, particularly with regards to any materials that could cause an adverse effect on groundwater or wetlands.
 - (6) The potential for, and the adequacy of measures for the prevention of, surface water and groundwater pollution, soil erosion and sedimentation, increased runoff and changes in groundwater levels.
 - (7) Measures for dealing with runoff and surface pollutants from driveway and parking areas.
 - (8) The compatibility of the design, layout and operation of the proposed buildings, structures or uses with nearby properties and the impacts on the enjoyment, usefulness and value of nearby property.
 - (9) The degree of population concentration and building density resulting from the proposed uses and the availability and adequacy of existing fire and police protection, transportation, water, sewage facilities, schools or other public facilities to meet the needs of the uses.
 - (10) The impact of the proposed uses on existing or potential local water supplies and recharge areas.
 - (11) The existence and protection of important natural and historic resources.
 - (12) The impact of the proposed uses on wildlife and plant habitats.
- F. Conditions.
- (1) The Commission may place on any special use permit whatever conditions the Commission may reasonably deem necessary to assure that any proposed building, structure or use will:
 - (a) Conform to the standards and limitations set forth in these regulations, including but not limited to the performance and environmental standards in Article VII.
 - (b) Protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community.
 - (c) Protect local property values.
 - (d) Meet the specific standards set forth in Subsection G of this section.

- (2) The conditions may relate to, without limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure or use.
 - (3) The Commission may also condition the issuance of any special use permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special use permit.
- G. Standards for special use permits. All buildings, structures and uses for which a special use permit is required under these regulations must meet the applicable standards set forth throughout these regulations, including but not limited to the performance and environmental standards set forth in Article VII and, in addition, the following standards:
- (1) Preservation of landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.
 - (2) Relation of buildings to environment. The proposed project or development shall be related harmoniously to the terrain and to the use, scale and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be given to the proper functional, visual and spatial relationships of all structures, buildings, landscaped elements and paved areas.
 - (3) Buffer areas. All buffered and/or screened areas, including setback areas (landscaped and usable), shall be so designed as to be consistent and compatible with residential uses.
 - (4) Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community or public facilities and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
 - (5) Surface water drainage. Special attention shall be given to proper surface drainage so that surface waters will not adversely affect neighboring properties or public storm drainage facilities, will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner which will not create problems of water runoff or erosion on the site, or on neighboring sites, or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to dispose of water on the site through natural percolation to a degree equivalent to that prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.
 - (6) Groundwater recharge and quality preservation. Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of structure area or reduction of lot coverage. Where groundwater elevations are close to the surface, extra site grading precautions may be required to maintain

the protective function of the overburden.

- (7) Utilities. The placement of electric, telephone or other utility lines and equipment shall be underground where possible, so located as to provide no adverse impact on groundwater levels, and coordinated with other utilities.
- (8) Other site features. Exposed storage or utility areas, exposed machinery installations and service areas shall be designed with screen plantings, fencing or other screening methods to be compatible with the environment and the surrounding properties.
- (9) Safety. All open and enclosed spaces shall be designed to facilitate evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.
- (10) Neighboring properties. The proposed uses shall not adversely affect the enjoyment, usefulness and value of properties in the general vicinity thereof or cause undue concentration of population or structures.
- (11) Natural and historical resources. The proposed uses shall not unreasonable destroy, damage or threaten locally significant natural or historical resources.

H. Special use permit procedure.

- (1) Public hearing. Within 65 days after its receipt of an application for a special use permit, the Commission shall commence a public hearing on the application. For the purposes of this section, the day of receipt of an application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Commission or its authorized agent, or 35 days after such submission, whichever is sooner. The hearing may be continued one or more times, but it must be concluded no later than 30 days after the date of commencement.
- (2) Notice of public hearing. Notice of the time and place of the commencement of the public hearing shall be published at least twice in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Somers, at intervals of not less than two days, the first notice to be published not more than 15 days nor less than 10 days and the last not less than two days before the date of commencement of the hearing.
- (3) Decision. Within 65 days after the completion of the public hearing, the Commission shall either: approve the special use permit and the site plan as submitted; approve the special use permit and site plan with conditions or modifications, as provided under these regulations; or deny the special use permit and site plan. The Commission shall state the reasons for its decision on its records. Notice of the decision shall be published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Somers and addressed by certified mail to the applicant, under the signature of the clerk or secretary of the Commission in any written, typewritten or stamped form, within 15 days after the decision has been rendered.
- (4) Extensions of time. The applicant may consent to extension of the time periods for commencing a public hearing after the receipt of an application, concluding a public hearing, and rendering the decision. The total extension of any such period shall be no longer than the original period as specified in these regulations.
- (5) Final site plan. Any site plan approved by the Commission without modifications or conditions shall become the final site plan. If the Commission approves a site plan with modifications or conditions, a final site plan which incorporates such modifications or conditions must be submitted to the Commission by the applicant within 65 days of the date of approval. For good cause shown, the Commission may extend

the time for filing the final site plan. If a final site plan is not filed within such sixty-five-day period or within any period of extension, the approval of the site plan and application for a zoning permit shall be void.

- (6) Filing and recording of special use permits. Any special use permit issued under these regulations shall not become effective until copies of the permit are filed in the office of the Somers Town Clerk and recorded in the Somers land records. The copy of the special use permit to be filed and recorded in the Somers land records shall be certified by the Commission and shall contain a description of the premises to which it relates, specify the nature of the special use permit, state the regulation under which the special use permit is issued and state the names of all owners of record of the premises. The applicant or record owner shall be responsible for filing and recording the special use permit and shall pay all filing and recording fees.
- I. Reapplication. No special use permit shall be granted to any applicant for a building, structure or use if a previous application by the applicant, or by a different applicant on behalf of the same party in interest, for substantially the same building, structure or use on the same property has previously been denied by the Commission on its merits with one year prior to the submission of the new application to the Commission.

§ 214-103. Conversion of mill buildings to residential uses.

[Added 12-3-1990, effective 12-12-1990]

- A. Statement of purpose. These regulations acknowledge that there exist in the Town of Somers in certain industrial districts historic mill buildings which have outlived their usefulness as industrial properties. These regulations also acknowledge that the adaptive reuse of these historic structures is in the best interests of the Town of Somers and that development of these properties for multifamily residential uses shall be allowed subject to the provisions stated herein.
 - (1) The adaptive reuse of these properties shall allow development of historic mill buildings for multifamily residential uses which will:
 - (a) Protect, preserve and enhance the unique historical and architectural qualities of the historic mill structures.
 - (b) Allow multifamily development while preserving the value of the historic mill buildings and encourage the most appropriate use of these structures with reasonable consideration as to the character of the neighborhood.
 - (c) Help to provide a mix of housing types to meet different residential housing requirements in the Town.
 - (d) Allow safe access and movement of pedestrians and vehicles.
 - (e) Stabilize, improve and protect property values, strengthen the local economy and protect the public health, safety and welfare.
 - (2) Notwithstanding anything in these regulations to the contrary, the conversion of historic mill buildings to multifamily residential uses shall not be allowed except by special use permit as provided in this section.
- B. Application procedure.
 - (1) Prior to the approval of a special use permit, the applicant shall file an application in accordance with § 214-102C of these regulations. The Commission may also require additional application requirements as set forth in § 214-102D of these regulations. Thirdly, the Commission

shall require the following Town boards and commissions to review any application and site plan proposed under this section:

- (a) Somers Planning Commission.
- (b) Somers Water Pollution Control Authority.
- (c) Somers Conservation Commission.
- (2) These Commissions shall review said application within 50 days and report their findings to the Zoning Commission. The applicant may consent to one or more extensions, not exceeding 50 days total, to the Commission.
- (3) The Zoning Commission shall hold a public hearing on all applications under this section in accordance with § 214-102H and shall render its decision on said application as set forth in that subsection. If the Zoning Commission receives a negative report from any of the aforementioned commissions, then a two-thirds (2/3) majority vote shall be required for approval.

C. Criteria and use.

- (1) Prior to the approval of a special use permit under this section, the applicant must show that the special use permit shall comply with the following criteria:
 - (a) The greater part of a mill structure within the Town of Somers shall be at least 50 years old in order to qualify as historic.
 - (b) The proposed use shall be compatible with the character of the neighborhood.
 - (c) The proposed use shall allow the land and structures thereon to retain the historic qualities which allow the Town to maintain a significant reference to the past.
 - (d) The proposed use shall not create or aggravate a traffic hazard.
 - (e) This special use permit shall apply to only those historic structures as herein defined containing 10,000 square feet or more of usable space.
- (2) In addition to these criteria, the Commission shall consider those evaluation criteria set forth in § 214-102E of these regulations.
- (3) In addition to complying with the standards set forth in this section, the applicant must also submit a site plan for approval in accordance with § 214-101 of these regulations.

D. Accessory and complimentary uses.

- (1) Accessory uses shall be permitted, including but not limited to radio and television antennas; signs; maintenance and elevator buildings; and vehicle parking areas and parking structures for residents, customers, visitors and employees of the uses conducted and for which the parking use is appurtenant.
- (2) Accessory uses as set forth in § 214-98C, Numbers 2, 6, 7, 8, 9, 13, 14 and 16 if, in the discretion of the Commission, the use is compatible with the multifamily residential use allowed in this section in the same historic mill building.

E. Building rehabilitation criteria.

- (1) Designs for exterior building rehabilitation shall recommend appropriate material, colors, etc., intended to maintain or restore the integrity of the original architectural character of a given structure.
- (2) The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.
- (3) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (4) Modifications and additions to existing properties shall not be discouraged when such modifications and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color and material of the structure and character of the property, neighborhood or environment.

F. Site development criteria.

- (1) Schedule of area, height and yards.
 - (a) Height, area and yard requirements shall be as set forth in § 214-98 of these Zoning Regulations for industrial use, except that as to buildings and sites in existence at the time of adoption of this section of the regulations, height, area and yard requirements shall be as they exist on said sites as of said date of adoption.
 - (b) Existing principal and accessory buildings shall not be increased in height except to allow accessory building utilities, including but not limited to radio and television antennas, air conditioning, ventilation, solar heating and/or elevator systems.
- (2) Residential unit minimum floor areas shall be 650 feet for one-bedroom units, and for each bedroom in excess of one, an additional 150 feet shall be added.
- (3) Vehicle parking. There shall be provided on the building site, one and one-half (1 1/2) vehicle parking spaces for each residential unit. Parking for accessory uses shall be provided in accordance with the requirement of the off-street parking provision of Article XI of these Zoning Regulations.
- (4) Potable water supply. Whether on-site or an extension of, or connection to, an existing public system, the supply shall be subject to the review and approval of the Town Sanitarian, the Town Water Pollution Control Authority (WPCA), the State of Connecticut Department of Health Services (DOHS) and/or the State of Connecticut Department of Public Utility Control (DPUC).
- (5) Sewage disposal. Whether on-site or an extension of, or connection to, an existing public system, the disposal system shall be subject to the review and approval of the Town Sanitarian, the Town Water Pollution Control Authority (WPCA), the State of Connecticut Department of Health Services (DOHS) and/or the State of Connecticut Department of Environmental Protection (DEP).
- (6) Flood prevention.
 - (a) Existing principal and accessory buildings and utilities shall be designed and constructed to:
 - [1] Protect human life and health.

- [2] Minimize loss of public and private property.
 - [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the Town.
 - [4] Ensure that potential home buyers are notified that property is in a flood area, by providing certifications on all site plans and surveys to be filed.
- (b) All special use permit applications made under this section shall be subject to review by the State of Connecticut Department of Environmental Protection (DEP) and/or the United States Army Corp of Engineers, where applicable.
- (7) Affordable housing requirements.
- (a) The Commission shall require that up to 10% of the dwelling units must be affordable housing units for a period of at least 30 years.
 - (b) "Affordable housing units" shall be defined as set forth in Section 8-39a of the Connecticut General Statutes.
 - (c) The affordable housing units referred to above shall be noted on the approved site plan. The size and workmanship of the affordable housing units must be equivalent to the rest of the proposed development.
 - (d) An appropriate deed restriction in each unit so identified shall be prepared by the applicant which shall require that such units be sold or rented at or below prices which will preserve the units as affordable housing as defined in Subsection F(7)(b) above, for at least 30 years after the initial occupation of the proposed development.
 - (e) Eligibility determinations shall be certified by the appropriate local authority as designated by the Selectmen.
- (8) Signs. The placement of signs on the property subject to an application under this section shall be in accordance with Article X of these regulations. The following signs shall be permitted: those enumerated in § 214-57, Letters a, d, e, i, j and k. No other signs shall be permitted.
- (9) Landscaping. The property shall be suitably landscaped pursuant to the standards set forth in Article IX of these regulations.
- (10) Standards for approval. The Commission shall determine that the special use permit shall meet the standards set forth in Article VII and § 214-102G of these regulations.
- (11) Conditions.
- (a) The Commission may place on any special use permit under this section whatever conditions the Commission may deem necessary to assure that any proposed building, structure or use will:
 - [1] Conform to the standards and limitations set forth in these regulations, including but not limited to the performance and environmental standards in Article VII.
 - [2] Protect the rights of individuals and the health, safety, welfare and convenience of local residents and the community.
 - [3] Protect local property values.
 - [4] Meet the specific standards set forth in § 214-102G of these regulations.

- (b) The conditions may relate to, within limitation, the architectural and spatial design and layout of buildings, structures and uses; provisions for lighting, parking, loading, surface and subsurface drainage, sanitary facilities, waste disposal, vehicle and pedestrian circulation, landscaping, screening and protection of the environment and of natural and historic resources; construction or other development schedules; and hours of operation of the proposed building, structure or use.
- (c) The Commission may also condition the issuance of any special use permit on the posting of a bond or other security, in an amount and with surety satisfactory to the Commission, to secure the performance of all conditions and the completion of all improvements required under such special use permit.

§ 214-104. Certificate of occupancy/use.

- A. No permanent certificate of occupancy/use shall be issued for a building, structure or use subject to these regulations until the Zoning Enforcement Officer certifies in writing that the building, structure or use is in conformity with these regulations and with any required zoning permit, special use permit and/or final site plan or is a valid nonconforming use under these regulations. Before issuing such certificate of zoning compliance, the Zoning Enforcement Officer may require a written certification from an architect and/or an engineer properly licensed by the State of Connecticut that the building, structure or use as developed or established fully conforms to the provisions of any zoning permit, special use permit or final site plan.
[Amended 4-16-2001, effective 5-12-2001]
- B. No permanent certificate of occupancy/use shall be issued until all documents required under the zoning permit or special use permit which grant easements or other rights to the Town of Somers have been recorded in the Somers land records and/or filed with the appropriate agencies and proof thereof has been submitted to the Commission.

§ 214-105. Expiration of zoning permit and special use permit.

- A. A zoning permit or special use permit shall expire one year following its issuance if the construction, development or other activity allowed under such permit has not been actually commenced. A zoning permit or special use permit shall expire two years following its issuance if the construction or development allowed thereunder has not been completed. The Commission, upon written request and for good cause shown, may extend either or both of these periods one or more times, but the total period of such extension or extensions shall not exceed one additional year. Site preparation alone shall not be deemed to be the actual commencement of the construction, development or activity under this section.
- B. A special use permit shall also expire upon the abandonment of the building, structure or use allowed by such special use permit or if the building or structure has ceased to be used in accordance with such special use permit or if the use allowed by such special use permit has ceased for a continuous period of one year.
[Amended 6-30-2003, effective 8-1-2003]

§ 214-106. Amendment of zoning permit, special use permit and site plan.

Following the issuance of a zoning permit or special use permit or the approval of a final site plan by the Commission, no changes or alterations may be made in such permit or site plan except by approval of the Commission upon written applications as provided in this section.

- A. Minor amendments. If the Commission determines that the requested change or alteration is minor, it may issue an amended permit or approve an amended final site plan without the need for further procedures under § 214-101, 214-102 or 214-103 of these regulations. For the purposes of this section, minor changes or alterations shall not include any change or alteration which would result in an increase or decrease in the dimensions of any building or a change in the location of any building on a lot.
- B. Other amendments. If the Commission determines that the requested change or alteration is not minor, it shall direct the applicant to file a new application under § 214-101, 214-102 or 214-103 of these regulations, whichever is appropriate, and shall follow the procedures specified under such section for making a decision on such application.

§ 214-107. Fees.

[Amended 4-7-2014, effective 4-24-2014]

- A. The fees set forth below shall be paid by the applicant upon submitting any application for a zoning variance, special use permit or site plan approval. No application shall be accepted by the Commission until the appropriate fees are paid. Checks covering any required fees shall be made payable to the Town of Somers. (All permit fees are subject to a \$60 surcharge to the State of Connecticut.)
 - (1) Site plan: \$125.
 - (2) Special use permit: \$300.
 - (3) Zoning Map amendment: \$300.
 - (4) Regulation amendment: \$300.
 - (5) Renewal of special use permit: \$300.
 - (6) Building permit: as established by the Building Code.
 - (7) Zoning review for building permit*: \$45
 - (8) Zoning Board of Appeals: \$300 (additional \$100 for secondary applications).
- B. The Zoning Commission and the Zoning Board of Appeals may waive any of the established fees; however, any waiver shall be accompanied by a statement of reason.

§ 214-108. Enforcement; penalties for offenses.

[Amended 4-16-2001, effective 5-12-2001]

- A. The Zoning Enforcement Officer designated by the Zoning Commission shall enforce these regulations. Said officer may be provided with the assistance of such other persons as the Zoning Commission directs.
- B. If any building or structure has been erected, constructed, altered, converted or maintained or any building, structure or land has been used in violation of any provision of these regulations or of Chapter 124 of the Connecticut General Statutes,^[1] the Zoning Enforcement Officer or other official acting in the capacity of the Zoning Enforcement Officer may take any action or seek any remedy or penalty provided under Section 8-12 of the Connecticut General Statutes, as it may be amended from time to time.

[1] *Editor's Note: See Connecticut General Statutes Section 8-1 et seq.*

Article XIX. Zoning Board of Appeals

§ 214-109. Authority to vary regulations.

The Zoning Board of Appeals, in specific cases, after public notice, hearing and subject to proper safeguards, may determine and vary the application of these regulations herein prescribed in such manner as shall, in the interests of public welfare and in fairness to individuals, best carry out the general purpose and intent hereof.

§ 214-110. Powers and duties.

The Zoning Board of Appeals shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirements or decision made by the official charged with the enforcement of these regulations.
- B. To hear and decide all matters upon which it is required to pass by these Zoning Regulations.
- C. To determine and vary any requirement of these Zoning Regulations in harmony with their general purposes and intent so that substantial justice may be done. This authority shall be exercised solely in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, and shall maintain the security of public health, safety and welfare.

§ 214-111. Variances.

[Amended 6-30-2003, effective 8-1-2003]

A variance can be authorized by the Zoning Board of Appeals only for height, area and yard requirements. No variance shall be permitted for the establishment or expansion of any use which is not otherwise permitted in the zone; nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. Monetary hardship cannot be grounds for a variance.

- A. No variance in the strict application of any of the requirements of these Zoning Regulations shall be granted unless the Zoning Board of Appeals

shall find that:

- (1) There are conditions especially affecting the land or structure for which variance is sought, which conditions are peculiar to such land or structure and not to the personal or financial circumstances of the appellant, and which conditions are not affecting generally the area in which such land or structure is situated, and have not resulted from any act of the appellant subsequent to the enactment of the requirement appealed from. Minor infractions in the location or height of a structure or the dimension or area of a lot, caused by human error, may be considered sufficient cause for an affirmative finding of this subsection, unless, in the opinion of the Board of Appeals, such infractions can be repaired without impairing the use of land or structure.
 - (2) The aforesaid conditions are such that the strict application of the requirements of these Zoning Regulations would deprive the appellant of reasonable use of land or structure and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.
 - (3) The granting of the variance would not permit the property to be used for a purpose that is denied to the occupants of other properties in the same zoning districts.
 - (4) The granting of the variance will be in harmony with the general purpose and intent of these Zoning Regulations and will not be detrimental to public health, safety, convenience, welfare and property values.
- B. The records of the Board of Appeals shall include specific reasons for each of the findings above to be made before a variance may be granted. The Board of Appeals shall attach such conditions and safeguards as are necessary to ensure continued compliance with the terms of the variance.
- C. Variances shall not be issued within any designated floodway.
- D. In passing upon applications for specific situation variances in a floodplain, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations, and:
- (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity of the facility to waterfront location, in the case of a functionally dependent facility.
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

§ 214-112. Appeals.

[Amended 4-16-2001, effective 5-12-2001]

Any person or any officer, department, board or bureau of the Town of Somers, aggrieved by any action of the Zoning Enforcement Officer, may appeal such action to the Zoning Board of Appeals in accordance with Section 8-7 of the Connecticut General Statutes, as amended. The Board of Appeals shall hold a public hearing on all matters it is requested to decide in accordance with requirements set forth in Section 8-7 of the Connecticut Statutes, as amended.

Article XX. Amendment of Regulations

§ 214-113. Petition for amendment; public hearing.

Petitions for a change in these Zoning Regulations or boundaries of zoning districts may be made to the Commission on the form provided by it. The petitioned amendment shall be acted upon by the Commission after a public hearing in accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended.^[1]

[1] Editor's Note: See Connecticut General Statutes Section 8-1 et seq.

§ 214-114. Application for amendment.

Applications for a change in these Zoning Regulations or the Zoning Map shall be filed with the Commission on a form provided by it. For a change in the regulations, the application form shall be accompanied by the exact wording of the change applied for, including reference to the appropriate section numbers, and by the exact wording of any parts to be deleted. For a change in a zoning district boundary line, the application shall be accompanied by two prints of the Zoning Map indicating in color the area for which the change is proposed, the proposed boundary line and the proposed zoning district designation.

Article XXI. Severability; Effective Date; Repealer

§ 214-115. Severability.

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid or unconstitutional for any reason, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be

deemed to be and shall continue to be valid and effective.

§ 214-116. Effective date; repealer.

The effective date of these Zoning Regulations is March 22, 1990. All zoning regulations in force prior to March 22, 1990, are hereby repealed.

Article XXII. Wireless Telecommunications Facilities

[Added 9-8-1998, effective 10-1-1998]

§ 214-117. Purpose.

- A. Recent advances in wireless communications technology have resulted in a new generation of telecommunications services. These new services transmit electromagnetic waves of such frequency and power that will likely require antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Somers regulate these wireless communications system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.
- B. A number of providers of wireless communications services have recently been licensed by the Federal Communications Commission, and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Somers and these efforts are expected to include requests to construct new communications towers.
- C. The intent of this proposed regulation is to provide for the establishment and or expansion of wireless telecommunications services within the Town of Somers while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically, this regulation has been developed in order to:
 - (1) Maximize the use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communications towers needed to serve the community.
 - (2) Encourage providers to collocate their facilities on a single tower or structure.
 - (3) Site facilities below visually prominent ridge lines.
 - (4) Minimize the location of facilities in visually sensitive areas.
 - (5) Encourage creative design measures to camouflage facilities.
 - (6) Protect historic and residential areas from potential adverse impacts of communications towers.
 - (7) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

§ 214-118. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANTENNA

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.

COLLOCATION

Locating wireless communication facilities from more than one provider on a single site.

HEIGHT OF TOWER

The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the topmost point of the tower, including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

TOWER

A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: self supporting lattice, guyed and monopole.

WIRELESS TELECOMMUNICATIONS SERVICES

Licensed wireless telecommunications services including, but not limited to, cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

WIRELESS TELECOMMUNICATIONS SITE

A facility operated by a licensed wireless telecommunications service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

§ 214-119. Location preferences.

The location for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services are listed in below in order of preference:

- A. On existing or approved towers.
- B. On existing structures, such as buildings, water towers and utility poles.
- C. On new towers less than 60 feet in height located in commercial or industrial zones.
- D. On new towers less than 60 feet in height located in residential zones.

- E. On new towers 60 feet or greater in height located in commercial and industrial zones.
- F. On new towers 60 feet or greater in height located in residential zones.

§ 214-120. Use subject to special use permit regulations.

All applications to develop a wireless telecommunications site pursuant to this article shall be subject to the special use permit provisions of § 214-102 of these regulations. All special use permit application procedures, hearing and notice requirements shall also apply.

§ 214-121. Site plan requirements.

- A. All proposals to develop a wireless telecommunications site as a special use permit shall be subject to the site plan requirements listed in § 214-101 of these regulations.
- B. In addition, the following information shall be submitted:
 - (1) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
 - (2) Details of all proposed antenna and mounting equipment, including size and color.
 - (3) Elevations of all proposed shielding and details of materials, including color.
 - (4) An elevation of all proposed equipment buildings or boxes; details of all proposed fencing including color.
 - (5) A design drawing including cross section and elevation of all proposed towers; a description of the tower's capacity, including the number and type of antennas it can accommodate, as well as the proposed location of all mounting positions for collocated antennas and the minimum separation distances between antennas. Where a monopole is proposed, the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.
 - (6) A report from a licensed engineer indicating that the proposed wireless telecommunications site will comply with the emission standards found in § 214-123N of this article. Such report shall also certify that the installation of such site will not interfere with public safety communications.
 - (7) An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
 - (8) Proof that either the applicant or the coapplicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunications service that the proposed tower is designed to support.
 - (9) A report or letter from the Federal Aviation Administration that the proposed tower complies with FAA requirements.
 - (10) A map depicting the extent of the provider's planned coverage within the Town of Somers and the service area of the proposed wireless telecommunications site.

- (11) A map indicating the search radius for the proposed wireless telecommunications site.
- C. Upon request of the Commission, the applicant shall provide a simulation of the proposed wireless telecommunications site in order to help the Commission ascertain the visual impacts associated with such proposal.
- D. The applicant shall provide a view shed analysis showing all areas from which the tower would be visible.

§ 214-122. Height and area requirements.

- A. Lot size. Wireless telecommunications sites containing a freestanding tower shall have a minimum lot size equal to that required by the current Zoning Regulations at the time of application.
- B. Height.
 - (1) The maximum height of a tower proposed under this regulation shall be 200 feet, including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower, including the antenna and all other appurtenances.
 - (2) The maximum height of any rooftop-mounted equipment building or box shall be 15 feet above the roof surface.
- C. Setbacks.
 - (1) Freestanding monopole towers shall comply with the following minimum property line setbacks:
 - (a) Front yard or yard along a street: a distance equal to $\frac{3}{4}$ the height of the tower or the setback required for the underlying zone, whichever is greater.
 - (b) Side or rear yards in residential zones: 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
 - (c) Side or rear yards in nonresidential zones: 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. However, where a side or rear lot line is contiguous to a residential zone, the setback for that particular yard shall be as required for such a tower in a residential zone.
 - (2) All other towers in residential zones shall be located a minimum distance from any property line equal to 125 percent of the proposed tower height or 200 feet, whichever is greater.
 - (3) All other towers in nonresidential zones shall be located a minimum distance from any property line of at least 100 feet or a distance equal to the height of the tower, whichever is greater.
 - (4) All equipment buildings/boxes or equipment areas which are each 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

- (5) All equipment building/boxes or equipment area which are each less than 50 square feet in area shall comply with the following minimum property line setbacks:
 - (a) Front yard or yard along a street. Same as for a principal building in the underlying zone.
 - (b) Rear and side yards: 20 feet.

§ 214-123. General requirements.

- A. No wireless telecommunications site shall be located within 500 feet of a public or private playground or school.
- B. No wireless telecommunications site shall be located within 200 feet of an existing residence or proposed residence with a valid building permit.
- C. No tower exceeding 60 feet in height shall be located within 1,000 feet of an historic district.
- D. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
- E. Towers not requiring special FAA painting or markings shall be painted a noncontrasting blue, gray or black.
- F. Towers may not be used to exhibit any signage or other advertising.
- G. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- H. All towers shall be a monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.
- I. The Commission may require that monopoles be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part.
- J. Each tower site must be served by a driveway meeting the Zoning Regulations and Driveway Ordinance^[1] of the Town with parking for at least one vehicle.
[1] *Editor's Note: See Ch. 104, Driveways.*
- K. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- L. No proposed wireless telecommunications site shall be designed, located or operated so as to interfere with public safety communications.
- M. All applications for wireless telecommunications sites within the Flood Protection Zone shall comply with the standards found in Article XV of these regulations.
- N. The design of all wireless telecommunications sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic

emissions. In the absence of such standards, sites shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.

- O. All utilities proposed to serve a wireless telecommunications site shall be installed underground unless otherwise approved by the Commission.
- P. All generators installed in conjunction with any wireless telecommunications site shall comply with all state and local noise regulations.

§ 214-124. Factors upon which special use permit decisions shall be based.

In passing upon applications for wireless telecommunications sites, the Commission, in addition to the standards found in Section § 214-102, shall also find:

- A. In the case where a wireless telecommunications site is proposed to be located on or within 1,000 feet of a property designated on the National Historic Register or within an approved historic district, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
- B. In the case where an application for the proposed location of a wireless telecommunications site is not a preference location as listed in § 214-119A through C, that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher documentation should evaluate the following factors:
 - (1) The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower, as documented by a qualified licensed engineer, and that the interference cannot be prevented or eliminated at a reasonable cost.
 - (2) The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies, as documented by a qualified licensed engineer, and that such deficiencies cannot be eliminated at a reasonable cost.
 - (3) The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant, as documented by a qualified licensed engineer, and that the interference cannot be prevented or eliminated as a reasonable cost.
 - (4) Any restriction or limitation imposed by the FCC.
- C. Abandonment. A wireless telecommunications site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such twelve-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area. An appropriate bond shall be submitted as surety.
- D. Expiration of permit. The approval of an application for special use permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Commission. For purposes of this regulation, the term "construction" shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall not approve any extension unless the development plan is brought into conformance with any relevant Zoning Regulations which have been amended subsequent to the original

approval and, if the applicant fails to provide adequate evidence, that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special use permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special use permit, establish a time period such special use permit shall remain in effect.

Article XXIII. Age-Restricted Housing (ARH)

[Added 1-21-2003, effective 2-1-2003]

§ 214-125. Purpose.

It is the purpose of this article to allow for greater variety and flexibility in the development of housing types and to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner while at the same time conserving important natural site features and permanently preserving open space, while at the same time providing for the housing needs of residents over the age of 55 as permitted under the Federal Fair Housing Act, 42 U.S.C. Section 3601 et seq. and Connecticut General Statutes § 46a-64b et seq.

§ 214-126. Procedure.

After a public hearing, the Planning Commission may grant a special use permit for the development of age-restricted housing (ARH) units.

§ 214-127. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGE-RESTRICTED HOUSING (ARH)

A development comprised of dwelling units for elderly occupants age 55 and older, who are able to maintain an independent lifestyle without the help of additional support services, in detached, semi-detached, or attached, one- or one-and-a-half-story structures or any combination thereof.

OCCUPANCY

No more than three residents may occupy a dwelling unit.

- A. All units shall be occupied by:
- (1) At least one person who is 55 years of age or older.
 - (2) A spouse of an occupant pursuant to Subsection A(1) above.
 - (3) An occupant pursuant to Subsection A(2) above who survives his or her spouse.

- (4) An occupant pursuant to Subsection A(2) above whose spouse has entered into a long-term care facility.
- B. In Subsection A(3) and (4) above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.
- C. One child 21 years of age or older may reside with his or her parent(s).

§ 214-128. Application.

- A. The applicant shall submit a written application on the prescribed form containing all the information required hereafter, including the following materials:
 - (1) A development statement listing the development team, setting forth the development concept, including, in tabular form, the number of units, type, size (number of bedrooms, amount of living space, gross floor area), ground coverage and summary showing the area of residential development and common open space as percentage of the total area.
 - (2) A development site plan of the entire tract in accordance with the requirements of this section and §§ 214-101 and 214-102 and meeting, to the extent applicable, the requirements set forth for a definitive plan in the Somers Subdivision Regulations.^[1]
[1] Editor's Note: See Ch. 213 Subdivision of Land.
 - (3) An architectural rendering of the site plans and typical structures, including floor plans and elevations.
 - (4) A traffic study of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed intersections and entrances serving the development.
 - (5) An engineering report regarding the adequacy of sewage disposal, water supply and stormwater drainage as the proposed design relates to existing utilities to the Town.
 - (6) A copy of the sewage disposal plans and application to the State Department of Health or Department of Environmental Protection.
- B. Said application shall contain sufficient information so that the Planning Commission can determine the applicability of said application for the following items:
 - (1) Consistency with the Somers Town Plan of Conservation and Development;
 - (2) Preservation and protection of the character of the Town and especially the immediate neighborhood, giving due consideration to such features as public safety, including traffic control and traffic impact upon surrounding roads; development of adequate recreational facilities for the use of the residents of said proposal; adequate fire protection; public health, including sewerage disposal, drainage and water supply; and the compatibility of the size, location, architecture, and landscaping of said project with the adjacent neighborhood and the Town;
 - (3) Minimizing potential adverse environmental impacts upon the Town;
 - (4) The application is likely to result in a financially stable, soundly and attractively constructed and well managed and maintained project; and

- (5) Conformity to the specific provisions of the design guidelines of this section.
- C. Said permit shall not be issued unless the Planning Commission affirmatively determines that each of the above listed criteria is met by said applicant.
- D. The ARH applicant shall pay an application fee which is computed as the total of the following which are applicable to such application:
[Added 10-3-2005, effective 10-6-2005]
 - (1) Base application fee: \$200.
 - (2) Eighty-five dollars for every 100 feet, or any part thereof, of new roadway proposed to be constructed as part of the ARH project and intended to be deeded to the Town as public right-of-way.
 - (3) Fifty-five dollars for every 100 feet, or any part thereof, of existing or previously approved public rights-of-way for Town or state roadways abutted by the boundaries of the land contained in the proposed ARH project.
 - (4) The following will be added according to unit count:
 - (a) For each of the first 25 units: \$100.
 - (b) For each of the 26th through 50th units: \$75.
 - (c) For each new unit over the 50th lot to be created by the ARH project filed with the Planning Commission: \$50.
 - (5) Applicable State of Connecticut fee pursuant to Section 22a-27j of the Connecticut General State Statutes.
 - (6) Fifty dollars per building for sedimentation and erosion control measures review.
 - (7) All applicable fees must be paid in full at the time the ARH application is filed with the Planning Commission.

§ 214-129. Use regulations.

The following uses shall be permitted in an ARH:

- A. Up to a story-and-one-half one-family detached dwellings = one unit;
- B. Up to a story-and-one-half two-family detached dwellings = two units;
- C. Up to a story-and-one-half multiple dwellings not exceeding four units per building = four units;
- D. Recreational uses and community facilities such as parks, gardens, swimming pools, tennis courts, clubhouses and community buildings;
- E. Accessory uses customarily incidental and subordinate to the principal uses listed above, but expressly excluding any commercial or retail enterprises or home occupations.

§ 214-130. Dimensional regulations.

Property for ARH use shall comply with the following dimensional requirements:

- A. Minimum parcel size. The total parcel shall have a minimum area of not less than 20 acres. A minimum area of 10 acres of the total area required for zoning compliance shall consist of buildable area as defined in § 214-4, Definitions.
- B. Minimum parcel frontage. The total parcel shall have a minimum frontage on an approved public way of at least 100 feet. Frontage need only be met on one road. There shall be no frontage requirements within the ARH.
- C. Front, side and rear yards. The minimum front yard (setback), side yard and rear yard requirements shall be 80 feet and shall pertain only to the periphery of the ARH.
- D. Buffer area. A landscaped buffer strip not less than 30 feet wide, as described in Article IX of the Somers Zoning Regulations, shall be provided along the perimeter of the property. The buffer area shall be counted as part of the front, side and rear yards. Additional buffering may be required in environmentally sensitive areas at the discretion of the Planning Commission. The Commission may modify or waive the buffering requirements where variations in topography, natural features, or compatible land uses negate the need for such a buffer.

§ 214-131. Density regulations.

The maximum number of dwelling units permitted within any ARH shall be determined by the Planning Commission to assure compliance with the purpose and intent of these ARH regulations, and in any event shall not exceed four dwelling units per acre of buildable land. The maximum number of units permitted per development shall equal the buildable area of the parcel multiplied by four. The Commission may allow the units to be concentrated on a small area of the site or spread over the entire site.

§ 214-132. Building requirements.

- A. Building character. The ARH shall be an architecturally integrated development. An architectural theme shall be carried out by the use of common building materials, colors, exterior detailing, bulk and/or roof lines. Rigidity in design shall be avoided. Design characteristics shall be stated in the development application and shall include, but not be limited to, building materials, architectural design, and street furniture, and shall require Planning Commission approval.
- B. Building location. Building location and orientation shall reflect:
 - (1) Relationship to the street line and to other buildings in the development if in close proximity, in order to protect privacy and create visual coherence;
 - (2) Views, solar access, and access to common open space, in order to enhance occupant's scale and identity;
 - (3) Organization of large developments into recognizable subareas in order to provide scale and identity;

- (4) Avoidance of major topographic change and destruction of significant natural site features, including removal of native trees and vegetation in order to preserve and protect the environment;
 - (5) Reduction of visual intrusion into abutting properties in order to protect existing character. To the extent practicable, the multifamily units of the ARH shall be developed more towards the interior rather than the periphery of the tract so that the one-family and two-family detached residences, if any, border adjacent properties, act as buffer between the development and preexisting one-family neighborhoods.
- C. Maximum building height. The maximum height of structures shall be 1.5 story and 35 feet above the ground.
 - D. Maximum number of bedrooms. The maximum number of bedrooms or rooms used primarily for sleeping purposes per dwelling unit shall be three.
 - E. Minimum floor area. The minimum floor area for any one dwelling unit shall be 900 square feet.
 - F. ADA requirements. All exterior facilities shall comply with the current ADA requirements.

§ 214-133. Utilities.

- A. Each dwelling in an ARH shall be provided with access, drainage and utilities that are functionally equivalent to that provided under the Somers' Subdivision Regulations.^[1] All utilities shall be placed underground.
[1] *Editor's Note: See Ch. 213 Subdivision of Land.*
- B. All structures that require plumbing shall be served by a sewage disposal system and a public water supply. All sewage disposal systems require approval from the Town Sanitarian and the State Health Department and/or the Department of Environmental Protection.
- C. All lighting and illumination in and around the buildings and in the public areas shall at a minimum meet IESNA standards.

§ 214-134. Parking and circulation requirements.

- A. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation (such as sidewalks, pathways, and walkways), roadways, driveways and parking.
- B. Vehicular access to the ARH shall be provided from an existing public right-of-way, dedicated and accepted by the Town or state, which in the opinion of the Planning Commission is adequate to service the proposed development. As a matter of public safety, an alternate emergency access may be required.
- C. All roads within the ARH shall be privately owned and maintained and shall be designed with sufficient width, suitable grade and adequate construction to safely provide for the needs of vehicular traffic generated by the development. All roads shall be designed and constructed according to the requirements of the Somers Subdivision Regulations^[1] or as otherwise modified by the Planning Commission.
[1] *Editor's Note: See Ch. 213 Subdivision of Land.*

- D. Garages or off-street parking spaces, or a combination thereof, shall be provided for all occupants, employees, and visitors, and shall be not less than 2.25 spaces per dwelling unit, one of which must be in a garage.
- E. The use of exterior stairs and raised curbing in areas where there is pedestrian activity shall be minimized. Single-riser steps or stairs and ramp stairways, as well as individual wheel stops in or around parking lots, shall be prohibited. When a barrier is needed to separate vehicles from islands, walks, signs, etc., other devices shall be used as approved by the Planning Commission.

§ 214-135. Landscaping requirements.

- A. A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways, and walkways, and buffer strips, shall be submitted for approval by the Planning Commission.
- B. Wherever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
- C. Proper maintenance of the landscaping, including the buffer strip, shall be the responsibility of the Association, and shall be a condition of conformance with the Zoning Regulations.

§ 214-136. Common open space requirements.

- A. All land within the ARH which is not covered by buildings, roads, driveways, parking areas or other development, or which is not set aside as private yards, patios or gardens for the residents, shall be common open space. The area of the common open space shall equal at least 30% of the total buildable area of the ARH tract. Such land shall have a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by all the residents of the development. Land used for septic system(s) may be part of the open space calculation.
- B. Suitable and usable outdoor recreational area or areas shall be provided for the use of tenants. At least 2,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall be defined to include land for community gardens, hiking/jogging paths, tennis courts or similar facilities.
- C. Subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities, shall be prohibited.
- D. Provision shall be made so that the common open space shall be owned in common and readily accessible to the owners and residents of all units in the development, or by a membership corporation, trust or association whose members are the owners and residents of the units. In all cases, the common open space shall be subject to a perpetual restriction running to and enforceable by the Town as a third-party beneficiary, which shall be recorded in the Somers Land Records. Such restriction shall be in such form and substance as the Planning Commission shall prescribe and may contain such additional restrictions on development and the use of common open space as the Commission may deem appropriate. Any proposed documents drafted in accordance with the section shall be submitted to the Commission as part of the application and shall be reviewed by the Town Counsel.

§ 214-137. Community association.

An owners' association shall be established, requiring membership of each lot or unit owner in the ARH. The association shall be responsible for the permanent maintenance of water, sewage, recreational and infrastructure facilities. An association agreement or covenant shall be submitted with the application guaranteeing the continuing maintenance of such common utilities, land and facilities by assessing each unit a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Commission as part of the permit and shall comply with the provisions of Connecticut General Statutes § 47-200 et seq.

§ 214-138. Project identification.

- A. As a condition of its approval, the Planning Commission may permit a sign showing the project name to be permanently affixed at each entrance to the development. Each sign shall be of a size and design to be approved by the Planning Commission, provided that no such sign shall exceed 20 square feet in size. The design of the sign shall be compatible with the character of the development.
- B. All streets shall be posted with standard street signs and all street names shall be approved by the Fire Chief and Assessor. Dwelling units shall be assigned street numbers by the Assessor's office.

§ 214-139. Expiration of special use permit.

A special use permit issued for an ARH shall expire one year following its issuance if construction has not actually commenced. All work in connection with a special use permit issued for an ARH shall be completed within five years of said approval. The Planning Commission, upon written request and for good cause shown, may extend either or both of these time periods one or more times, provided the total extension does not exceed the original time period. Site preparation alone shall not be deemed to be the actual commencement of construction under this section. As a condition of its approval, the Commission may establish time limits for any development or phases thereof.

§ 214-140. Security.

Before any building permits are issued, the developer shall be required to provide the Town with performance security in a form and amount satisfactory to the Planning Commission, the Town Engineer, and Town Counsel to guarantee the construction of required public improvements. The initial amount of the bond shall be no less than \$10,000. Reductions in the amount of the original bond may be considered by the Commission for work completed; however, the bond shall not be reduced below the initial \$10,000 amount.

Article XXIV. Open Space Subdivision Developments

[Added 4-6-2009, effective 4-9-2009]

§ 214-141. Compliance with health and safety codes; bulk requirements; number of lots.

- A. Open space subdivisions shall be permitted in accordance with the Subdivision Regulations in the A and A-1 Zones and shall comply with all public health and safety codes, and the following zoning bulk requirements:
 - (1) Minimum lot area: 30,000 square feet.
 - (2) Minimum lot frontage: 125 feet.
- B. On lots that would be located in areas of the subdivision where the soils are considered "areas of special concern" as defined by the Connecticut Public Health Code Section 19-13-B103d(e) as amended, the Commission shall not allow the reduction in lot size or frontage.
- C. Number of lots.
 - (1) The maximum number of lots allowed in an open space subdivision shall be determined by subtracting the following from the total gross area of the proposed project parcel:
 - (a) Wetlands.
 - (b) Watercourses.
 - (c) Slopes 25% or greater.
 - (d) Flood-prone areas.
 - (e) Ledge outcroppings.
 - (f) Ten percent of the gross acreage for roads and easements.
 - (2) The remaining net area of the parcel shall be divided by 40,000 square feet. The result shall be the maximum number of lots allowed in an open space subdivision, provided the lots comply with the Somers Subdivision Regulations and the public health code. It is understood that the maximum number of lots is not an entitlement or right, but a guide that will be a function of the unique characteristics and buildability of each site.
 - (3) In an effort to continue to find ways to provide for affordable housing in the Town of Somers and in accordance with the Town's Plan of Conservation and Development, the Planning Commission may review any open space subdivision and allow for the approval of one additional lot above the maximum number calculated above, provided the lot can meet the bulk requirements and the public health code. Under this circumstance, the extra lot shall be identified as an "affordable housing" lot and shall meet the requirements of § 214-103F(7) of these regulations.

Article XXV. Planned Development District

[Added 11-21-2016, effective 12-17-2016]

§ 214-142. Purpose.

This section of the regulations is intended to permit modification of the strict application of the standards and provisions of these regulations to accomplish the purposes set forth below:

- A. Enable the development or redevelopment of specific areas in accordance with an overall Master Plan for such area and in accordance with the Plan of Conservation and Development adopted in accordance with CGS § 8-23, as may be amended.
- B. Be flexible in order to allow for innovative design techniques, accommodate unique uses and/or encourage creative approaches to development or redevelopment.
- C. Promote economic development in appropriate locations which will help meet community needs and be compatible with the community.
- D. Result in a development that demonstrates a high regard for design and that is compatible with the historic, cultural and geographic qualities of Somers.

§ 214-143. Eligible areas.

In order to establish a Planned Development District (PDD), public water and public sewers shall be provided to the proposed development and at least one of the following conditions shall be met:

- A. The location of the proposed PDD shall be identified as a potential location for a PDD in the Plan of Conservation and Development adopted in accordance with CGS § 8-23, as may be amended.
- B. The location of the proposed PDD shall consist of an assemblage of contiguous or abutting properties, with at least one of the properties identified as a potential location for a PDD in the Plan of Conservation and Development adopted in accordance with CGS § 8-23, as may be amended.
- C. The location of the proposed PDD shall be contiguous or abutting to a PDD previously approved by the Zoning Commission, provided the Master Plan demonstrates that the proposed development will complement the overall development of the area.

§ 214-144. Preliminary discussion strongly encouraged.

In order to guide the proposed development and minimize the potential for unnecessary expense or delay, persons wishing to establish a Planned Development District hereunder are strongly encouraged to arrange for preliminary meetings with the Zoning Commission prior to submitting an application for a Planned Development District.

§ 214-145. Required applications; site plan; fees.

- A. A Planned Development District may only be established by approval of three applications submitted and processed at the same time:
 - (1) A Master Plan providing the information described in § 214-146 in sufficient detail for the Zoning Commission to understand and establish the overall parameters of the proposed development;
 - (2) A text amendment application, processed in accordance with Article XX (§ 214-114) of these regulations, where "the exact wording of the change applied for" shall refer to the Master Plan documents as may be approved by the Zoning Commission in accordance with this Article XXV of the regulations; and
 - (3) A zone change application, processed in accordance with Article XX (§ 214-114) of these regulations, locating the proposed Planned Development District on the official Zoning Map.
- B. Once a Planned Development District is established, actual development may only occur with site plan approval as provided in § 214-101 where the purpose of such site plan approval is to determine if the proposed development is consistent with the approved Master Plan and to document the proposed improvements.
- C. As provided in Chapter 114 of the Ordinances of the Town of Somers, the Zoning Commission may require the applicant to pay the cost of reasonable consulting fees for peer review of the technical aspects of any of the applications.

§ 214-146. Requirements for Master Plan submittal.

A Master Plan of the proposed development shall be submitted to the Zoning Commission for approval, and such Master Plan shall include the following:

- A. Overview of Planned Development District: a name identifying the proposed Planned Development District and a general statement regarding the intent of the proposed Planned Development District.
- B. Conceptual site plans: one or more sheets depicting the proposed schematic design of the site, including:
 - (1) The identification and general location of proposed uses;
 - (2) Existing and proposed building footprints;
 - (3) Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
 - (4) A landscaping plan, including the location of proposed buffers;
 - (5) Information regarding the provision of water, sewer, drainage, and other utilities; and
 - (6) The location of public and/or private open space or conservation areas.

- C. Schematic architectural drawings: one or more sheets illustrating the schematic design of the proposed buildings and structures, including:
 - (1) Schematic floor plans;
 - (2) Architectural elevations of all buildings; and/or
 - (3) Photographs of buildings similar to the proposed buildings.
- D. Data table: information regarding the proposed development, including:
 - (1) Lot area and lot frontage;
 - (2) Building setbacks, yards, and/or building separations;
 - (3) Building coverage and impervious coverage;
 - (4) Proposed floor area by proposed use;
 - (5) Parking spaces.
- E. Additional documentation: Depending on the nature and/or intensity of the proposed Planned Development District, the following documentation may also be required by the Zoning Commission:
 - (1) A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the district to accommodate the projected traffic;
 - (2) A report regarding the adequacy of proposed utility services;
 - (3) A statement on how the proposed development complies with the Plan of Conservation and Development; and
 - (4) Any additional information as may be required by § 214-101 of these regulations.

§ 214-147. Application processing.

- A. Following the close of the public hearing(s), the Zoning Commission shall first approve, modify and approve, or deny the Master Plan.
- B. In evaluating the merits of the Master Plan and determining the appropriateness of a proposed PDD, the Zoning Commission shall consider the following factors:
 - (1) Consistency with the Plan of Conservation and Development, as may be amended.
 - (2) Whether the proposed PDD promotes reasonable and logical development to serve the public interests of the community.
 - (3) Whether the uses proposed are consistent with the special permit considerations and criteria, as appropriate, of § 214-102G of these regulations.

- (4) Accessibility to major roads and proximity to community services.
 - (5) Physical characteristics of the lot.
 - (6) The capability of existing infrastructure to support the proposed development (or infrastructure to be provided by the applicant).
 - (7) Any other factors that it deems applicable to a change of zone request.
- C. If the Zoning Commission denies the Master Plan, it shall also deny the text amendment application and the zone change application.
 - D. If the Zoning Commission approves or modifies and approves the Master Plan, the Zoning Commission may approve the text amendment application.
 - E. If the Zoning Commission approves or modifies and approves the Master Plan, the Zoning Commission may approve the zone change application.

§ 214-148. Effect of approval.

- A. If the Zoning Commission approves the text amendment application, the effect of such approval shall be, provided the requirements of § 214-149 below are followed, to treat the Master Plan materials approved by the Zoning Commission and any conditions of approval as if they were a distinct part of the text of these regulations and to modify § 214-152 of these regulations to reference the approved Master Plan and any conditions of approval.
- B. If the Zoning Commission approves the zone change application, the effect of such approval shall be to rezone the property to the name of the Planned Development District, provided the requirements of § 214-149 below are followed.
- C. Adoption of a PDD by the Zoning Commission and completion of the requirements of § 214-149 below shall constitute authorization to apply for site plan approval.
- D. Any provision of these regulations applicable to the property prior to the zone change and text amendment and not superseded by adoption of the Master Plan, standards, and Zoning Map and regulation amendments shall continue in full force and effect.

§ 214-149. Completion of approval; effective date.

- A. If the Zoning Commission approves the text amendment application, the approved Master Plan and accompanying material shall, within 90 days of the Zoning Commission's action, be submitted to the Zoning Commission for signature by the Chair or the approval of the zone change and text change shall be null and void.
- B. Once signed by the Chair of the Zoning Commission, the approved Master Plan shall, at the applicant's expense, be filed on the land records within 30 days of the Chairman's signature or the approval of the zone change and text change shall be null and void.
- C. Upon request of the applicant and for good cause shown, the Zoning Commission may extend the period prescribed in § 214-149A by 90

additional days and/or the period prescribed in § 214-149B by 30 additional days.

- D. The effective date of the text amendment and the zone change applications shall be the date that the approved Master Plan documents, signed by the Chair of the Zoning Commission, are filed on the land records by the applicant at the applicant's expense.

§ 214-150. Site plan approval; construction.

- A. No construction within the PDD may occur without approval of detailed site plans in accordance with § 214-101 documenting that the proposed construction substantially conforms to the approved Master Plan and standard engineering requirements.
- B. If site plans are not submitted within two years of the effective date of the text amendment and the zone change applications, or within two years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Zoning Commission for good cause shown, then the text amendment application and the zone change application shall become null and void and the PDD area shall revert to all the requirements of its previous zoning.
- C. Site plans may be submitted in phases, provided that such phases:
 - (1) Include all those public amenities and features used as a public protection for the surrounding area; and
 - (2) Shall be capable of complete and self-sufficient existence without the completion of the remaining stages.
- D. If construction of improvements is not begun and diligently prosecuted to completion within five years of the effective date of the text amendment and the zone change application, or within five years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Zoning Commission for good cause shown, then the text amendment application and the zone change application shall become null and void and the PDD area shall revert to all the requirements of its previous zoning.
- E. No certificate of zoning compliance precedent to a certificate of occupancy shall be issued within the PDD without the posting of a financial guaranty, in form, amount and surety approved by the Zoning Commission, to guarantee the provision of common elements which may be included in a later phase but are considered by the Commission to be integral to the overall development, including, but not limited to, private roads, buffer strips, walkways, recreational facilities, or other common elements.

§ 214-151. Future modifications.

- A. Any modification of an approved Master Plan may be approved by site plan approval in accordance with § 214-101 of these regulations if the modification:
 - (1) Decreases the dimensional elements (e.g., reduction of building size) or lessens the impact on abutting properties; and/or
 - (2) Does not substantially alter, in the opinion of the Zoning Commission, the character of the approved Master Plan.
- B. Any modification of an approved Master Plan shall be approved by a text amendment in accordance with § 214-114 and with § 214-149 of these

regulations codifying the revised Master Plan as part of this Article XXV of the regulations if the modification:

- (1) Adds or deletes a permitted use or substantially alters, in the opinion of the Zoning Commission, the area devoted to different uses in the approved Master Plan.
- (2) Increases the dimensional elements in the Master Plan (e.g., expansion of building size).
- (3) Substantially alters, in the opinion of the Zoning Commission, the character of the approved Master Plan.

§ 214-152. Approved Planned Development Districts.

- A. Planned Development District #1 (<<insert name of PDD District>>) approved by the Zoning Commission at a meeting on (<<insert date of ZC approval>>), effective on (<<insert date of filing on land records>>), and filed on the land records at Volume _____, Page _____ and/or Map File _____

ATTACHMENT 5

Chapter 211. Inland Wetlands and Watercourses

[HISTORY: Adopted 7-7-2004 by the Conservation Commission of the Town of Somers, effective 7-21-2004.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission — See Ch. 20.

Flood and Erosion Control Board — See Ch. 29.

Building construction — See Ch. 88.

Soil erosion and sediment control — See Ch. 161.

Subdivision of land — See Ch. 213.

Zoning — See Ch. 214.

[1] *Editor's Note: These regulations superseded former Ch. 211, Inland Wetlands and Watercourses, adopted 10-20-1997.*

§ 211-1. Title and authority.

- A. The inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the State of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic

growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- B. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Somers, Connecticut."
- C. The Conservation Commission of the Town of Somers was established in accordance with an ordinance adopted May 7, 1974 and shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act^[1] in the Town of Somers.
[1] *Editor's Note: See C.G.S. § 22a-36 et seq.*
- D. These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- E. The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Somers pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended.

§ 211-2. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

ACT

The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, as amended.

CLEARING LIMITS

The boundaries of any cutting, clearing, or grubbing of vegetation associated with a project to conduct a regulated activity.

COMMISSION

The Conservation Commission of the Town of Somers.

CONSERVATION EASEMENT

A restrictive covenant running from the property owner to the Town of Somers, which restrictive covenant shall attach to and run with the land and be binding upon the property owner and his heirs, successors and assigns. The effect of the conservation easement shall be a legal agreement between the property owner and the Town, wherein the property owner agrees to perpetually preserve, protect, conserve, and maintain in a natural, scenic and open condition, all land contained within the legal description encompassing the conservation easement. By natural, scenic, and open condition it is hereby meant that the land must remain undisturbed, i.e., no construction, no filling or excavation, or other soil disturbance, no removal or destruction of trees, shrubs or vegetation, other than safety hazards; and no activities detrimental to natural drainage patterns, soil, vegetation, and wildlife. The fee simple interest in the land contained within the conservation easement shall remain with the owner of the land subject to the conservation easement in favor of the Town.

BOGS

Areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

CLEAR-CUTTING

The harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

The Commissioner of the State of Connecticut Department of Environmental Protection.

CONTINUAL FLOW

A flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

DEPOSIT

Includes, but shall not be limited to fill, grade, dump, place, discharge or emit.

DESIGNATED AGENT

An individual(s) designated by the Conservation Commission to carry out its functions and purposes.

DISCHARGE

Emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

DISTURB THE NATURAL AND INDIGENOUS CHARACTER OF THE WETLAND OR WATERCOURSE

To alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.

ESSENTIAL TO THE FARMING OPERATION

The proposed activity is necessary and indispensable to sustain farming activities on an existing farm.

FARMING

Use of land for the growing of crops, raising of livestock, including horses, or other agricultural use.

FEASIBLE

Able to be constructed or implemented consistent with sound engineering principles.

MANAGEMENT PRACTICE

A practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

MARSHES

Areas with soils that exhibit aquatic moisture regimes and are distinguished by the absence of trees and shrubs and the dominance of soft-

stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

MATERIAL

Any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, sand, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.

MUNICIPALITY

The Town of Somers.

NURSERIES

Land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

PERMIT

The whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.

PERMITTEE

The person to whom a permit has been issued.

PERSON

Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

POLLUTION

Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

PRUDENT

Economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity, provided cost may be considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

REGULATED ACTIVITY

Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in Section 22a-40 of the Connecticut General Statutes. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet measured horizontally from the boundary of any wetland or watercourse is a regulated activity. The Commission may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

REGULATED AREA

Any wetlands or watercourses as defined in these regulations.

REMOVE

Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.

RENDERING UNCLEAN OR IMPURE

Any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

SIGNIFICANT IMPACT ACTIVITY

Any activity, including, but not limited to, the following activities which may have a major effect or significant impact.

- A. Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
- B. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- C. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
- D. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- E. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
- F. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
- G. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

SOIL SCIENTIST

An individual duly qualified in accordance with standards set by the federal Office of Personnel Management.

SUBMERGED LANDS

Those lands which are inundated by water on a seasonal or more frequent basis.

SWAMPS

Areas with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.

TOWN

The Town of Somers.

WASTE

Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the

Town.

WATERCOURSES

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

WETLANDS

Land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Soil Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

§ 211-3. Inventory of regulated areas.

- A. The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Somers, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Commission. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- B. Any owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Commission to change the designation in accordance with § 211-15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. The Commission may require such an owner to provide an accurate delineation of regulated areas in accordance with § 211-15 of these regulations.
- C. The Commission or its designated agent(s) shall maintain a current inventory of regulated areas within the Town. The Commission may amend its map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in § 211-15 of these regulations.

§ 211-4. Permitted uses as of right and nonregulated uses.

- A. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of the Department of Environmental Protection for the purposes of wetland and watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - (2) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as a right under this subdivision shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder;
 - (3) A boat anchorage or mooring, not to include dredging or dock construction;
 - (4) Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted in the Town of Somers, and containing a residence. Such incidental uses shall include, but not be limited to maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;
 - (5) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102, of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 through 22a-410 of the Connecticut General Statutes;
 - (6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place;
- B. The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- (1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
 - (2) Outdoor recreation, including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.

- C. All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with § 211-6 of these regulations.
- D. To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse or regulated area that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated agent for the Commission may make such ruling on behalf of the Commission at any time.

§ 211-5. Activities regulated by the state.

- A. In addition to any permit or approval required by the Commission, the Commissioner of Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
 - (1) Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended.
 - (2) Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended.
 - (3) Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
 - (4) Diversion of water, including withdrawals of surface or groundwater in excess of 50,000 gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to Sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended.
 - (5) Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.
 - (6) Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- B. The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, commission or instrumentality of the State of Connecticut, except any local or regional board of education, pursuant to Section 22a-39 or 22a-45a of the Connecticut General Statutes.
- C. The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

- D. The Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 or a dam construction permit issued by the Commissioner of Environmental Protection under Section 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

§ 211-6. Regulated activities to be licensed.

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation Commission of the Town of Somers.
- B. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in § 211-14 of these regulations and any other remedies as provided by law.

§ 211-7. Application requirements.

- A. Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity, shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Somers Town Clerk or the Land Use Office.
- B. If an application to the Town of Somers Planning, Zoning, or Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such Planning, Zoning, or Planning and Zoning Commission.
- C. The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- D. A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.
- E. All applications shall include the following information in writing, in addition to maps or drawings as required by the Conservation Commission and forms provided by the Conservation Commission. More information may be required, as determined by the Commission or authorized agent depending on the nature of the project and the potential risk to wetlands and watercourses:
 - (1) The applicant's name, home and business mailing addresses and telephone numbers;
 - (2) The owner's name, mailing address and telephone number and written consent of the land owner if the applicant is not the owner of the land upon which the subject activity is proposed;
 - (3) The area or lineal feet of wetland and/or watercourse to be disturbed or altered;

- (4) The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices or mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity, including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - (5) Alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagrammed on a site plan or drawing;
 - (6) A site plan at a scale of 1" = 20' to 1" = 100', or other scale as appropriate considering the proposal, showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses, including clearing limits associated with the project;
 - (7) The plan shall show, by flag number, the delineated boundaries of field-delineated wetlands and watercourses which shall be certified by a soil scientist on the plan; any revisions to the plan shall require new certification by a soil scientist on the plan; if at any time during the course of reviewing an application the Commission or its agent is unable to determine the delineation of wetlands or watercourses in the field, the Commission may require re-flagging of all or part of the parcel;
 - (8) Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued;
 - (9) Any other information the Commission deems necessary to the understanding of what the applicant is proposing; and
 - (10) Submission of the appropriate filing fee based on the fee schedule established in § 211-19 of these regulations.
- F. If the proposed activity involves a significant impact activity as determined by the Commission, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:
- (1) Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
 - (2) Engineering reports and analyses and additional drawings to fully describe the proposed activity including any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan;
 - (3) Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;
 - (4) A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
 - (5) A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or

watercourses involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

- (6) Analysis of chemical or physical characteristics of any fill material; and
 - (7) Management practices and other measures designed to mitigate the impact of the proposed activity.
- G. The applicant shall certify whether:
- (1) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - (2) Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (3) Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
 - (4) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- H. Two copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.
- I. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with § 211-8 of these regulations at least 65 days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under § 211-7 of these regulations provided:
- (1) The application may incorporate the documentation and record of the prior application;
 - (2) The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
 - (3) The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
 - (4) The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
 - (5) The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity;
- J. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than 10 years.

§ 211-8. Application procedures.

- A. All petitions, application, requests or appeals shall be submitted to the Conservation Commission of the Town of Somers.
- B. When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the Inland Wetlands Commission of such other municipality.
- C. The Agency shall, in accordance with Connecticut General Statutes Sections 8-7(f) and 22a-42b, notify the Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which:
 - (1) Any portion of the property affected by a decision of the agency is within 500 feet of the boundary of the adjoining municipality;
 - (2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (3) A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - (4) Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, appeal, request or plan.
- D. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the Inland Wetlands Commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- E. The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the agency, immediately following the day of submission to such agency or its agent of such petition, application, request or appeal or 35 days after such submission, whichever is sooner.
- F. At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in § 211-11B of these regulations.
- G. All applications shall be open for public inspection at the Town of Somers Land Use Office.
- H. Incomplete applications may be denied.

§ 211-9. Public hearings.

- A. The inland wetlands agency shall not hold a public hearing on an application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands or watercourses, a petition signed by at least 25 persons who are 18 years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with agency not later than 14 days after the date of the receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing, provided no petition provided for in this section is filed with the agency on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than 65 days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney.
- B. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than 15 days and not fewer than 10 days, and the last not less than two days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland and watercourse is located.
- C. The Agency shall send notice of the commencement of the public hearing to the applicant by certified mail, return receipt requested, at least 14 days prior to the day of the hearing.
- D. In the case of any application which is subject to the notification provisions of § 211-8C of these regulations, a public hearing shall not be conducted until the Clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.
- E. The applicant shall send by certified mail, return receipt requested, a notice describing the location of the property under application and the date and time of the commencement of the public hearing to all current owners of record of abutting property not less than seven days prior to commencement of the public hearing. The applicant shall submit copies of all returned receipts to the Commission. One sign, provided by the Commission, per every 200 feet or part thereof of road frontage will be clearly posted for the 10 consecutive days prior to the public hearing date. Once the public hearing has closed, the applicant shall have five days to remove the signs.

§ 211-10. Considerations for decision.

- A. The Commission may consider the following in making its decision on an application:
 - (1) The application and its supporting documentation.
 - (2) Public comments, evidence and testimony.
 - (3) Reports from other agencies and commissions, including but not limited to the Town of Somers:
 - Building Official
 - Engineering Consultant

Health Officer or State Department of Health
Planner
Planning Commission
Public Works
Water Pollution Control Authority
Zoning Board of Appeals
Zoning Commission
Zoning Enforcement Officer
Erosion Control/Wetlands Control Officer

- (4) The Commission may also consider comments on any application from the North Central Conservation District, the Capitol Region Council of Governments or other regional organizations (i.e., Council of Elected Officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
 - (5) Non-receipt of comments from agencies and commissions listed in Subsection A(3) and (4) above within the prescribed time shall neither delay nor prejudice the decision of the Commission.
- B. Criteria for decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including but not limited to:
- (1) The environmental impact of the proposed regulated activity on wetlands or watercourses;
 - (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity, which alternatives would cause less or no environmental impact to wetlands or watercourses;
 - (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - (4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity, including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
 - (6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated

activity and which may have an impact on wetlands or watercourses.

- C. In the case of an application which received a public hearing pursuant to a finding by the Commission that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding the Commission shall consider the facts and circumstances set forth in Subsection B of this section. The finding and the reasons therefor shall be stated on the record in writing.
- D. In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.
- E. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.
- F. For the purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
- G. The Conservation Commission shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

§ 211-11. Decision process and permit.

- A. The Commission, or its duly authorized agent acting pursuant to § 211-12 of these regulations, may, in accordance with § 211-10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- B. No later than 65 days after receipt of an application, the Agency may hold a public hearing on such application. At such hearing any person or persons may appear and be heard and may be represented by agent or attorney. The hearing shall be completed within 35 days of its commencement. Action shall be taken on applications within 35 days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within 65 days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subdivision, provided the total extension of all such periods shall not be for longer than 65 days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subdivision, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- C. The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with § 211-10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- D. The Commission shall notify the applicant and any person entitled to such notice of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within 10 days thereafter.
- E. If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under Section 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Town of Somers Planning, Zoning, or Planning and Zoning Commission within 15 days of the date of the decision thereon.
- F. Any permit issued by the Commission for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five years, provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years.
- G. No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.
- H. If a bond or insurance is required in accordance with § 211-13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- I. General provisions in the issuance of all permits:
 - (1) The Commission 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 Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Somers, 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) If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Section 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - (4) In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - (5) Permits are not transferable without the prior written consent of the Commission.

§ 211-12. Action by duly authorized agent.

- A. The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, provided such agent has completed the comprehensive training program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under § 211-5E of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in §§ 211-8, 211-9 and 211-11 of these regulations, such agent may approve or extend such an activity at any time.
- B. Activities eligible for approval under this section are limited to the following: aboveground swimming pools; decks, gazebos, garages, sheds, barns, and other appurtenant structures of less than 500 square feet and at least 25 feet from the boundary of any wetland or watercourse.
- C. Any person receiving such approval from such agent shall, within 10 days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within 15 days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting, provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with § 211-7 of these regulations.

§ 211-13. Bond and insurance.

- A. Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission.
- B. The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.

§ 211-14. Enforcement.

- A. The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under § 211-10B of these regulations.
- B. The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

- C. If the Commission or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:
- (1) Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within 10 calendar days of the issuance of such order the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within 10 days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
 - (2) Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
 - (3) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection C(1) or other enforcement proceedings as provided by law.

§ 211-15. Amendments.

- A. These regulations and the Inland Wetlands and Watercourses Map for the Town of Somers may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- B. An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.

- C. These regulations and the Town of Somers Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least 35 days before the public hearing on their adoption.
- D. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Somers, Connecticut," shall contain at least the following information:
 - (1) The petitioner's name, mailing address and telephone number;
 - (2) The address, or location, of the land affected by the petition;
 - (3) The petitioner's interest in the land affected by the petition;
 - (4) Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations; and
 - (5) The reasons for the requested action.
- E. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map for Somers, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote sensing imagery, resource mapping, soils mapping, or other information acceptable to the Commission. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection D, the petition shall include:
 - (1) The name, mailing address and telephone number of the owner(s) of such land and owner(s) agent or other representative;
 - (2) The names and mailing addresses of the owners of abutting land;
 - (3) Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the report of the soil scientist documenting the location of wetland soils on the land and a map of said land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and
 - (4) Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- F. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- G. A public hearing shall be held on petitions to amend the regulations and the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having a general circulation in the municipality where the land that is the subject of the hearing is located at least twice at intervals of not less than two days, the first not more than 15 days, nor less than 10 days, and the last not less than two days before the date set for the hearing. All materials including maps and documents relating to the petition shall be open for public inspection.
- H. The Agency shall hold a public hearing on a petition to amend the regulations and the Inland Wetlands and Watercourses Map within 65 days after receipt of such petition. The hearing shall be completed within 35 days after commencement. The Agency shall act upon the changes requested in such petition within 65 days after completion of such hearing. At such hearing, any person or persons may appear and be heard and may be

represented by agent or attorney. The petitioner may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than 65 days or may withdraw such petition. Failure of the agency to act within any time period specified in this subsection or any extension thereof shall not be deemed to constitute approval of the petition.

- I. The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

§ 211-16. Appeals.

- A. Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.
- B. Notice of such appeal shall be served upon the Commission and the Commissioner of Environmental Protection.

§ 211-17. Conflict and severance.

- A. If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses 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 which can be given effect without such invalid part or parts.
- B. If there is a conflict between the provisions of these regulations and the provisions of the Act, the provisions of the Act shall govern.

§ 211-18. Other permits.

Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Somers, the State of Connecticut or 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. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

§ 211-19. Application fees.

- A. Method of payment. All fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of Somers at the time the application is filed with the Commission.
- B. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Subsection G of these regulations.
- C. The application fee is not refundable.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

RESIDENTIAL USES

Activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

COMMERCIAL USES

Activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

OTHER USES

Activities other than residential uses or commercial uses.

E. Application fees for these regulations shall be based on the following fee schedule:

(1) Permitted and nonregulated uses (§ 211-4):

(a) Permitted uses as of right (§ 211-4A): no fee.

(2) Regulated uses (§ 211-6):

(a) Residential: \$180.

(b) Subdivisions: \$180.

(c) Plus: \$45/lot.

(3) Commercial uses: \$180.

(4) All other uses: \$180.

(5) Significant activity fee (§ 211-2 definition of "significant impact activity" and § 211-7E): \$350.

(6) Modification of previous approval (§§ 211-7H and 211-11K): \$45. (There shall be no fee for correcting typographical errors.)

(7) Permit renewal or extension (§ 211-11H): \$45.

F. Exemption. Boards, commissions, councils and departments of the Town of Somers are exempt from all fee requirements.

G. Waiver. The applicant may petition the Commission 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 Commission should consider in its determination under this subsection.

(1) The Commission may waive all or part of the application fee if the Commission determines that:

(a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

- (b) The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.
- (2) The Commission shall state upon its record the basis for all actions under this subsection.

§ 211-20. Records retention and disposition.

- A. The Commission and the Town Clerk for the Town of Somers shall retain complete administrative records of Commission actions and dispose of such records in accordance with the retention/disposition schedules set forth in Subsection B.
- B. The public records administrator of the Connecticut State Library established the following new records retention/disposition schedules for municipal Inland Wetlands Agencies effective April 24, 1989:

Record Title	Minimum Retention Required in Commission	Town Clerk
Applications (including supporting materials)	10 years	-
Decision letters	10 years	Permanent
Approved site plans	10 years	—
Legal notices	10 years	Permanent
Staff and public written testimony (hearing records)	10 years	—
Minutes of meetings and public hearings	15 years	Permanent
Tapes, audio-inland wetland matters	4 years	—
Notices of violation and orders	10 years	—
Text of changes adopted in regulations	Continuous update/ permanent	—
General correspondence issued or received	5 years	—

§ 211-21. Effective date of regulations.

These regulations are effective upon filing in the Office of the Town Clerk and publication of a notice of such filing in a newspaper having general circulation in the Town of Somers.

ATTACHMENT 6

ECO-SITE, INC. (ECO-SITE) & T-MOBILE NORTHEAST LLC

**TECHNICAL REPORT TO THE TOWN OF SOMERS
PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY**

248 Hall Hill Road, Somers, Connecticut

Eco-Site[®]

T-Mobile[®]

**ECO-SITE, INC.
240 LEIGH FARM ROAD
SUITE 415
DURHAM, NC 27707**

**T-MOBILE NORTHEAST, LLC
35 GRIFFIN ROAD
BLOOMFIELD, CT 06002**

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FAA 1a Survey

TOWAIR Determination

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Wetlands Review

Natural Resources Checklist & Exemption Review

Introduction

Eco-Site, Inc. ("Eco-Site") and T-Mobile Northeast LLC ("T-Mobile") respectfully submit this Technical Report to the Town of Somers pursuant to Section 16-50I of the Connecticut General Statutes. T-Mobile has contracted with Eco-Site to assist in the search and development of various facilities in Connecticut including one search ring in western Somers. As part of its coordination with T-Mobile, Eco-Site identified and leased a portion of an approximately 38.5 acre parcel of land owned by Debra Romano and located at 248 Hall Hill Road in the Town of Somers (the "Parcel"). Eco-Site has entered into a long-term ground lease with the property owner and would construct, own and operate a wireless telecommunications tower facility on the Parcel. T-Mobile's build to suit agreement with Eco-Site includes a long-term sublease obligation for use of the proposed tower facility.

The tower component as proposed is principally a 180' monopole tower for T-Mobile as well as other FCC licensed wireless carriers to provide reliable wireless services in the area of Somers. The purpose of this Technical Report is to provide the Town with information concerning the need for a new tower in this area of the State (Section 1), the site search history and selection process (Section 2), the facility design (Section 3), and current status of environmental assessments for the project including various information (Section 4). This information is provided for purposes of Technical Consultation with the Town and as provided for in Section 16-50I of the Connecticut General Statutes.

ATTACHMENT 1

SECTION 1

Statement of Public Need

The proposed tower facility will provide reliable wireless communications services to a large portion of western Somers. The facility is needed by T-Mobile in conjunction with other existing and proposed facilities to provide reliable services to the public that is not currently provided in this part of Somers. Attached are radio frequency engineering plots depicting the "Current Coverage" provided by T-Mobile existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed tower site. T-Mobile seeks to provide wireless service to a largely residential section of western Somers including residents and travelers in the area of Route 186 / Hall Hill Road, Four Bridges Road, George Wood Road, Durkee Road numerous other roadways and properties in the area. Expanded service in this area of Somers would provide reliable service to approximately 1200 residents in addition to those visiting and traveling through the area.

811
Know what's below.
Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MASSACHUSETTS, CALL DIG SAFE SYSTEM, INC.
TOLL FREE: 1-888-344-7233 OR www.digsafe.com

MASSACHUSETTS STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE

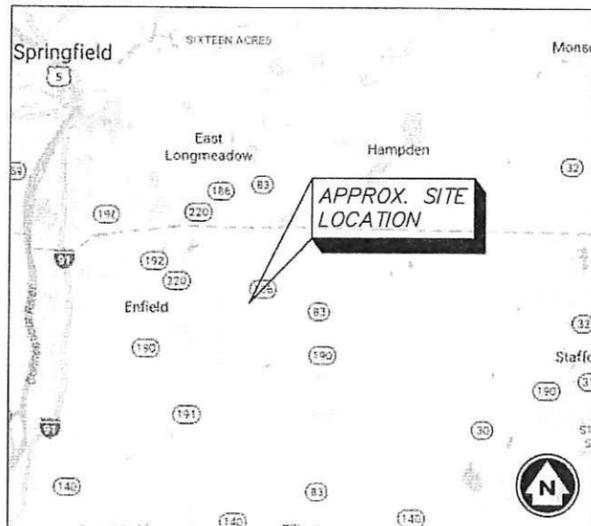
Eco-Site

240 LEIGH FARM ROAD, SUITE 415
DURHAM, NC 27707

ECO-SITE: SOMERS CT-0005A
T-MOBILE: CTHA027

SITE ADDRESS:
248 HALL HILL ROAD
SOMERS, CT 06071
TOLLAND COUNTY

LATITUDE: 42° 0' 9.34" N
LONGITUDE: 72° 29' 5.99" W
ELEVATION: 232' AMSL
TAX/PIN #: MAP 7, LOT 72
ZONING: A-1



- VICINITY MAP**
1. HEAD NORTH ON I-91 N TOWARD CT-220E/ELM STREET.
 2. TAKE EXIT 48 ON TO ELM STREET IN ENFIELD.
 3. TURN RIGHT TO CONTINUE ON ELM STREET.
 4. CONTINUE STRAIGHT ONTO MOODY ROAD.
 5. MOODY ROAD BECOMES GEORGE WOOD ROAD.
 6. TURN RIGHT ONTO TO BRACE ROAD
 7. TURN RIGHT ONTO HALL HILL ROAD
 8. SITE WILL BE ON YOUR LEFT

DRIVING DIRECTIONS

PROJECT SUMMARY

CONSTRUCTION OF TELECOMMUNICATION AND PUBLIC UTILITY FACILITY, CONSISTING OF A MONOPOLE TOWER, SPACE FOR CARRIER EQUIPMENT AND A UTILITY BACKBOARD WITHIN A FENCED COMPOUND. NO WATER OR SEWER IS REQUIRED.

PROJECT SUMMARY

DEVELOPER:
ECO-SITE
240 LEIGH FARM ROAD, SUITE 415
DURHAM, NC 27707
(919) 636-6810
ATTN:

POWER COMPANY:
EVERSOURCE
107 SELDON STREET
BERLIN MA, 06037
(800) 286-2000
ATTN: CUSTOMER SERVICE

TELEPHONE COMPANY:
TBD
(800) XXX-XXXX
ATTN: CUSTOMER SERVICE

PROPERTY OWNER:
DEBRA ROMANO
248 HALL HILL ROAD
SOMERS, CT 06071

DRWG. #	TITLE	REV.#	DATE
T1	TITLE SHEET	A	1/16/17
Z1	GENERAL NOTES & LEGEND	A	1/16/17
Z2	OVERALL SITE PLAN	A	1/16/17
Z2A	NEAREST RESIDENTIAL STRUCTURE MAP	A	1/16/17
Z2B	NEAREST MUNICIPALITY MAP	A	1/16/17
Z2C	WETLAND & WETLAND TYPE SOILS MAP	A	1/16/17
Z2D	NEAREST SCHOOL MAP	A	1/16/17
Z2E	ABUTTERS MAP	A	1/16/17
Z3	ENLARGED SITE LAYOUT	A	1/16/17
Z4	TOWER ELEVATION	A	1/16/17
Z5	CIVIL DETAILS	A	1/16/17
Z6	CIVIL DETAILS	A	1/16/17
Z7	UTILITY RACK DETAIL	A	1/16/17
Z8	T-MOBILE EQUIPMENT DETAILS	A	1/16/17
Z9	T-MOBILE EQUIPMENT DETAILS	A	1/16/17
Z10	ICE BRIDGE DETAILS	A	1/16/17
EC1	GRADING & EROSION CONTROL NOTES	A	1/16/17
EC2	GRADING PLAN	A	1/16/17
EC3	GRADING PLAN CONT'D	A	1/16/17

DRAWING INDEX

TOWN OF SOMERS:
600 MAIN STREET, PO BOX 308
SOMERS, CT 06071
(860) 763-8201

PERMIT INFORMATION

INFINIGY8
1033 Watervliet Shaker Road | Albany, NY 12205
Phone: 518-690-0790 | Fax: 518-690-0793
www.infinigy.com

Submitted For Review	By	Date

Drawn: A.B. Date: 12/22/16
Designed: A.B. Date: 12/22/16
Checked: A.B. Date: 12/22/16

Project Number: 502-000

Project Title: SOMERS CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

Prepared For: Eco-Site

Drawing Title: TITLE SHEET

Drawing Scale: ZD
Date: 12/22/16

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS

Drawing Number: T1

GENERAL NOTES

- ALL DIMENSIONS TO, OF, AND ON EXISTING BUILDINGS, DRAINAGE STRUCTURES, AND SITE IMPROVEMENTS SHALL BE VERIFIED IN FIELD BY CONTRACTOR WITH ALL DISCREPANCIES REPORTED TO THE ENGINEER.
- DO NOT CHANGE SIZE NOR SPACING OF STRUCTURAL ELEMENTS.
- DETAILS SHOWN ARE TYPICAL; SIMILAR DETAILS APPLY TO SIMILAR CONDITIONS UNLESS OTHERWISE NOTED.
- THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
- BRACE STRUCTURES UNTIL ALL STRUCTURAL ELEMENTS NEEDED FOR STABILITY ARE INSTALLED. THESE ELEMENTS ARE AS FOLLOWS: LATERAL BRACING, ANCHOR BOLTS, ETC.
- DETERMINE EXACT LOCATION OF EXISTING UTILITIES, GROUNDS DRAINS, DRAIN PIPES, VENTS, ETC. BEFORE COMMENCING WORK.
- INCORRECTLY FABRICATED, DAMAGED, OR OTHERWISE MISFITTING OR NONCONFORMING MATERIALS OR CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO REMEDIAL OR CORRECTIVE ACTION. ANY SUCH ACTION SHALL REQUIRE APPROVAL.
- EACH CONTRACTOR SHALL COOPERATE WITH THE OWNER'S REPRESENTATIVE, AND COORDINATE HIS WORK WITH THE WORK OF OTHERS.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLAN SHEETS AND SPECIFICATIONS AND COORDINATE HIS WORK WITH THE WORK OF ALL OTHER CONTRACTORS TO ENSURE THAT WORK PROGRESSION IS NOT INTERRUPTED.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A NEAT AND ORDERLY SITE, YARD AND GROUNDS. REMOVE AND DISPOSE OFF SITE ALL RUBBISH, WASTE MATERIALS, LITTER, AND ALL FOREIGN SUBSTANCES. REMOVE PETRO-CHEMICAL SPILLS, STAINS AND OTHER FOREIGN DEPOSITS. RAKE GROUNDS TO A SMOOTH EVEN-TEXTURED SURFACE.
- THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVE-GROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA, EXACT LOCATION OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATION OF SUCH PIPELINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE SHOWN OR MAY NOT BE SHOWN; AND IT SHALL BE HIS RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK. 48 HOURS BEFORE YOU DIG, DRILL OR BLAST, CALL 1-800-922-4455.
- THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL OF THE OWNER OR OWNER'S REPRESENTATIVE.
- THE CONTRACTOR IS INSTRUCTED TO COOPERATE WITH ANY AND ALL OTHER CONTRACTORS PERFORMING WORK ON THIS JOB SITE DURING THE PERFORMANCE OF THIS CONTRACT.
- THE CONTRACTOR SHALL RESTORE ALL PUBLIC OR PRIVATE PROPERTY DAMAGED OR REMOVED TO AT LEAST AS GOOD OF CONDITION AS BEFORE DISTURBED AS DETERMINED BY THE OWNER OR OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING, AND INCURRING THE COST OF ALL REQUIRED PERMITS, INCLUDING, BUT NOT LIMITED TO, THE BUILDING PERMIT, INSPECTIONS, CERTIFICATES, ETC.
- THE CONTRACTOR SHALL PROTECT EXISTING PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED, AS JUDGED BY THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE UNDER THE SUPERVISION OF A LICENSED LAND SURVEYOR.
- ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE OSHA REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING AND THE MAINTENANCE OF SURFACE DRAINAGE DURING THE COURSE OF WORK.
- ALL UTILITY WORK INVOLVING CONNECTIONS TO EXISTING SYSTEMS SHALL BE COORDINATED WITH THE OWNER OR OWNER'S REPRESENTATIVE AND THE UTILITY OWNER. NOTIFY THE OWNER OR OWNER'S REPRESENTATIVE AND THE UTILITY OWNER BEFORE EACH AND EVERY CONNECTION TO EXISTING SYSTEMS IS MADE.
- MAINTAIN FLOW FOR ALL EXISTING UTILITIES.
- ALL SITE FILL SHALL MEET SELECTED FILL STANDARDS AS DEFINED BY THE OWNER OR OWNER'S REPRESENTATIVE ON THE DRAWINGS.
- CONTRACTOR SHALL GRADE ALL AREAS ON THE SITE TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE EQUIPMENT PAD AND THE TOWER.
- ALL IMPROVEMENTS TO CONFORM WITH LOCAL JURISDICTION CONSTRUCTION STANDARDS AND SPECIFICATIONS, LATEST EDITION.

STRUCTURAL STEEL NOTES

- STRUCTURAL STEEL SHALL CONFORM TO THE LATEST EDITION OF THE AISC "SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS".
- ALL INTERIOR STRUCTURAL STEEL USED SHALL BE, WHEN DELIVERED, FINISHED WITH ONE COAT FABRICATOR'S NON-LEAD, RED OXIDE PRIMER. PRIMING SHALL BE PERFORMED AFTER SHOP FABRICATION TO THE GREATEST EXTENT POSSIBLE. ALL DINGS, SCRAPES, MARS, AND WELDS IN THE PRIMED AREAS SHALL BE REPAIRED BY FIELD TOUCH-UP PRIOR TO COMPLETION OF THE WORK.
- ALL EXTERIOR STEEL WORK SHALL BE GALVANIZED IN ACCORDANCE WITH SPECIFICATION ASTM A36 UNLESS OTHERWISE NOTED. GALVANIZING SHALL BE PERFORMED AFTER SHOP FABRICATION TO THE GREATEST EXTENT POSSIBLE. ALL DINGS, SCRAPES, MARS, AND WELDS IN THE GALVANIZED AREAS SHALL BE REPAIRED BY FIELD TOUCH-UP PRIOR TO COMPLETION OF THE WORK.
- DO NOT PLACE HOLES THROUGH STRUCTURAL STEEL MEMBERS EXCEPT AS SHOWN AND DETAILED ON STRUCTURAL DRAWINGS.
- CONNECTIONS:
 - ALL WELDING SHALL BE DONE USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC AND AWS D1.1. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION", 9TH EDITION. AT THE COMPLETION OF WELDING, ALL DAMAGE TO GALVANIZED COATING SHALL BE REPAIRED.
 - BOLTED CONNECTIONS SHALL USE BEARING TYPE GALVANIZED ASTM A325 BOLTS (3/4" DIA) AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
 - NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. GALVANIZED ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.
 - CONNECTION DESIGN BY FABRICATOR WILL BE SUBJECT TO REVIEW AND APPROVAL BY ENGINEER.

DESIGN DATA

- WIND LOADS: PER EIA/TIA G-222
ICE LOADS: 1/2" RADIAL ON ALL COMPONENTS & CABLE
SNOW LOAD: PER CT STATE BLDG. CODE.
SEISMIC LOADS: PER CT STATE BLDG CODE.

CONCRETE NOTES

- DESIGN AND CONSTRUCTION OF ALL CONCRETE ELEMENTS SHALL CONFORM TO THE LATEST EDITIONS OF THE FOLLOWING APPLICABLE CODES: ACI 301 "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS"; ACI 318, "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE";
- MIX DESIGN SHALL BE APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO PLACING CONCRETE.
- CONCRETE SHALL BE NORMAL WEIGHT, 6% AIR ENTRAINED (±1.5%) WITH A MAXIMUM 4" SLUMP, AND HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3000 PSI UNLESS OTHERWISE NOTED.
- MAXIMUM AGGREGATE SIZE SHALL BE 1".
- THE FOLLOWING MATERIALS SHALL BE USED:

PORTLAND CEMENT:	ASTM C 150, TYPE I
REINFORCEMENT:	ASTM A 185
NORMAL WEIGHT AGGREGATE:	ASTM C 33
WATER:	DRINKABLE
ADMIXTURES:	NON-CHLORIDE CONTAINING
- REINFORCING DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF ACI 315.
- REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.
- THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

CONCRETE CAST AGAINST EARTH.....	3 IN.
CONCRETE EXPOSED TO EARTH OR WEATHER:	
#6 AND LARGER	2 IN.
#5 AND SMALLER & WWF	1 1/2 IN.
CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:	
SLAB AND WALL	3/4 IN.
BEAMS AND COLUMNS	1 1/2 IN.

- A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.
- INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE.
- CURING COMPOUNDS SHALL CONFORM TO ASTM C-309.
- ADMIXTURES SHALL CONFORM TO THE APPROPRIATE ASTM STANDARD AS REFERENCED IN ACI-301.
- DO NOT WELD OR TACKWELD REINFORCING STEEL.
- ALL DOWELS, ANCHOR BOLTS, EMBEDDED STEEL, ELECTRICAL CONDUITS, PIPE SLEEVES, GROUNDS AND ALL OTHER EMBEDDED ITEMS AND FORMED DETAILS SHALL BE IN PLACE BEFORE START OF CONCRETE PLACEMENT.
- LOCATE ADDITIONAL CONSTRUCTION JOINTS REQUIRED TO FACILITATE CONSTRUCTION AS ACCEPTABLE TO ENGINEER. PLACE REINFORCEMENT CONTINUOUSLY THROUGH JOINT.
- REINFORCEMENT SHALL BE COLD BENT WHENEVER BENDING IS REQUIRED.
- PLACE CONCRETE IN A UNIFORM MANNER TO PREVENT THE FORMATION OF COLD JOINTS AND OTHER PLANES OF WEAKNESS. VIBRATE THE CONCRETE TO FULLY EMBED REINFORCING. DO NOT USE VIBRATORS TO TRANSPORT CONCRETE THROUGH CHUTES OR FORMWORK.
- DO NOT PLACE CONCRETE IN WATER, ICE, OR ON FROZEN GROUND.
- DO NOT ALLOW CONCRETE SUBBASE TO FREEZE DURING CONCRETE CURING AND SETTING PERIOD, OR FOR A MINIMUM OF 14 DAYS AFTER PLACEMENT.
- FOR COLD-WEATHER AND HOT-WEATHER CONCRETE PLACEMENT, CONFORM TO APPLICABLE ACI CODES AND RECOMMENDATIONS. IN EITHER CASE, MATERIALS CONTAINING CHLORIDE, CALCIUM, SALTS, ETC. SHALL NOT BE USED. PROTECT FRESH CONCRETE FROM WEATHER FOR 7 DAYS MINIMUM.

CIVIL LEGEND

EXISTING		PROPOSED
UNDERGROUND ELECTRIC	FENCE	---x---x---
UNDERGROUND TELEPHONE	UNDERGROUND ELECTRIC	-----
OVERHEAD WIRE	UNDERGROUND TELEPHONE	-----
5'-0"	OVERHEAD TELEPHONE	-----
2'-0"	OVERHEAD ELECTRIC	-----
120.5 OR x	5' OR 10' CONTOUR LINE	-----
	1' OR 2' CONTOUR LINE	-----
	SPOT ELEVATION	120.5 OR x
	PRIMARY PROPERTY OR R.O.W.	-----
	LEASE LINE	-----
	EASEMENT	-----
	UTILITY POLE	⊗
	TELEPHONE PEDESTAL	⊠
	CURB	=====
	ASPHALT PAVEMENT	=====
	BUILDING	▭
	TREES, SHRUBS, BUSHES	⊗ ⊗ ⊗

 REPRESENTS DETAIL NUMBER
 REF. DRAWING NUMBER

INFINIGY8
 1033 Watervliet Shaker Road | Albany, NY 12205
 Phone: 518-690-0790 | Fax: 518-690-0793
 www.infinigy.com

A	SUBMITTED FOR REVIEW	JDL	1/16/17
No.	Submittal/Revision	App'd	Date
Drawn:	AJD	Date:	12/22/16
Designed:	AJD	Date:	12/22/16
Checked:	AJD	Date:	12/22/16

Project Number: 502-000
 Project Title: SOMERS CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

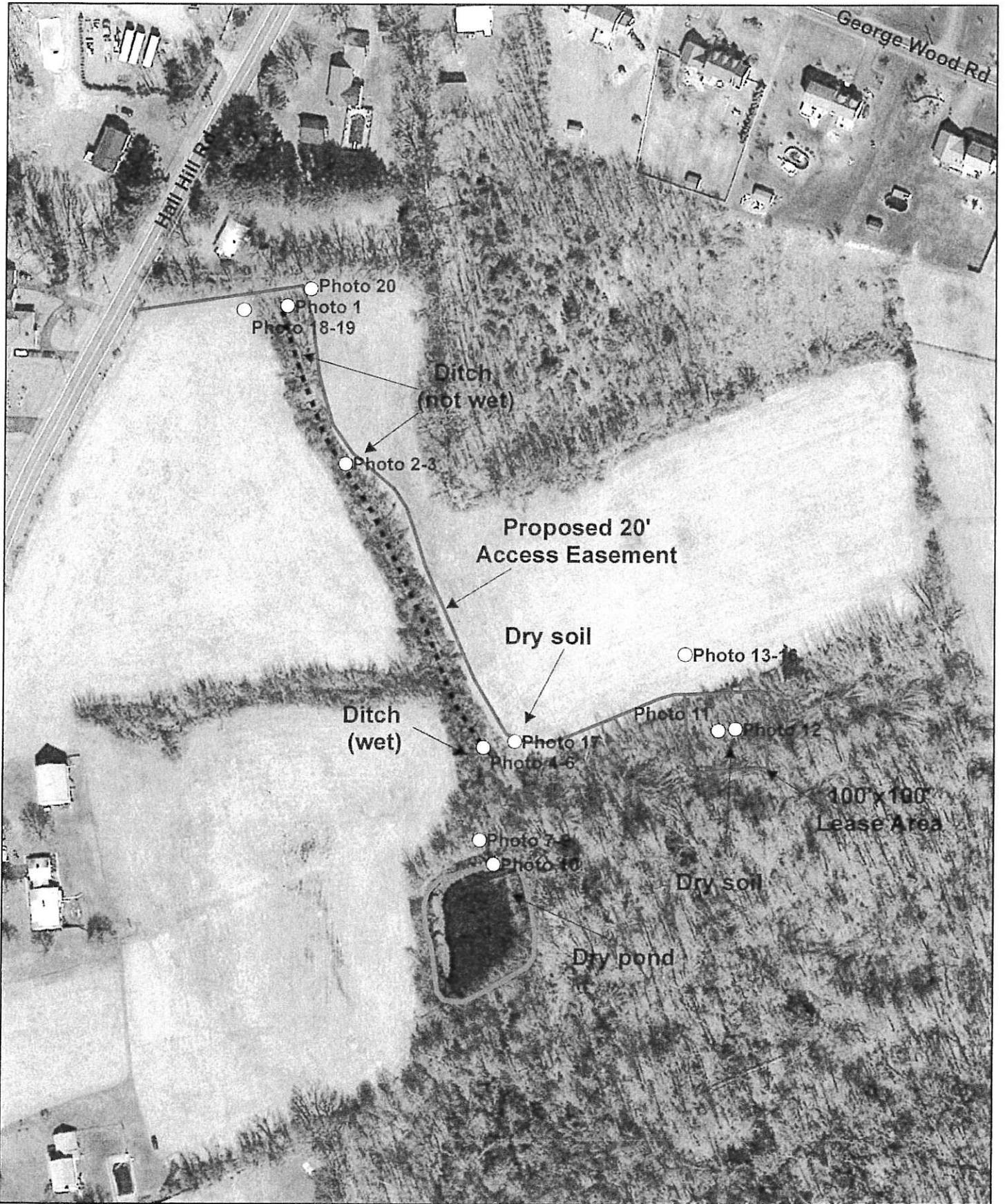
Prepared For: Eco-Site

Drawing Title: GENERAL NOTES & LEGEND

Drawing Scale: ZD
 Date: 12/22/16

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Drawing Number: Z1





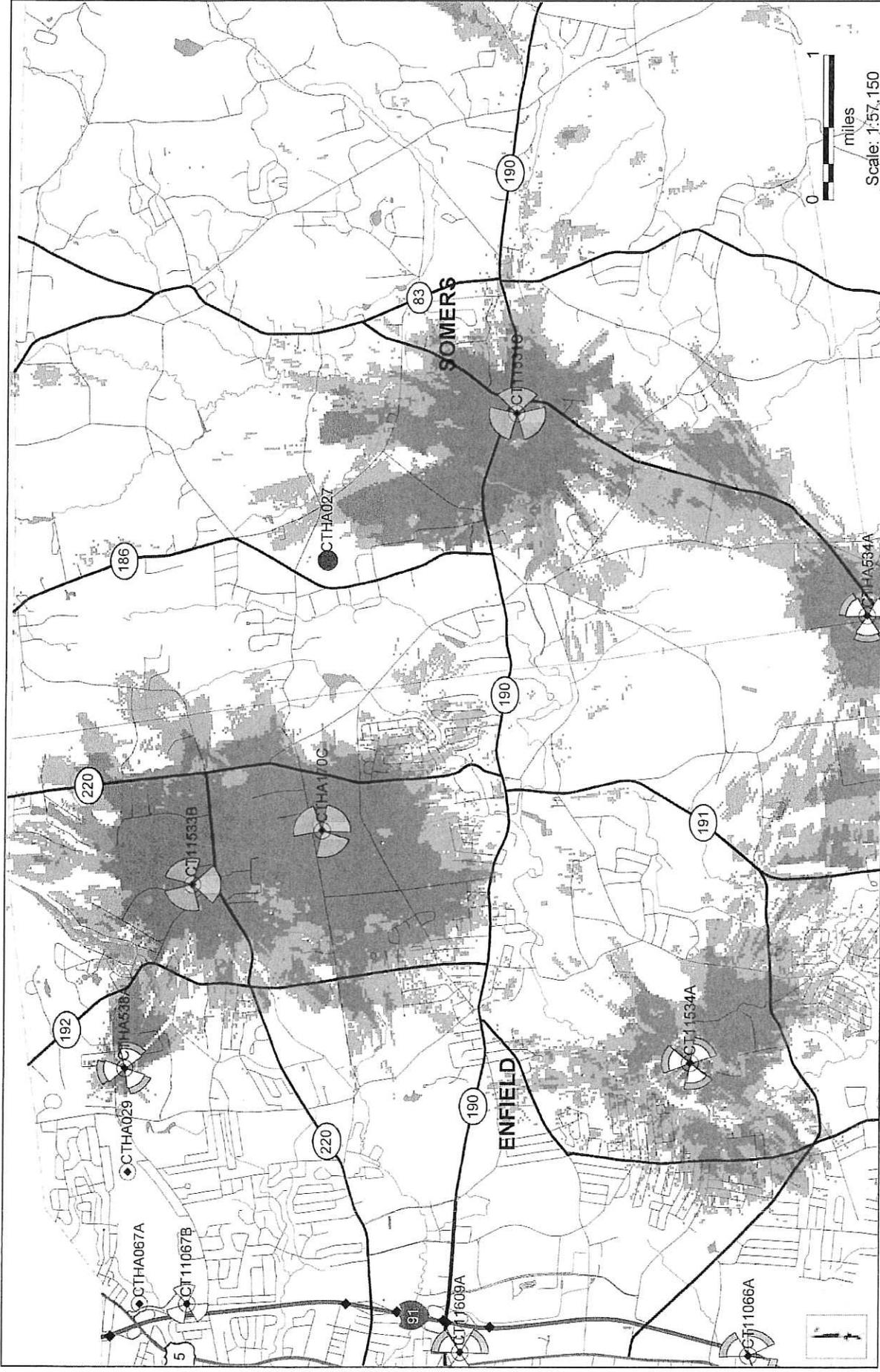
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Planned Site CTHA027 at 175' AGL

- Coverage Thresholds
- Dark Green-In Building Residential Coverage
- Light Green-In Building Residential Coverage
- COVERAGE
- In-Building Residential -91 dB
- In-Building Commercial -97 dB

**Proposed Coverage For
T-Mobile Site CTHA027 at 175' AGL**



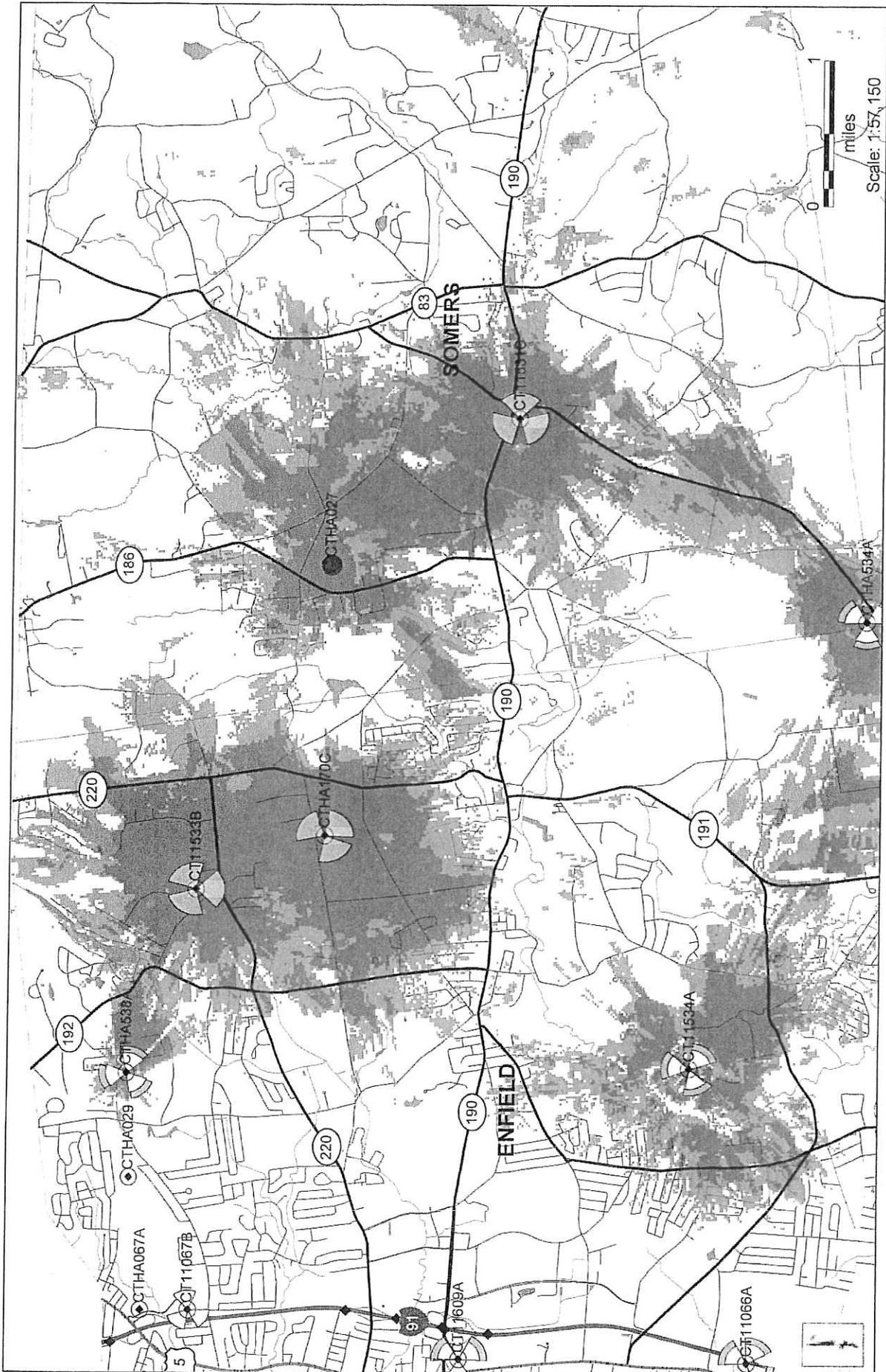


Planned Site CTHA027 at 175' AGL

- Coverage Thresholds
- Dark Green-In Building Residential Coverage
 - Light Green-In Building Commercial Coverage
 - COVERAGE
 - In-Building Residential -91 dB
 - In-Building Commercial -97 dB

On-Air Coverage of Existing T-Mobile Sites





Planned Site CTHA027 at 175' AGL
 Coverage Thresholds
 Dark Green-In Building Residential Coverage
 Light Green-In Building Commercial Coverage
 COVERAGE
 In-Building Residential -91 dB
 In-Building Commercial -97 dB

T-Mobile On-Air Coverage of Existing With Proposed Coverage
 For T-Mobile Site CTHA027 at 175' AGL

ATTACHMENT 2

ATTACHMENT 2

Site Search Summary

In general, the wireless industry develops "site search areas" to initiate a site selection process in areas where new wireless infrastructure is required to provide reliable wireless services to the public. A site search area is a general geographical location where the installation of a new wireless facility would address identified coverage and/or capacity constraints within wireless networks. Site search areas are also developed with an overall understanding of local terrain, tree canopies and other local morphologies and development patterns. Further consideration is given by wireless network operators on how any new wireless infrastructure will integrate into a wireless network based on the unique aspects of cellular design that include consumer mobility and the reuse of frequencies licensed by the FCC throughout the network's architecture.

In any site search area, both Eco-Site and T-Mobile seek to avoid the unnecessary proliferation of towers in accordance with Connecticut law, while at the same time ensuring the quality of service provided by any proposed site to users of its network. Once a site search area is identified, real estate professionals will review the area with particular attention to any existing tall structures above the tree line which may exist in the site search area (e.g. existing towers, water tanks, above ground transmission lines, church steeples). If present, existing structures are evaluated for the potential to construct and operate a new facility. In order to be viable, a tower site candidate must be capable of providing adequate coverage in wireless networks. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated.

As part of a site search process, real estate professionals will also typically review local zoning regulations to identify any community preferences articulated by

regulation. They will also consider other municipal sources of information in an effort to identify any other general community preferences related to tower facility siting. Overall, and based on the regulatory process set forth in state law that involves the Siting Council, Eco-Site evaluates tower site candidates and qualifies any candidates from the state's perspective, which is to balance the need for any new tower site and minimize environmental impacts where possible.

In this search area in the Town of Somers, CT, a new tower is necessary to meet T-Mobile's objective of providing reliable service to the public. The search area is in the northeast corner of Somers, CT, mainly comprising of the Northern Correctional Institute located at 287 Bilton Road. One (1) tall structure was identified near the search area; a 180' water tank owned and located at the Prison. After discussions with the owner, it was determined that the Prison was not interested in leasing space on the water tank for collocation. The terrain and topography in this area limited our search for potential locations for a new communications facility; the ground elevation significantly drops to the east of the search ring. Federal wetlands are also significant in this area, further limiting our search for a new communications facility. Eco-Site knows of no other alternatives that would better meet the State's tower siting criteria set forth in Section 16-50p of the Connecticut General Statutes.

Eco-Site identified and investigated eight (8) sites in and around the Somers site search area where the construction of a new tower might be feasible for radio frequency engineering purposes.

1. Deb Romano
248 Hall Hill Road
Somers, CT 06071

This location is the candidate site.

2. Northern Correctional Institute
287 Bilton Road
Somers, CT 06071

After speaking with the property owner, it was confirmed they are not interested leasing space for a new cell tower

3. Young
163 Bilton Road
Somers, CT 06071

T-Mobile RF rejected this candidate due to lack of coverage in the target area.

4. Shewokis
135 Bilton Road
Somers, CT 06071

Due to leasing concerns with the property owner, this candidate was removed from consideration.

5. Pratt - A
14 Bridle Path Drive
Somers, CT 06071

No ownership interest was obtained for this property. Certified mail was delivered and signed for, with no response. This parcel was deemed not viable.

6. Pratt - B

White Oak Road (off)
Somers, CT 06071

No ownership interest was obtained for this property. Certified mail was delivered and signed for, with no response. This parcel was deemed not viable.

7. Blake

700 Hall Hill Road
Somers, CT 06071

Due to leasing and locational concerns by the property owner, this parcel was deemed not viable.

8. Oakridge Dairy

122 Watchaug Road
Somers, CT 06071

After speaking with the property owner, it was confirmed that they were not interested in leasing space for a cell tower.

Figure 1 SITE SEARCH MAP



Existing Tower/Cell Site Locations

There are 14 existing or approved communications facilities within approximately 4 miles of the proposed tower located at 248 Hall Hill Rd. Somers, Connecticut. None of the existing sites, whether T-Mobile is located thereon or not, can provide reliable service to the area of Town where service is needed.

	Address	Lat	Long
1	400 Main St. Somers, CT	41.983717°	-72.465523°
2	188 Moody St. Enfield, CT	42.002008°	-72.521698°
3	37 Bacon Rd. Enfield, CT	42.015934°	-72.528737°
4	111 Stafford Rd. Hampden, MA	42.036058°	-72.447989°
5	126 Pioneer Heights Rd. Somers, CT	41.948865°	-72.492044°
6	458 South Rd. Somers, CT	41.956514°	-72.447423°
7	1 Anngina Dr. Enfield, CT	42.002120°	-72.538521°
8	293 Elm St. Enfield, CT	41.997690°	-72.552949°
9	Town Farm Rd. Enfield, CT	41.965888°	-72.552719°
10	290 Brainard Rd. Enfield, CT	42.022388°	-72.553620°
11	Prospect St. E. Longmeadow, MA	42.049217°	-72.510296°
12	150 Somers Rd. E. Longmeadow, MA	42.059631°	-72.503487°
13	28 Commercial Dr. Hampden, MA	42.059861°	-72.448687°
14	Academy Dr. Longmeadow, MA	42.045603°	-72.544131°

Site ID	Address	Town	Zip	Latitude	Longitude	Facility Type	Ant Height (ft)	Distance to Primary (mi)
CTHA027	248 Hall Hill Rd	Somers	06071	42.002573	-72.484827	Monopole	175	0
CT11533B	37 Bacon Rd	Enfield	06082	42.015889	-72.5287281	Monopole	160	2.5
CTHA170C	188 Moody Road	Enfield	06082	42.002972	-72.5214722	Monopole	187	1.8
CT11534A	1 Ecology Drive	Enfield	06082	41.966	-72.5527	Monopole	140	4.2
CT11531C	400 Main St.	Somers	06071	41.983694	-72.4652765	Monopole	166	1.6
CTHA534A	196 Pioneer Hts	Somers	06071	41.9487	-72.4924	Self-Support Tower	115	3.7

ATTACHMENT 3

General Facility Description

248 Hall Hill Road, Somers, Connecticut

Tax/PIN Identification: Map 7, Lot 72

38.5 Acre Parcel

The proposed tower site is located on an approximately 38.5 acre parcel located at 248 Hall Hill Road and owned by Debra Romano. It is classified in the A-1 Residential District and is improved with a single-family residence, garage and barn. The proposed telecommunications facility includes an approximately 10,000 s.f. lease area located in the central eastern section of the host parcel.

The facility consists of a new self-supporting monopole tower 180' in height, with a 5' lightning rod on top extending to an overall height of 185' AGL. T-Mobile would install up to nine (9) panel antennas, one (1) dish antenna and related equipment at a centerline height of 176' above grade level (AGL). The tower would be designed for future shared use of the structure by other FCC licensed wireless carriers. T-Mobile equipment cabinets would be installed on a proposed 10' x 20' concrete equipment pad within the tower compound with separate space for a proposed backup power generator.

The tower compound would consist of a 2,500 s.f area to accommodate T-Mobile's equipment and provide for future shared use of the facility by other carriers. The tower compound would be enclosed by a six (6) foot high chain link fence with an additional

one (1) foot of barbed wire at the top for security purposes (remote location). Vehicle access to the facility would be provided from Hall Hill Road starting at the location of an old farm access gate over a gravel access drive a distance of approximately 1,125' to the proposed compound. Utility connections would be routed along the access easement.

SITE AND FACILITY DESCRIPTION

I. LOCATION

- A. COORDINATES: 42° 0' 9.34" N 72° 29' 5.99" W
- B. GROUND ELEVATION: 232'± AMSL
- C. USGS MAP: USGS 7.5 Ellington Quadrangle
- D. SITE ADDRESS: 248 Hall Hill Road, Somers, Connecticut
- E. ZONING WITHIN ¼ MILE OF SITE: Residential.

II. DESCRIPTION

- A. SITE SIZE: 38.5
- B. LEASE AREA/COMPOUND AREA: 10,000 SF/2,500 S.F.
- C. TOWER TYPE/HEIGHT: 180' AGL Monopole
- D. SITE TOPOGRAPHY AND SURFACE: Subject site is located on a large 38+ acre parcel sloping to the south with agricultural fields an existing home and barn.
- E. SURROUNDING TERRAIN, VEGETATION, WETLANDS, OR WATER: There are wetland on the southern portion of the property.
- F. LAND USE WITHIN ¼ MILE OF SITE: A mixture of residential and agricultural. A state prison complex operates to the north northeast.

III. FACILITIES

A. POWER COMPANY: Eversource

B. POWER PROXIMITY TO SITE: 1,150'±

C. TELEPHONE COMPANY: TBD

D. PHONE SERVICE PROXIMITY: 1,150±¹

E. VEHICLE ACCESS TO SITE: Proposed 20' access easement to the site will be from Hall Hill Road (State Route 186), over an approximately 1,125' access drive to tower compound.

F. OBSTRUCTION: None known at this time.

G. AREA OF DISTURBANCE: Total area of disturbance is approximately 25,000 s.f.

IV. LEGAL

A. PURCHASE [] LEASE [X]

B. OWNER: DEBRA ROMANO

C. ADDRESS: 248 HALL HILL ROAD

Somers, CT 06071

¹ Communication connection of the tower may at first be a direct point-to-point connection using dish "hop" depending on timing of fiber service. Ultimately it is intended that the tower will be connected by landline.

Facilities and Equipment Specification

I. TOWER SPECIFICATIONS:

- A. MANUFACTURER: To be determined
- B. TYPE: Self-Supporting monopole tower
- C. HEIGHT: 180' AGL (with 5' lightning rod extending to 185')
DIMENSIONS: Tower structure tapered/
- D. TOWER LIGHTING: None required.

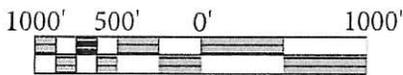
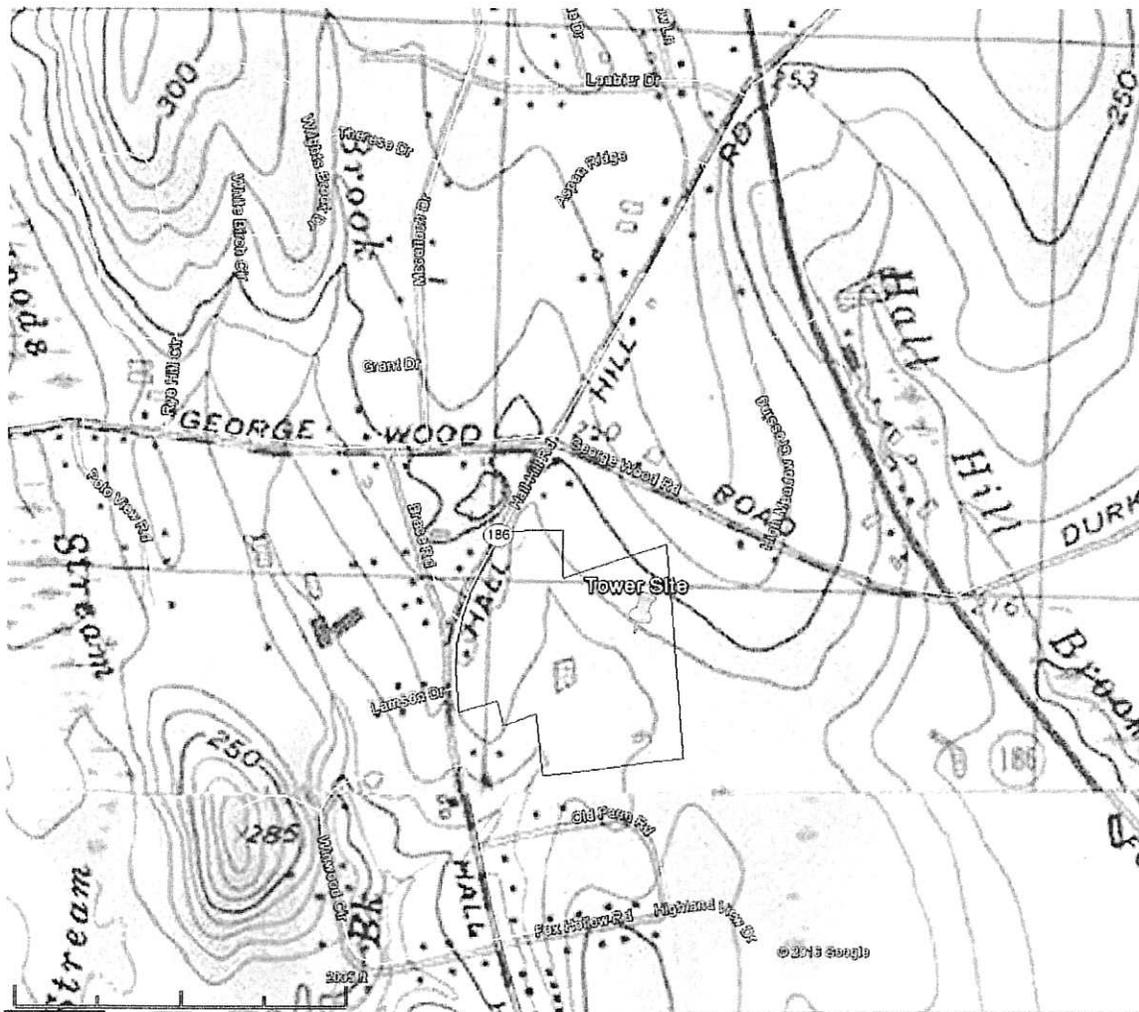
II. TOWER LOADING:

- A. T-Mobile - up to 9 panel antennas
 - a. Model - TBD
 - b. Antenna Dimensions - approximately 96"H x 12"W x 9"D
 - c. Position on Tower - 176' centerline AGL
 - d. Transmission Lines - DC, Fiber and RET lines internal to tower.
 - e. (9) Remote Radio Units behind antennas on proposed pipe mounts
 - f. (1) Microwave dish 2' diameter on proposed pipe mount

B. Future Carriers - To be determined

III. ENGINEERING ANALYSIS AND CERTIFICATION:

The tower will be designed in accordance with American National Standards Institute TIA/EIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures" and the 2003 International Building Code with 2005 Connecticut Amendment. The foundation design would be based on soil conditions at the site. The details of the tower and foundation design will be provided as part of the final D&M plan.



APPROX. NORTH

Topography Exhibit

Source: Earth Point Topo Map

Project: CT-0005

Date: 01/17/2017 Rev: 0

Site Address: 248 Hall Hill Road
Somers, CT 06071

INFINIGY®

FROM ZERO TO INFINIGY

FAA 1-A SURVEY CERTIFICATION

Applicant: Eco Site
240 Lehigh Farm Road; Suite 415
Durham, NC 27707

Site Name: Blue Ridge
Site Number:
Site Address: 248 Hall Hill Road
Somers, CT 06071

Horizontal Datum Source (select all that apply):

Ground Survey GPS Survey NAD 83

Vertical Datum Source (select all that apply):

Ground Survey GPS Survey NAVD 88

Structure Type (select one):

New Tower () Existing Tower () Building Water Tank
 Smokestack Other (describe):

Latitude: N 42°-00'-09.34" NAD83
Longitude: W 72°-29'-05.99" NAD83
Ground Elevation: 232 feet AMSL NAVD88

CERTIFICATION: I certify that the latitude and longitude are accurate to within +/- 20 feet horizontally and that the ground elevation is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are expressed in terms of degrees, minutes, seconds and hundredths of seconds. The vertical datum (heights) are expressed in terms of feet.

Printed Name: Earle C. Newman, P.L.S.
Surveyor License No: 15616
Company: Climax Development of WNY, LLC
Phone: (716) 548-2894
Date: December 28, 2016

Climax Development of WNY, LLC Project No.:16-243



TOWAIR Determination Results

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates

Latitude	42-00-09.3 north
Longitude	072-29-06.0 west

Measurements (Meters)

Overall Structure Height (AGL)	54.9
Support Structure Height (AGL)	0
Site Elevation (AMSL)	70.7

Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW



Federal Aviation Administration

Note: Effective 10/28/2016, the format of the FAA Determination of No Hazard to Air Navigation for Temporary Structure letter has changed. Please be sure to review all pages of the determination issued for your ASN and adhere to all conditions stated in the letter.

« OE/AAA

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2014.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic Areas of Responsibility map for Off Airport construction, or contact the FAA Airports Region / District Office for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

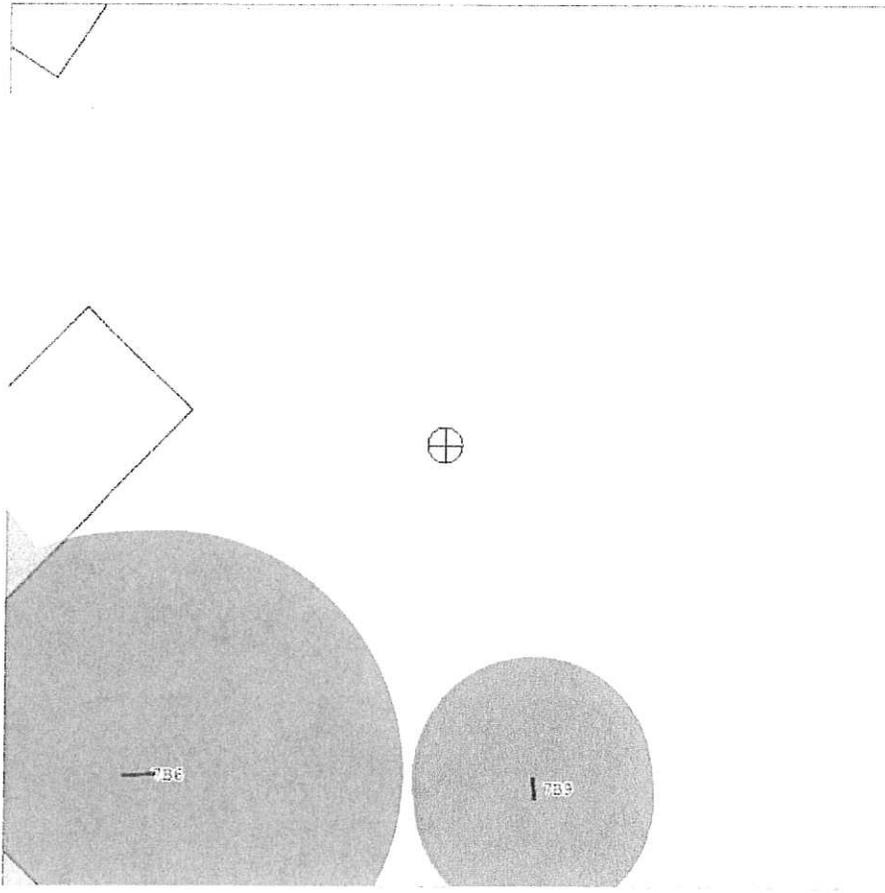
Latitude:	42	Deg	00	M	9.34	S	N ▼
Longitude:	72	Deg	29	M	5.99	S	W ▼
Horizontal Datum:	NAD83 ▼						
Site Elevation (SE):	232 (nearest foot)						
Structure Height :	180 (nearest foot)						
Traverseway:	No Traverseway ▼ <small>(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway</small>						
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes						

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

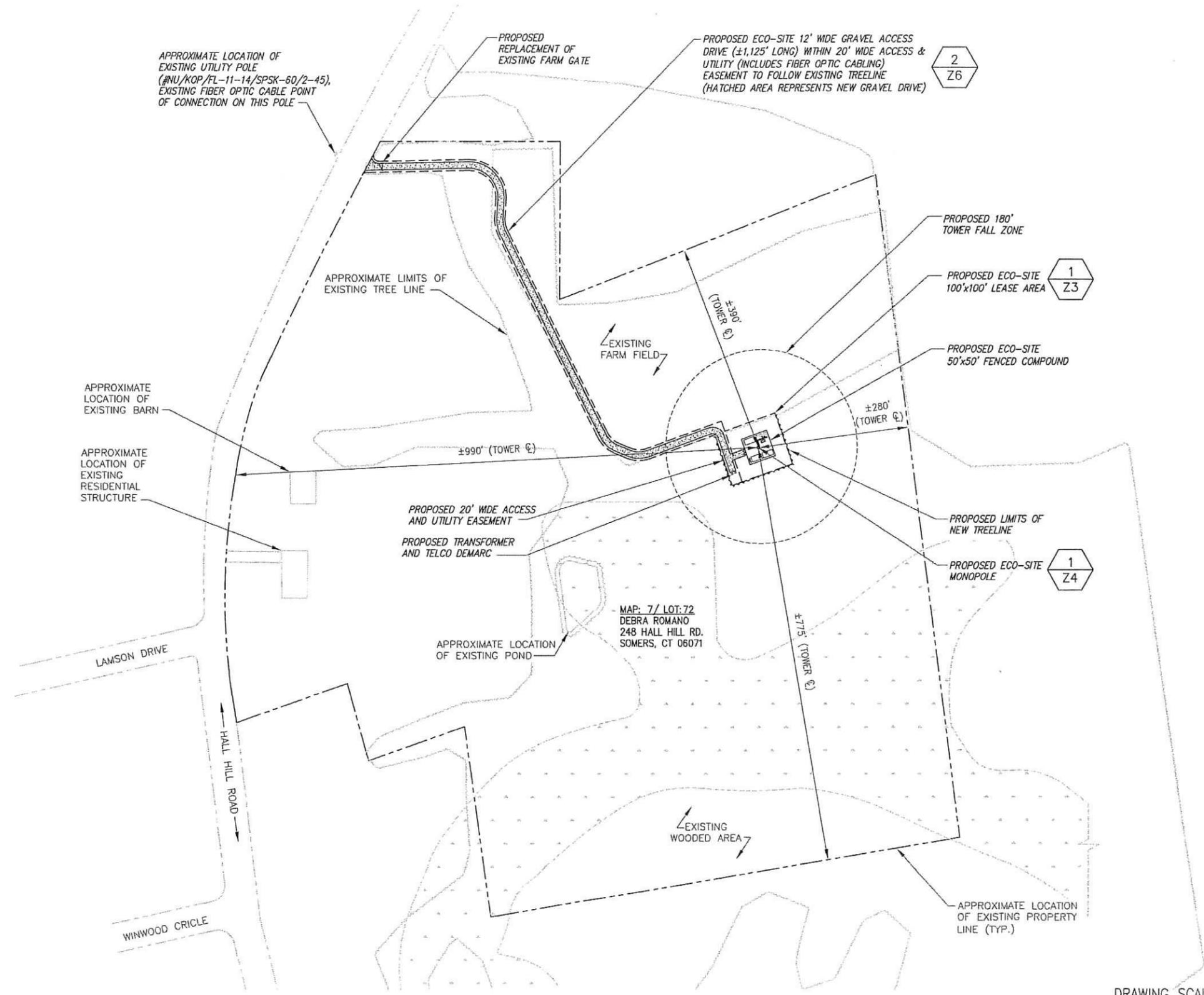
The FAA requests that you file



NOTE:

- ROUTE OF UTILITY IS TO FOLLOW ACCESS EASEMENT UNLESS OTHERWISE DIRECTED BY UTILITY COMPANY.
- FINAL INSTALLATION METHOD (OVERHEAD OR UNDERGROUND) TO BE DETERMINED.

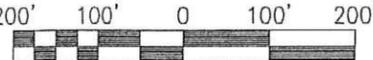
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BASEMAPPING INFORMATION BASED ON INFORMATION OBTAINED FROM A SITE WALK COMPLETED BY INFINIGY ON 11/29/16 AND SITE SURVEY COMPLETED BY "CLIMAX DEVELOPMENT OF W.N.Y." TITLED: "BLUE RIDGE, SITE SURVEY".



1 OVERALL SITE PLAN
 SCALE: AS NOTED
 APPROX. NORTH

DRAWING SCALE

 SCALE (11x17): 1" = 200'-0"
 SCALE (22x34): 1" = 100'-0"

INFINIGY
 1033 Watervliet Shaker Road | Albany, NY 12205
 Phone: 518-690-0790 | Fax: 518-690-0793
 www.infinigy.com

No.	Submitted / Revision	App'd	Date
A	SUBMITTED FOR REVIEW	JL	1/16/17

Drawn: A.D. Date: 12/22/16
 Designed: A.D. Date: 12/22/16
 Checked: A.D. Date: 12/22/16

Project Number: 502-000
 Project Title:
SOMERS
CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

Prepared For:


Drawing Title:
OVERALL SITE PLAN

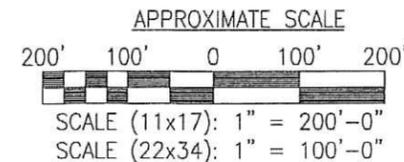
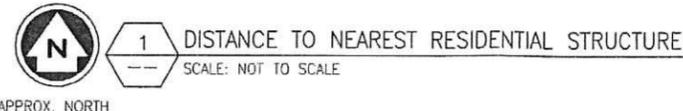
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Z2



NOTE:
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SOMERS, CT 06071

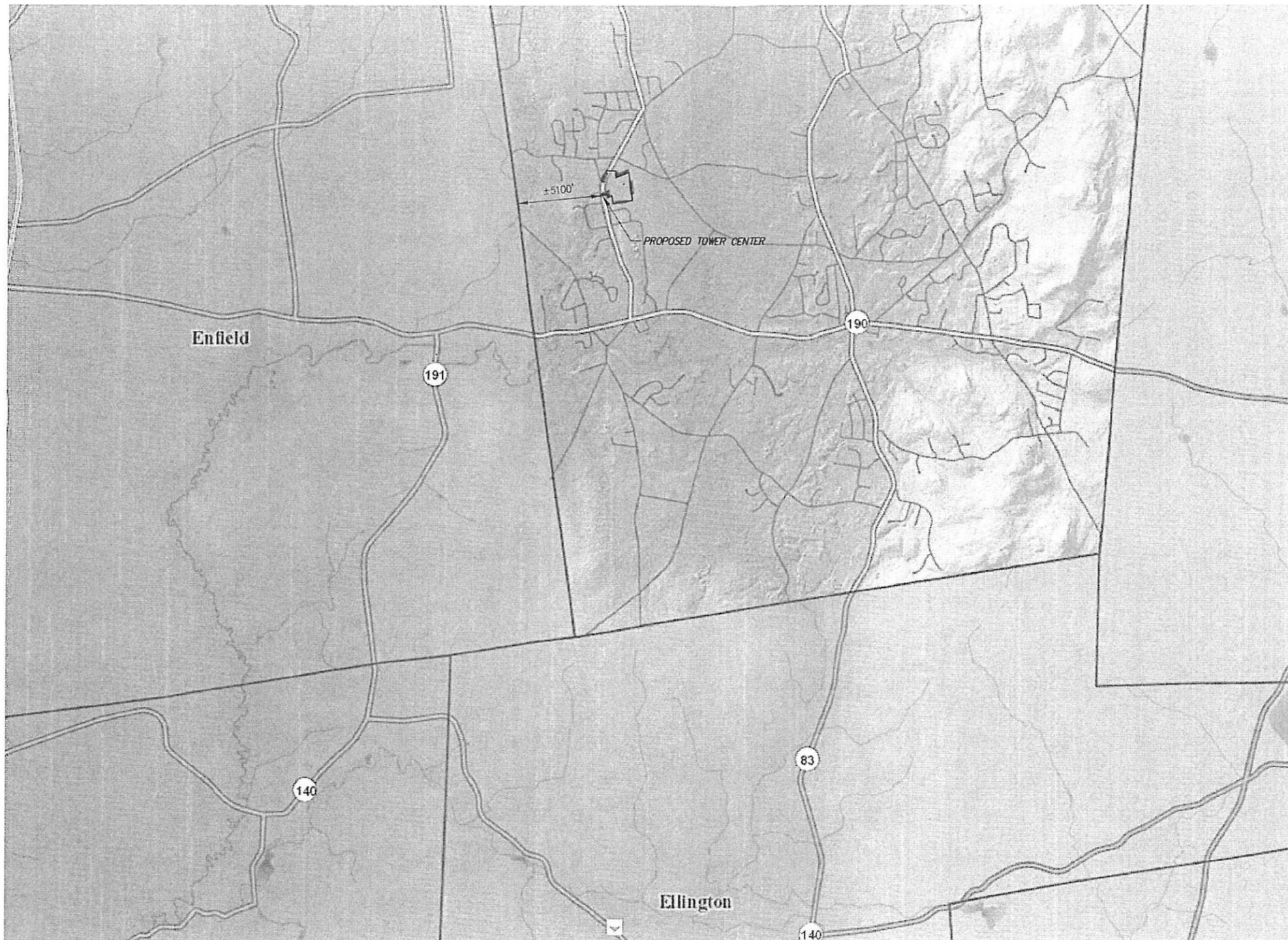
Prepared For:
Eco-Site

Drawing Title:
NEAREST RESIDENTIAL STRUCTURE MAP

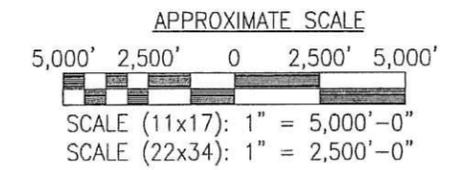
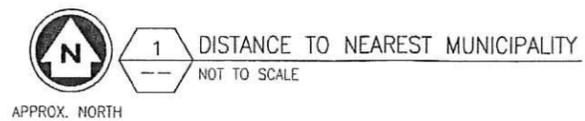
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Date: 12/22/16

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Drawing Number:
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 502-000

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 SOMERS
 CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

Prepared For:
Eco-Site

Drawing Title:
 NEAREST MUNICIPALITY
 MAP

Drawing Scale:
 ZD
 Date:
 12/22/16

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Drawing Number:
Z2B



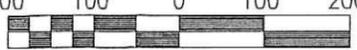
WETLAND SOILS (SEE NOTE THIS SHEET)

PROPOSED TOWER CENTER

SHADED AREA REPRESENTS "INLAND WETLAND SOILS" FROM SOMERS CT GIS ONLINE DATABASE DELINEATION IN FIELD TO BE COMPLETED BY OTHERS. PER WETLAND INVESTIGATION BY OTHERS, NO WETLANDS EXIST ON THIS PARCEL.



1 WETLAND & WETLAND TYPE SOILS
 NOT TO SCALE
 APPROX. NORTH

APPROXIMATE SCALE

 SCALE (11x17): 1" = 200'-0"
 SCALE (22x34): 1" = 100'-0"

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No.	Submitted / Revision	Appr.	Date
A	SUBMITTED FOR REVIEW	DL	1/16/17

Drawn: A.D. Date: 12/22/16
 Designed: A.D. Date: 12/22/16
 Checked: A.D. Date: 12/22/16

Project Number: 502-000

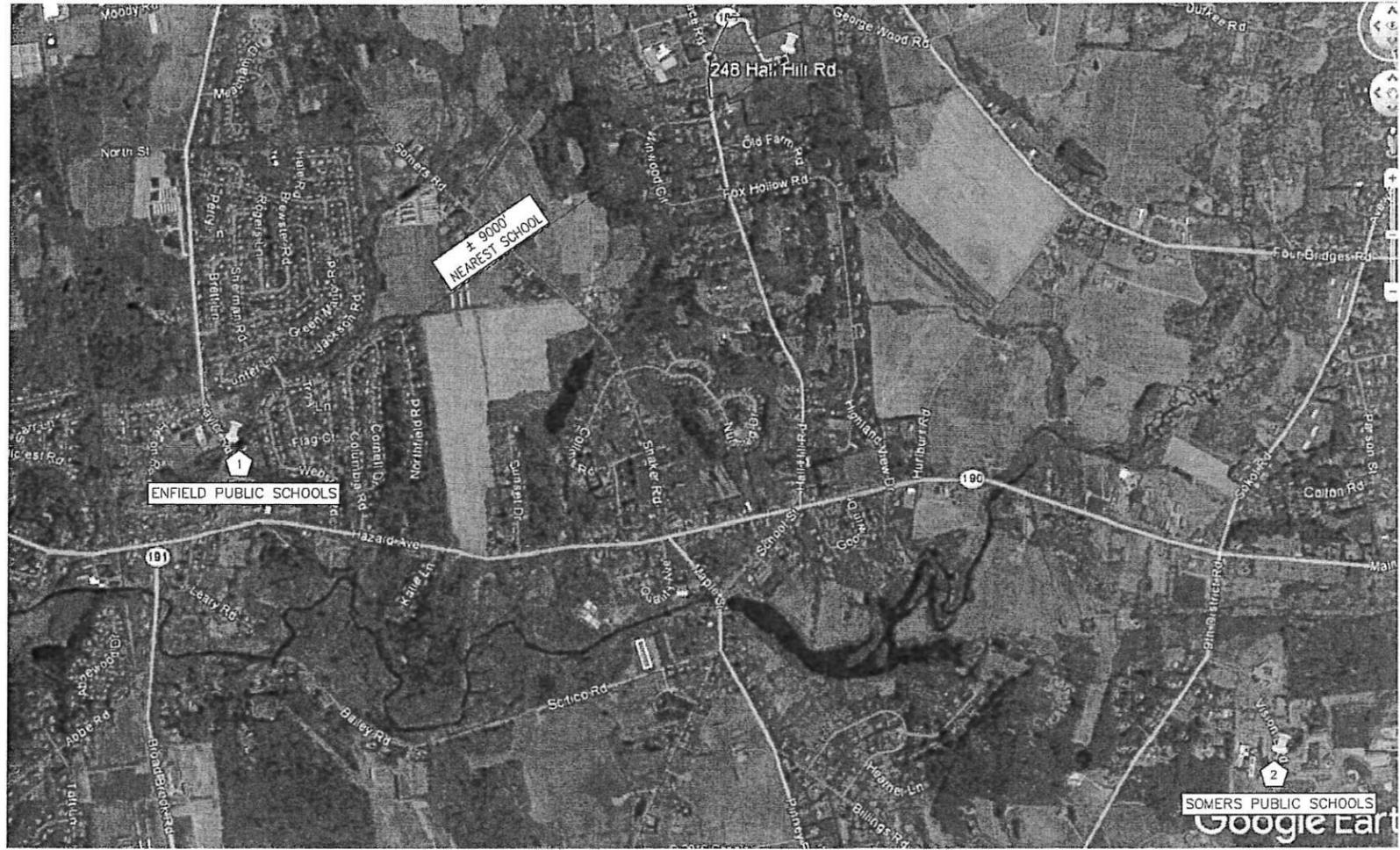
Project Title:
SOMERS
CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

Prepared For:

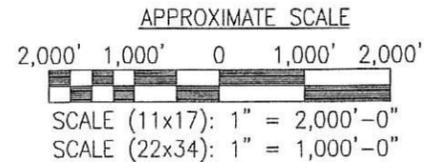
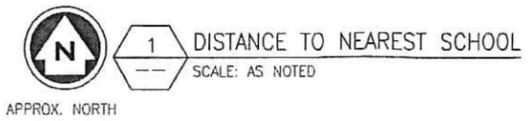

Drawing Title:
WETLANDS AND WETLAND TYPE SOILS MAP

Drawing Scale: **ZD**
 Date: 12/22/16

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS
 Drawing Number:
Z2C



NOTE:
BASEMAPPING INFORMATION TAKEN FROM
GOOGLE EARTH PRO SOFTWARE AND HAS NOT
BEEN FIELD VERIFIED BY INFINIGY



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A	SUBMITTED FOR REVIEW	DEL	1/16/17
No.	Submitted/Revision	App'd	Date
Drawn:	AD	Date:	12/22/16
Designed:	AD	Date:	12/22/16
Checked:	AD	Date:	12/22/16

Project Number:
602-000

Project Title:
SOMERS
CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

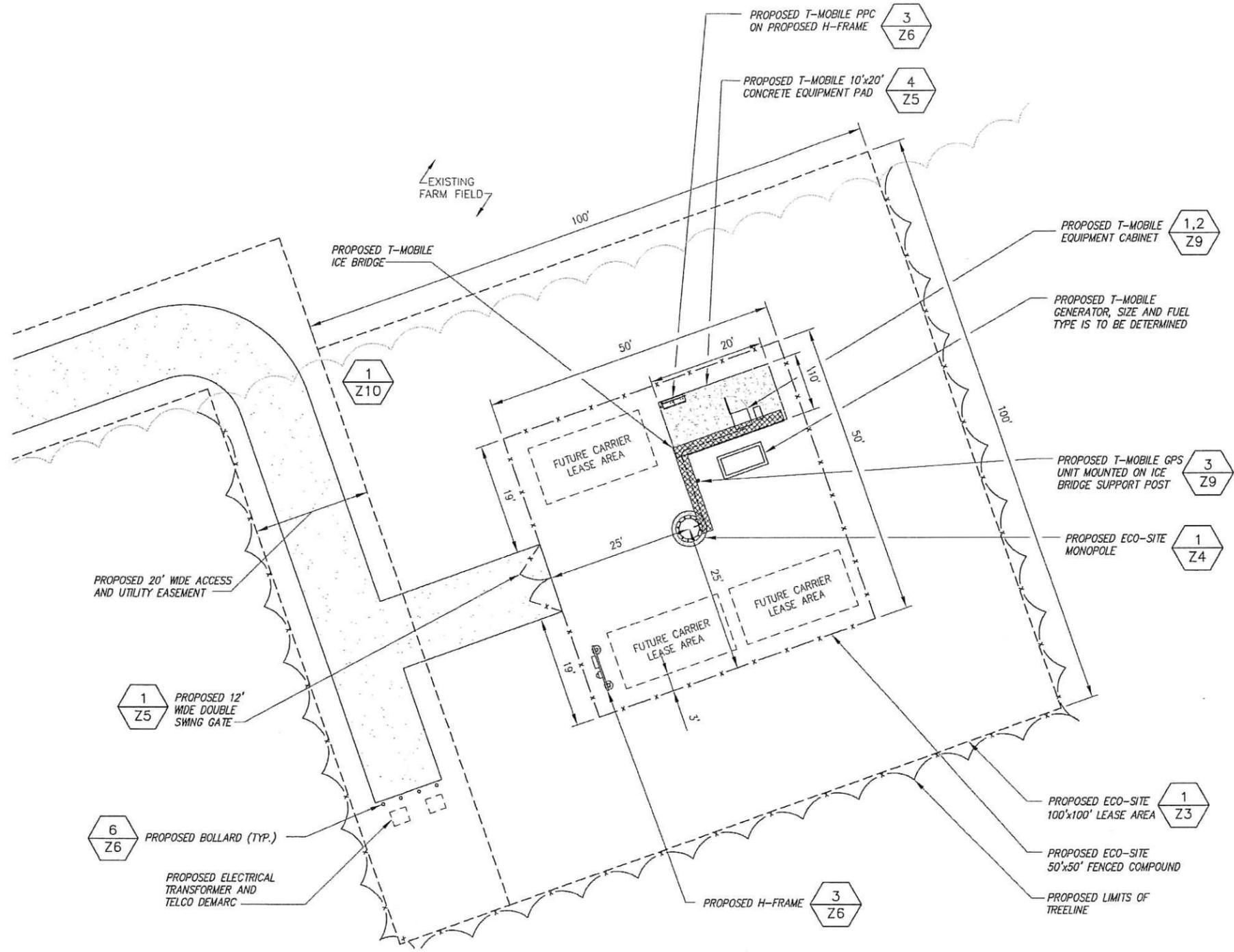
Prepared For:
Eco-Site

Drawing Title:
NEAREST SCHOOL MAP

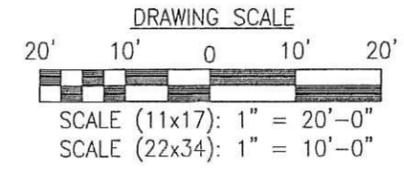
Drawing Scale:
Data: **ZD**
12/22/16

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Drawing Number:
Z2D



1 DETAILED SITE LAYOUT
SCALE: AS NOTED



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A	SUBMITTED FOR REVIEW	JEL	1/16/17

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SOMERS, CT 06071

Prepared For:
Eco-Site

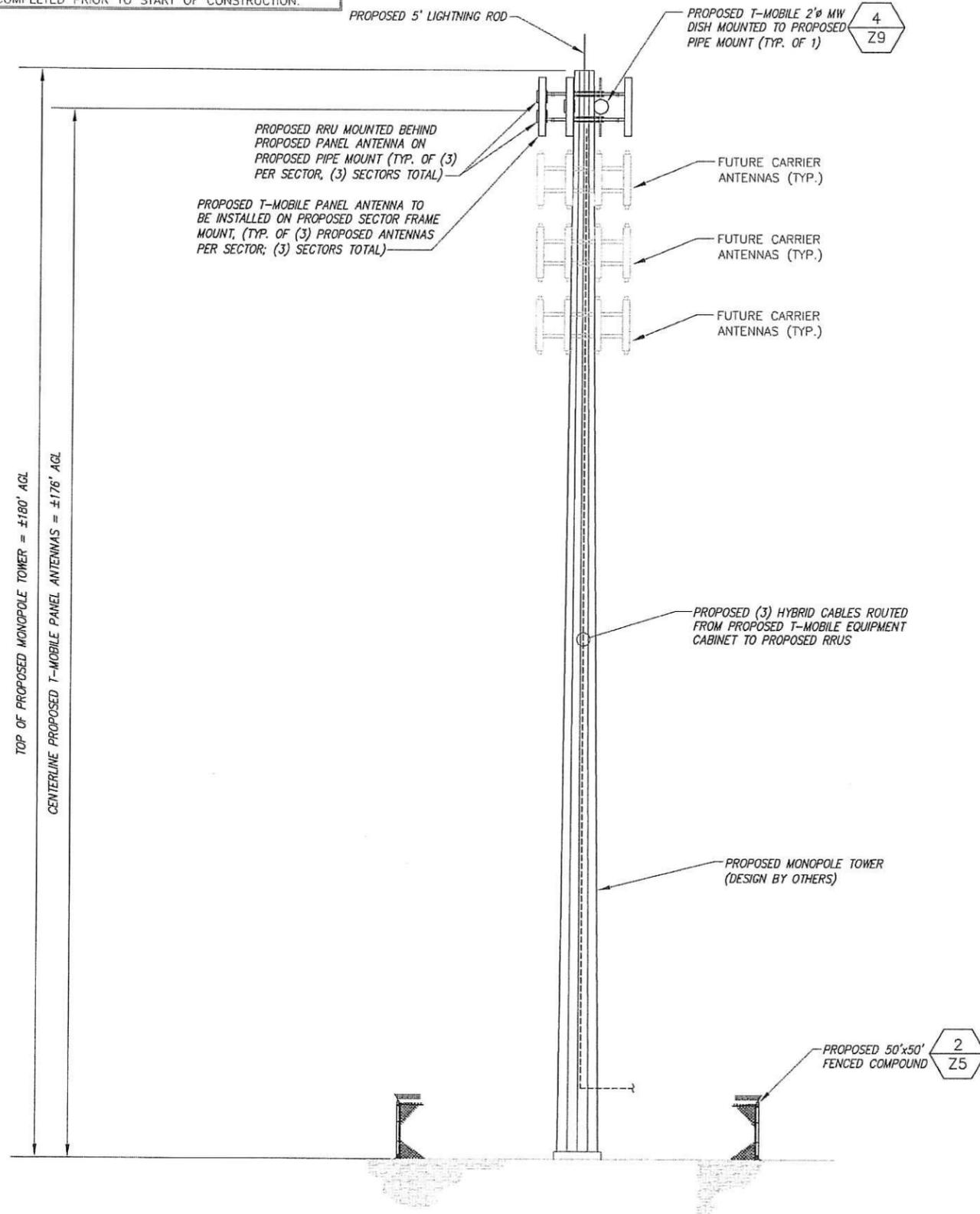
Drawing Title:
ENLARGED
SITE LAYOUT

Drawing Scale:
Date: 12/22/16
ZD

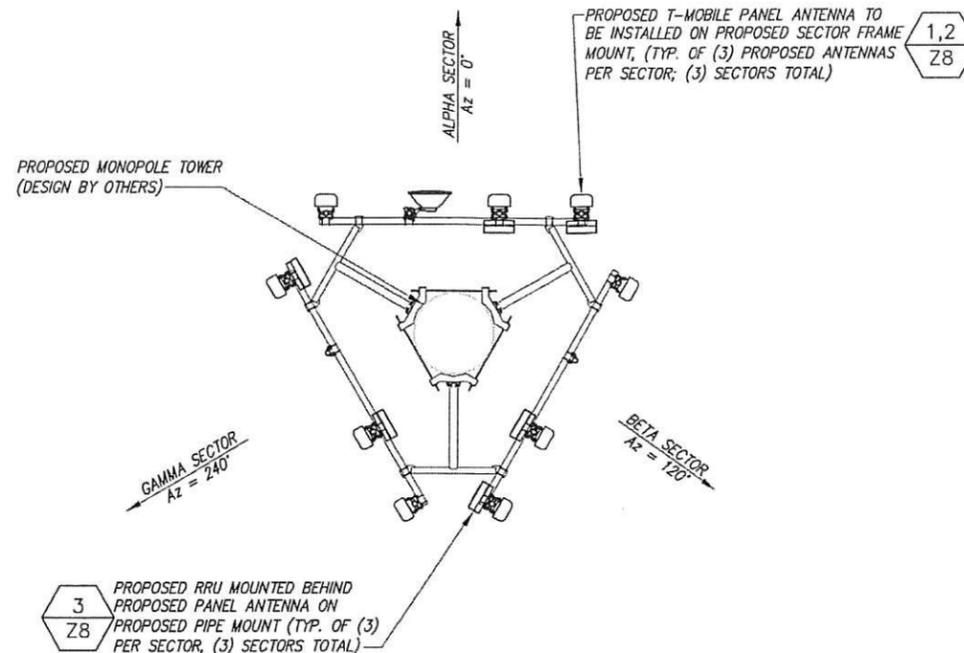
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Drawing Number:
Z3

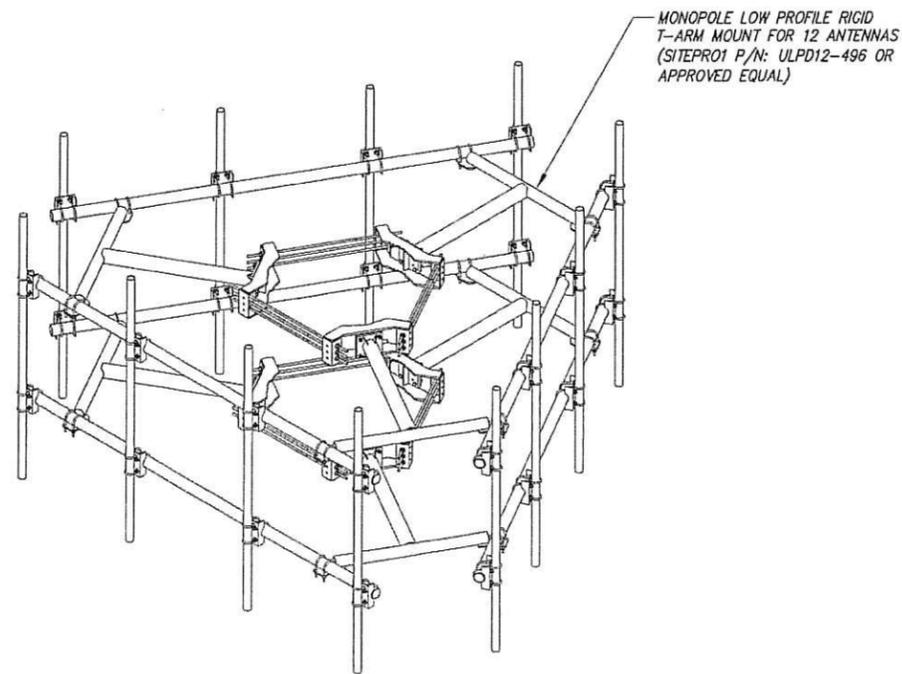
INFINIGY ENGINEERING ASSUMES NO LIABILITY FOR THE STRUCTURAL INTEGRITY OF THE PROPOSED TOWER INSTALLATION. A STRUCTURAL ANALYSIS MUST BE COMPLETED PRIOR TO START OF CONSTRUCTION.



1 TOWER ELEVATION
--- NOT TO SCALE



2 ANTENNA ORIENTATION PLAN
--- NOT TO SCALE
CALLED NORTH



3 ANTENNA FRAME DETAIL
--- NOT TO SCALE

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No.	Submitted / Revision	App'd	Date
A	SUBMITTED FOR REVIEW	JDL	1/16/17

Drawn: A.S. Date: 12/23/16
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Project Number: 502-000
Project Title: SOMERS CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

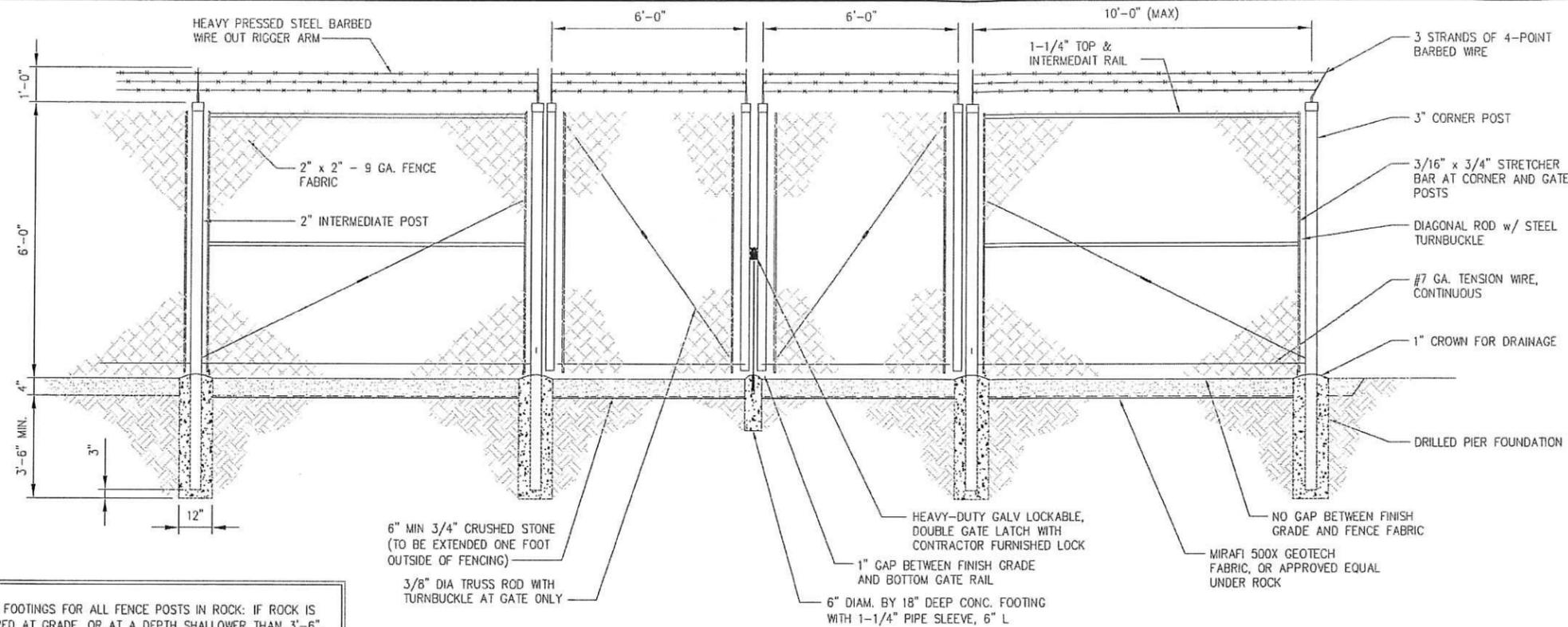
Prepared For: Eco-Site

Drawing Title: TOWER ELEVATION

Drawing Scale: ZD
Date: 12/22/16

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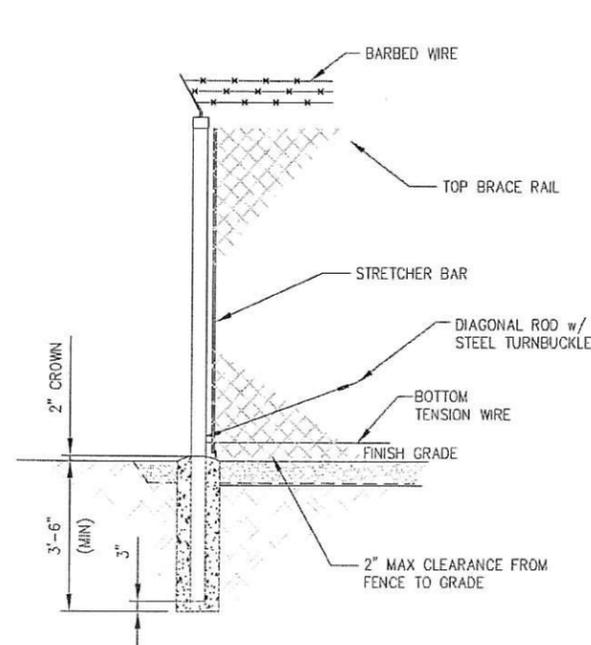
Drawing Number: Z4



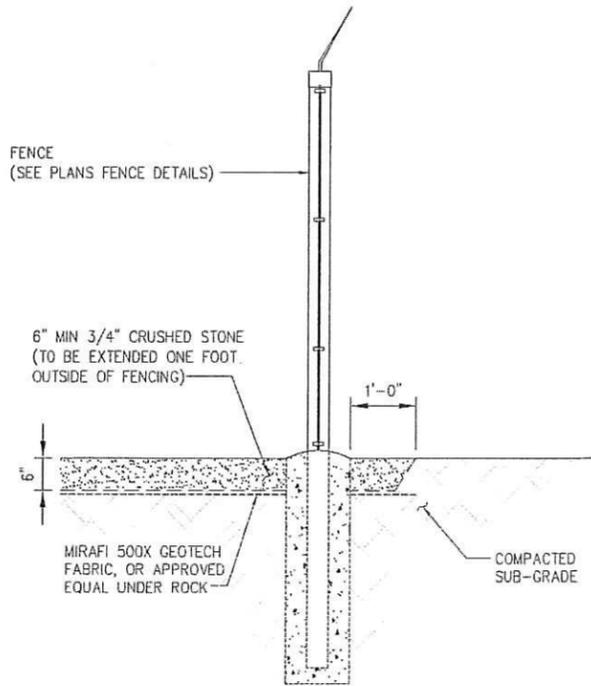
NOTE:

1. ALTERNATE FOOTINGS FOR ALL FENCE POSTS IN ROCK: IF ROCK IS ENCOUNTERED AT GRADE, OR AT A DEPTH SHALLOWER THAN 3'-6", CORE DRILL AN 8" DIA HOLE 18" INTO THE ROCK. CENTER POST IN THE HOLE AND FILL WITH CONCRETE OR GROUT. IF ROCK IS BELOW FINISH GRADE, COAT BACKFILLED SECTION OF POST WITH COAL TAR, AND BACKFILL WITH WELL-DRAINING GRAVEL.
2. ATTACH EACH GATE WITH 3 NON-LIFT-OFF TYPE, MALLEABLE IRON OR FORGING, PIN-TYPE HINGES. ASSEMBLIES SHALL ALLOW FOR 180° OF GATE TRAVEL. (THREE POINT HINGE)

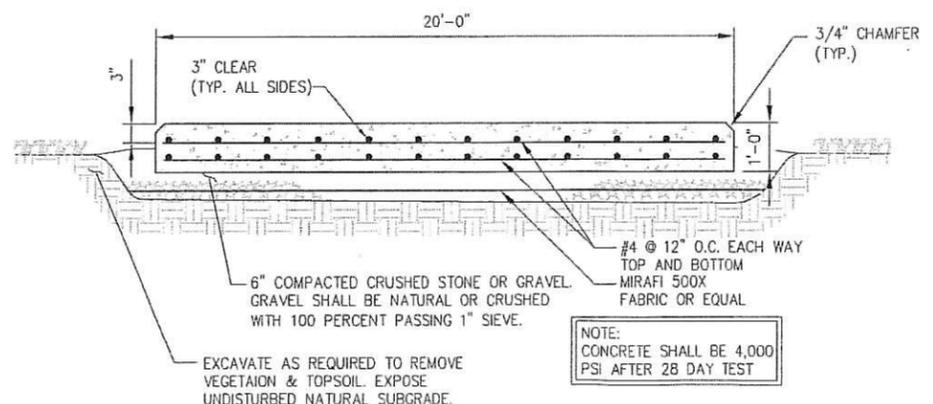
1 DOUBLE SWING ACCESS GATE DETAIL
SCALE: N.T.S.



2 CHAIN LINK FENCE DETAIL
SCALE: N.T.S.



3 SECTION THROUGH COMPOUND
SCALE: N.T.S.



4 CONCRETE SLAB DETAIL
SCALE: N.T.S.

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Prepared For:

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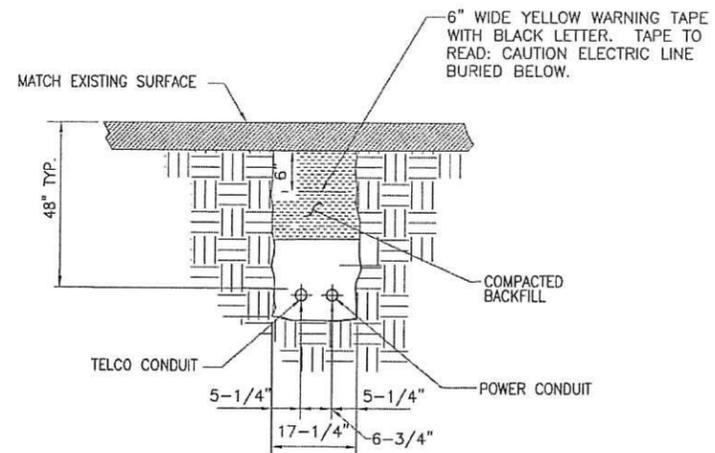
Drawing Title:
CIVIL DETAILS

Drawing Scale: **ZD**
Date: 12/22/16

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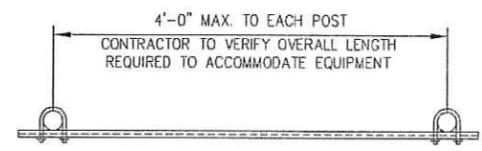
Drawing Number:

Z5

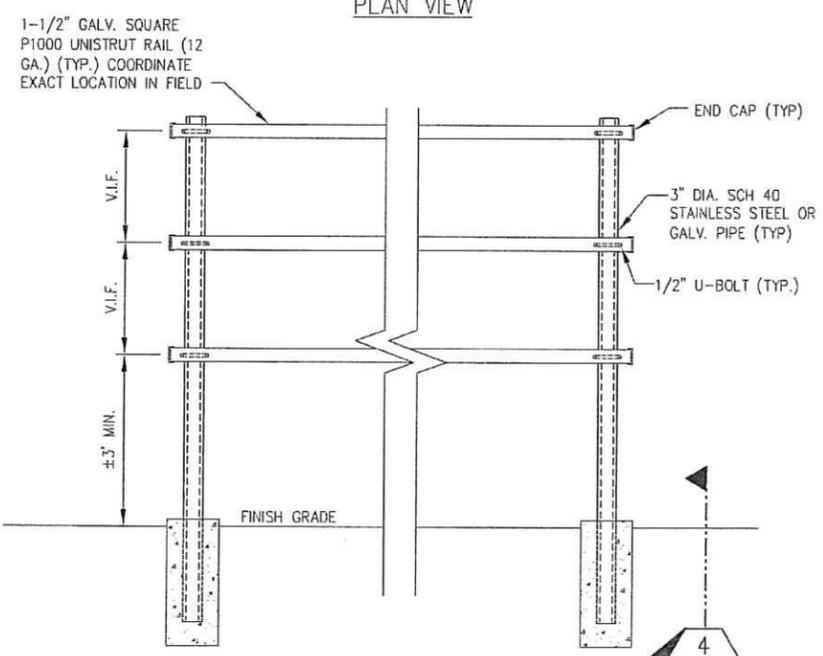


- NOTE:**
1. NUMBER AND SIZE OF CONDUITS MAY VARY. REFER TO CONSTRUCTION DRAWINGS FOR CONDUIT SIZE AND LOCATION. CONFIRM DIMENSIONS SHOWN WITH UTILITY COMPANY.
 2. CONTRACTOR TO VERIFY IN FIELD THE LOCATION, SIZE, TYPE, AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO DIGGING THE SERVICE TRENCH. PROVIDE A MINIMUM OF 18" CLEARANCE BETWEEN PROPOSED UTILITIES AND EXISTING UTILITIES IN THE CASE OF UTILITY LINE CROSSINGS.

1 TYPICAL CONDUIT TRENCH DETAIL (IF REQUIRED)
NOT TO SCALE



PLAN VIEW



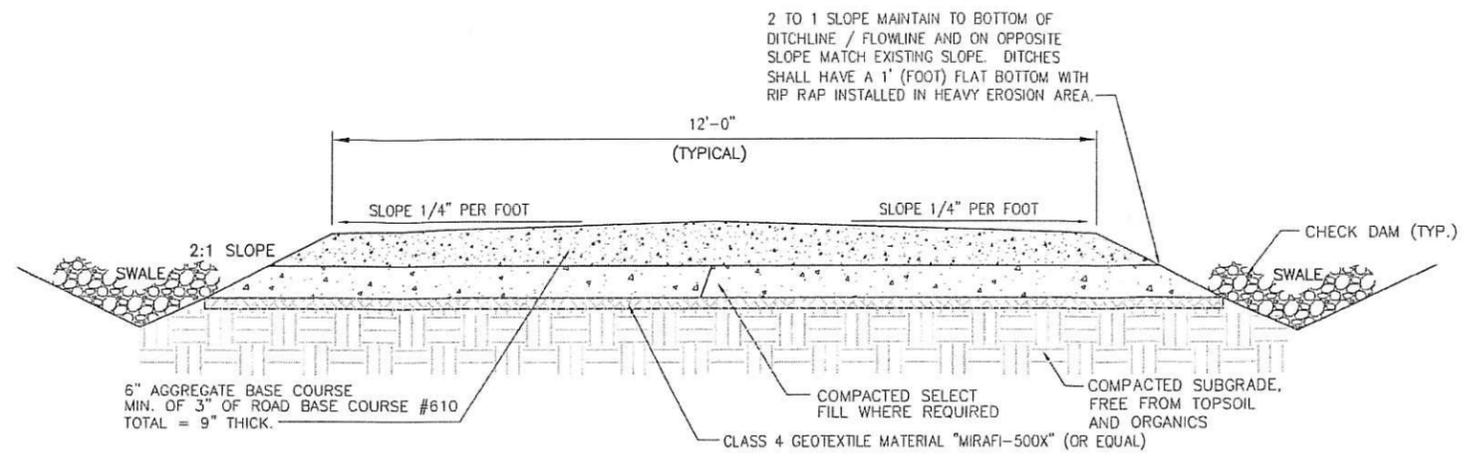
ELEVATION

3 H-FRAME FABRICATION DETAIL
NOT TO SCALE

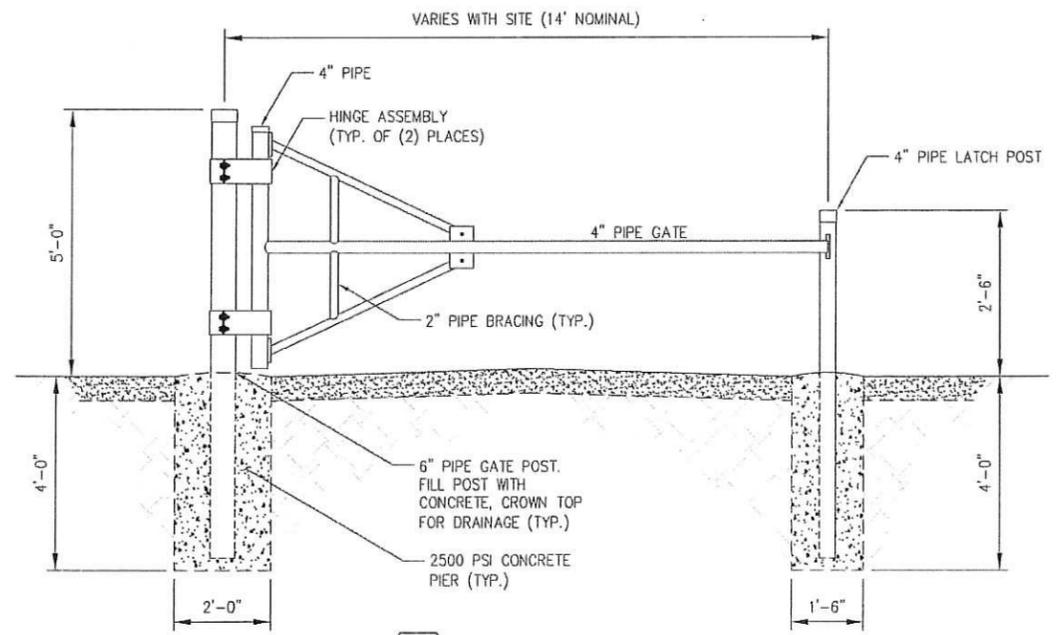


END VIEW

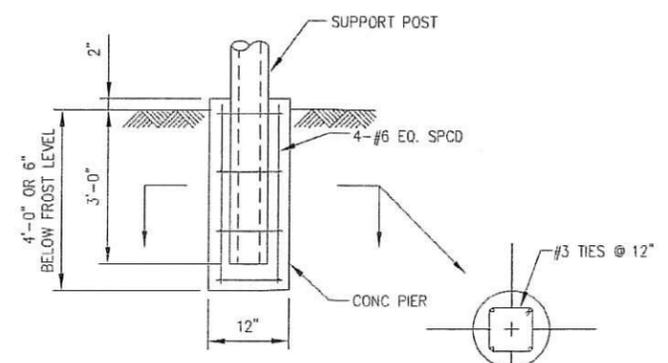
4 SUPPORT POST FOOTING
NOT TO SCALE



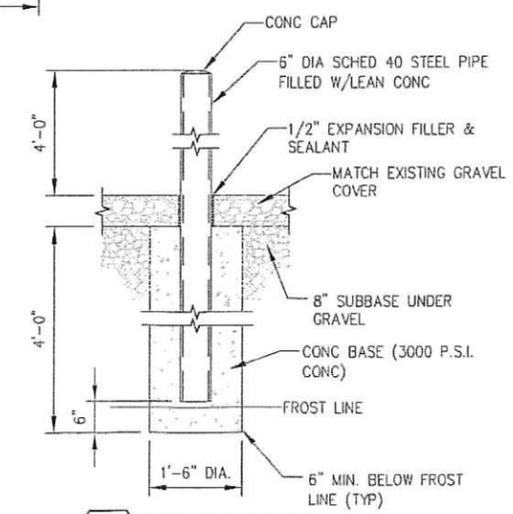
2 DRIVEWAY SECTION - CROWNED
NOT TO SCALE



5 ACCESS ROAD GATE
NOT TO SCALE



4 SUPPORT POST FOOTING
NOT TO SCALE



6 BOLLARD DETAIL
NOT TO SCALE

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A	SUBMITTED FOR REVIEW	JOL	1/16/17

Drawn: AJD Date: 12/22/16
Designed: AJD Date: 12/22/16
Checked: AJD Date: 12/22/16

Project Number: 502-000

Project Title:
SOMERS
CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

Prepared For:

Eco-Site

Drawing Title:

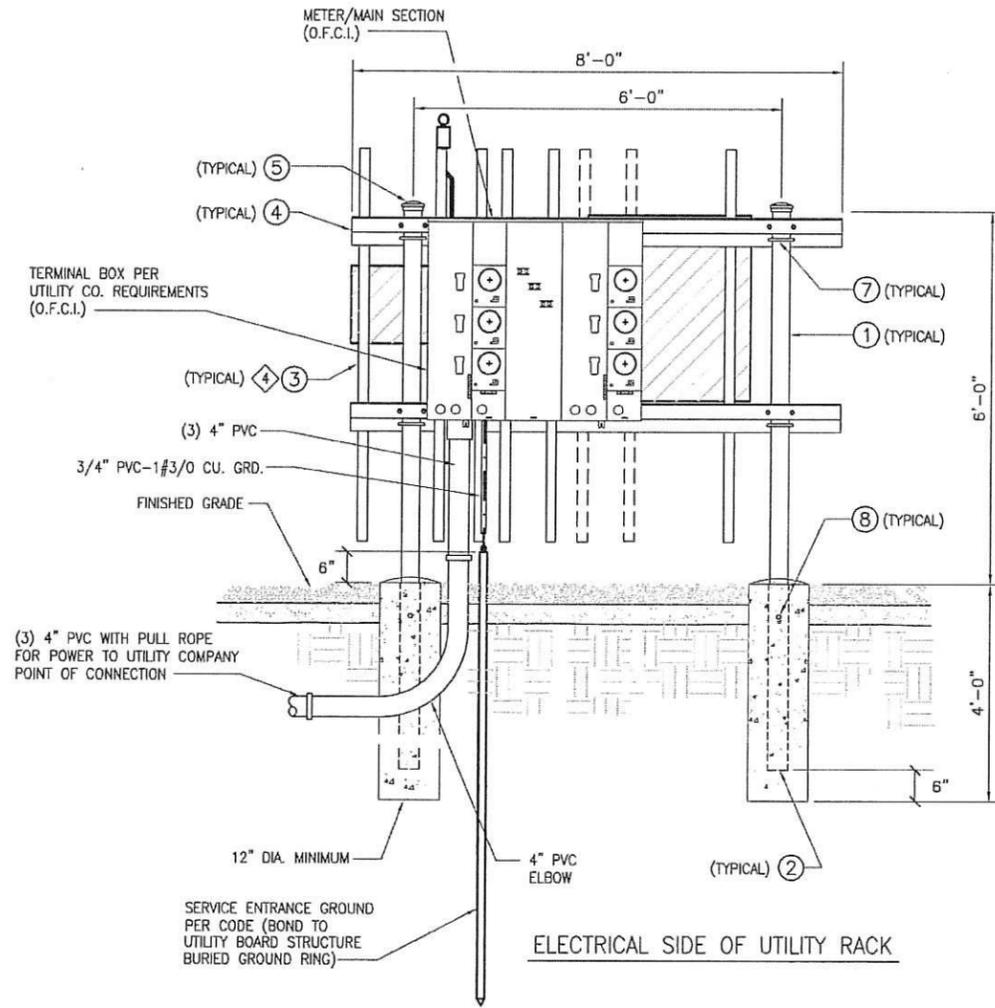
CIVIL DETAILS

Drawing Scale: **ZD**
Date: 12/22/16

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Drawing Number:

Z6



PARTS LIST - O.F.C.I.

ITEM	DESCRIPTION	QTY.
①	84" x 3.5" O.D. PIPE	2
②	36" INSERT	2
③	VERTICAL MEMBER	9
④	HORIZONTAL MEMBER	4
⑤	3-1/2" O.D. PIPE CAP	2
* ⑥	3/8" ANGLE ADAPTER	38
⑦	1/2 x 3-5/8 x 5" GALV. U-BOLT ASSY.	8
⑧	1/2 x 1-1/2" GALV. BOLT ASSY.	2
* ⑨	3/8 x 3/4" GALV. BOLT ASSY.	38
* ⑩	3/8" GALV. FLAT WASHER	38

* NOT SHOWN
 + TO PREVENT CORROSION, ENSURE THAT THE PIPE SLEEVE IS COMPLETELY BELOW GROUND LEVEL AND ENCASED IN CONCRETE.

1 UTILITY RACK DETAILS
 -- NOT TO SCALE

A	SUBMITTED FOR REVIEW	DATE	BY
No.	Submitted / Revision	App'd	Date

Drawn: A.B. Date: 12/22/16
 Designed: A.B. Date: 12/22/16
 Checked: A.B. Date: 12/22/16

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SOMERS
CT-0005A

248 HALL HILL ROAD
 SOMERS, CT 06071

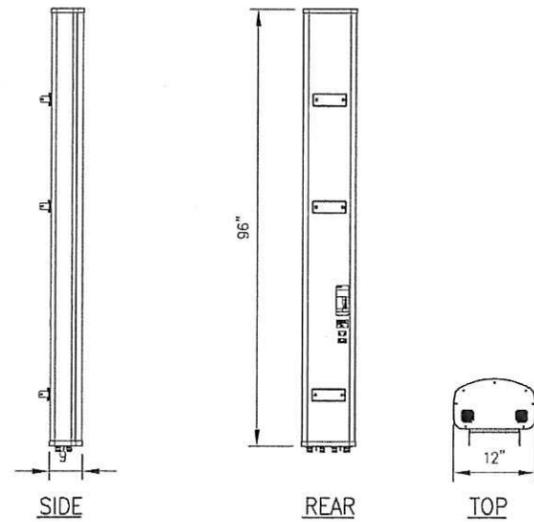
Prepared For:
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Drawing Title:
 UTILITY RACK DETAIL

Drawing Scale:
 Date: 12/22/16
ZD

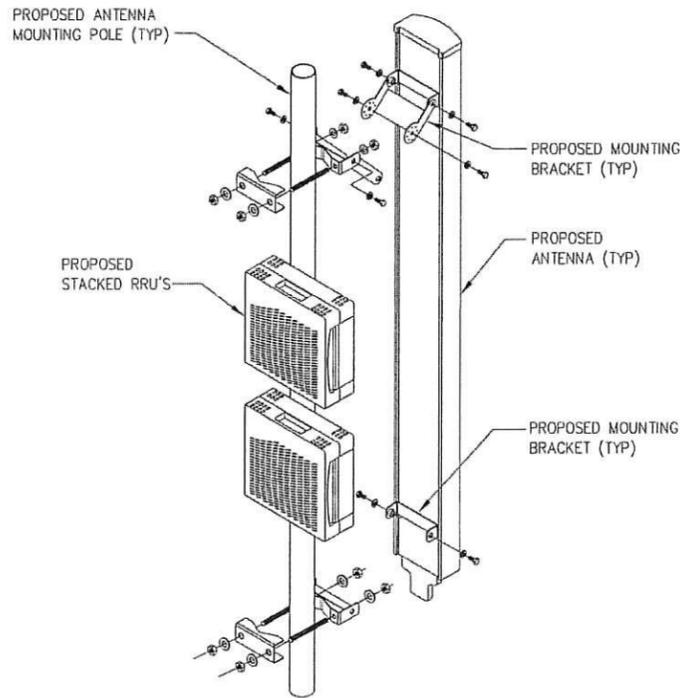
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Drawing Number:
27

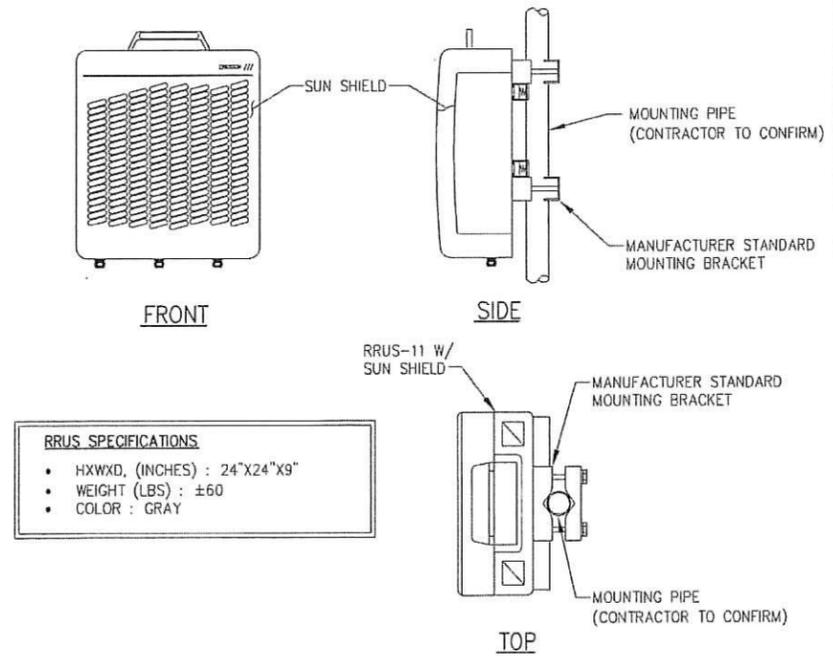


MODEL NO.: TBD
RADOME MATERIAL: FIBERGLASS, UV RESISTANT
RADOME COLOR: LIGHT GRAY
DIMENSIONS, HxWxD: 96"x12"x9"
WEIGHT, W/ PRE-MOUNTED BRACKETS: TBD
CONNECTOR: 7-16 DIN FEMALE

1 ANTENNA DETAIL
 NOT TO SCALE



2 MOUNTING DETAIL
 NOT TO SCALE



3 ERICSSON RRUS MOUNTING DETAIL
 NOT TO SCALE

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Project Title:
 SOMERS
 CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

Prepared For:
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Drawing Title:
 T-MOBILE
 EQUIPMENT DETAILS

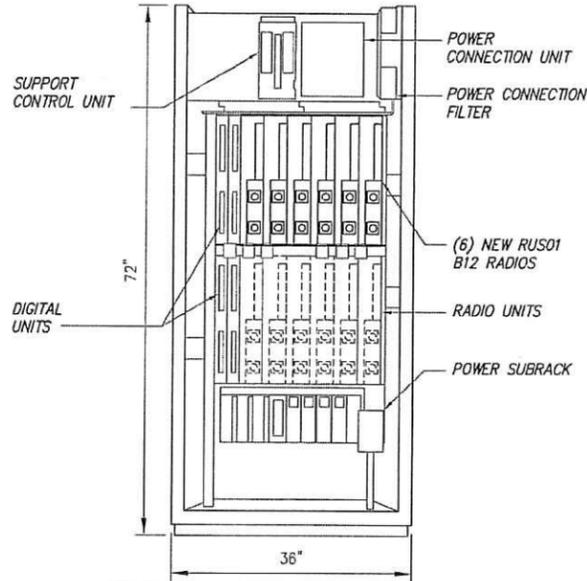
Drawing Scale:
 Date: 12/22/16
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Drawing Number:
Z8

ERICSSON - RBS 6201-ODE

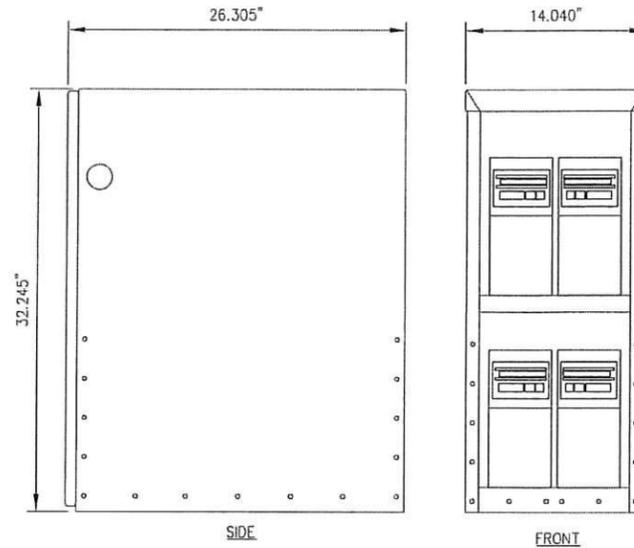
CABINET COLOR: LIGHT GRAY
 DIMENSIONS (HxWxD IN): 72x36x36 IN
 V1 WEIGHT (FULLY EQUIPPED): 715 LBS
 340 LBS (ENCLOSURE + SUPPORT)
 374 LBS (RBS 6201)
 V2 WEIGHT (FULLY EQUIPPED): 1100 LBS
 470 LBS (ENCLOSURE + CLIMATE SYSTEM + LOAD CENTER)
 630 LBS (RBS + TRANSMISSION + SUPPORT EQUIPMENT)



1 EQUIPMENT CABINET DETAIL
 NOT TO SCALE

PTS - PTS8003

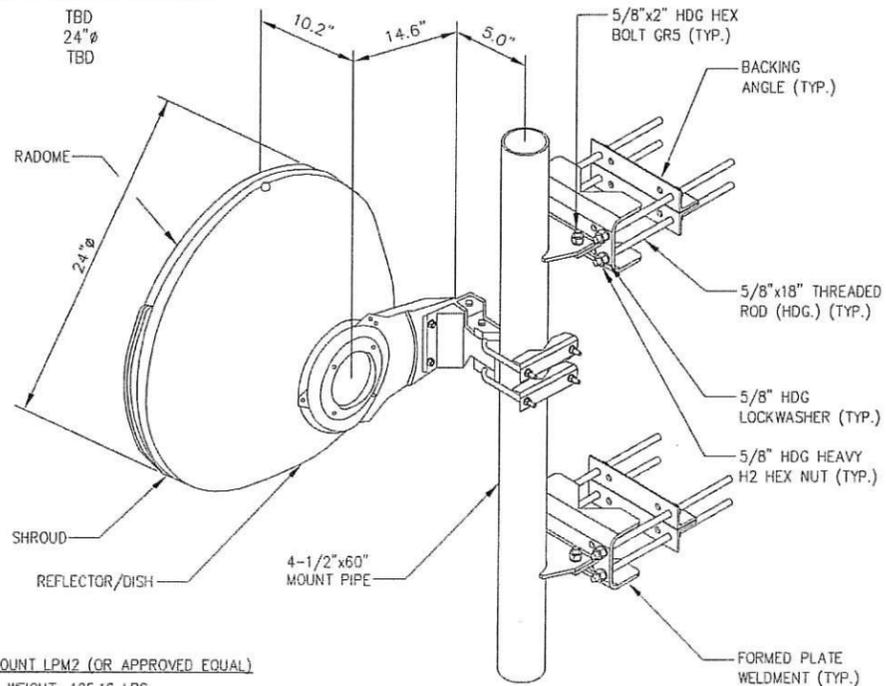
CABINET COLOR: ALMOND POWDER COAT
 DIMENSIONS (HxWxD IN): 32.245x14.040x26.305 IN
 UNIT WEIGHT: 60LBS



2 BATTERY CABINET DETAIL
 NOT TO SCALE

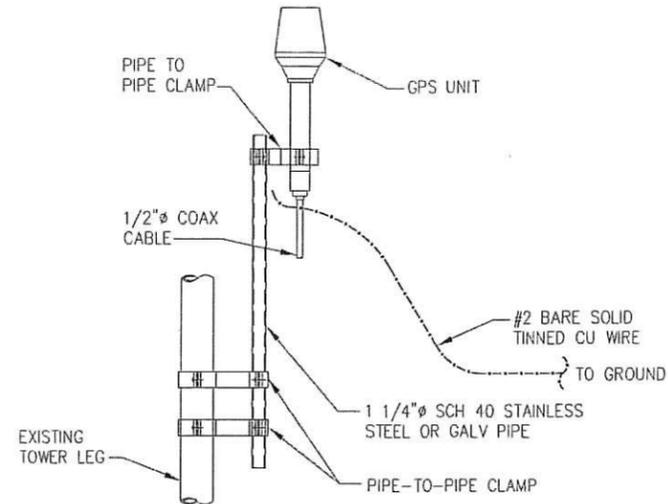
MICROWAVE DISH - MANF/MODEL #: TBD

FREQUENCY: TBD
 SIZE: 24"φ
 WEIGHT: TBD



SITEPRO-1 MOUNT LPM2 (OR APPROVED EQUAL)
 WEIGHT: 125.16 LBS.

4 MICROWAVE DISH & PIPE MOUNT DETAILS
 NOT TO SCALE



- NOTES:**
1. THE ELEVATION AND LOCATION OF THE GPS ANTENNA SHALL BE IN ACCORDANCE WITH THE FINAL RF REPORT.
 2. THE GPS ANTENNA MOUNT IS DESIGNED TO FASTEN TO A GROUND PLANE BOLTED TO A STANDARD 1-1/4" DIAMETER, SCHEDULE 40 GALVANIZED STEEL OR STAINLESS STEEL PIPE. THE PIPE MUST NOT BE THREADED AT THE ANTENNA MOUNT END. THE PIPE SHALL BE CUT TO THE REQUIRED LENGTH (MINIMUM OF 18 INCHES) USING A HAND OR ROTARY PIPE CUTTER TO ASSURE A SMOOTH AND PERPENDICULAR CUT. A HACK SAW SHALL NOT BE USED. THE CUT PIPE END SHALL BE DEBURRED AND SMOOTH IN ORDER TO SEAL AGAINST THE NEOPRENE GASKET ATTACHED TO THE ANTENNA MOUNT.
 3. IT IS CRITICAL THAT THE GPS ANTENNA IS MOUNTED SUCH THAT IT IS WITHIN 2 DEGREES OF VERTICAL AND THE BASE OF THE ANTENNA IS WITHIN 2 DEGREES OF LEVEL.
 4. DO NOT SWEEP TEST GPS ANTENNA.

3 GPS UNIT
 NOT TO SCALE

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Project Number: 502-000

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CT-0005A
 248 HALL HILL ROAD
 SOMERS, CT 06071

Prepared For:
Eco-Site

Drawing Title:
T-MOBILE EQUIPMENT DETAILS

Drawing Scale:
ZD
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 12/22/16

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Drawing Number:

Z9

GRADING & EXCAVATING NOTES:

- ALL EXCAVATIONS ON WHICH CONCRETE IS TO BE PLACED SHALL BE SUBSTANTIALLY HORIZONTAL ON UNDISTURBED AND UNFROZEN SOIL AND BE FREE FROM LOOSE MATERIAL AND EXCESS GROUNDWATER. DEWATERING FOR EXCESS GROUNDWATER SHALL BE PROVIDED IF REQUIRED.
- CONCRETE FOUNDATIONS SHALL NOT BE PLACED ON ORGANIC MATERIAL. IF SOUND SOIL IS NOT REACHED AT THE DESIGNATED EXCAVATION DEPTH, THE UNSATISFACTORY SOIL SHALL BE EXCAVATED TO ITS FULL DEPTH AND EITHER BE REPLACED WITH MECHANICALLY COMPACTED GRANULAR MATERIAL OR THE EXCAVATION BE FILLED WITH CONCRETE OF THE SAME QUALITY SPECIFIED FOR THE FOUNDATION.
- ANY EXCAVATION OVER THE REQUIRED DEPTH SHALL BE FILLED WITH EITHER MECHANICALLY COMPACTED GRANULAR MATERIAL OR CONCRETE OF THE SAME QUALITY SPECIFIED FOR THE FOUNDATION. CRUSHED STONE MAY BE USED TO STABILIZE THE BOTTOM OF THE EXCAVATION. STONE, IF USED, SHALL NOT BE USED AS COMPILING CONCRETE THICKNESS.
- AFTER COMPLETION OF THE FOUNDATION AND OTHER CONSTRUCTION BELOW GRADE, AND BEFORE BACKFILLING, ALL EXCAVATIONS SHALL BE CLEAN OF UNSUITABLE MATERIAL SUCH AS VEGETATION, TRASH, DEBRIS, AND SO FORTH.
- USE APPROVED MATERIALS CONSISTING OF EARTH, LOAM, SANDY CLAY, SAND
-BE FREE FROM CLODS OR STONES OVER 2-1/2" MAXIMUM DIMENSIONS
-BE PLACED IN 6" LAYERS AND COMPACTED TO 95% STANDARD PROCTOR EXCEPT IN GRASSED/LANDSCAPED AREAS, WHERE 90% STANDARD PROCTOR
- REMOVE ALL VEGETATION, TOPSOIL, DEBRIS, WET AND UNSATISFACTORY SOIL MATERIALS, OBSTRUCTIONS, AND DELETERIOUS MATERIALS FROM GROUND SURFACE PRIOR TO PLACING FILLS. PLOW, STRIP, OR BREAK UP SLOPED SURFACES STEEPER THAN THAN 1 VERTICAL TO 4 HORIZONTAL SO FILL MATERIAL WILL BOND WITH EXISTING SURFACE. WHEN SUBGRADE OR EXISTING GROUND SURFACE TO RECEIVE FILL HAS A DENSITY LESS THAN THAT REQUIRED FOR FILL, BREAK UP GROUND SURFACE TO DEPTH REQUIRED, PULVERIZE, MOISTURE-CONDITION OR AERATE SOIL AND RECOMPACT TO REQUIRED DENSITY.
- PROTECT EXISTING GRAVEL SURFACING AND SUBGRADE IN AREAS WHERE EQUIPMENT LOADS WILL OPERATE. USE PLANKING OR OTHER SUITABLE MATERIALS DESIGNED TO SPREAD EQUIPMENT LOADS. REPAIR DAMAGE TO EXISTING GRAVEL SURFACING OR SUBGRADE WHERE SUCH DAMAGE IS DUE TO THE CONTRACTOR'S OPERATIONS. DAMAGED GRAVEL SURFACING SHALL BE RESTORED TO MATCH THE ADJACENT UNDAMAGED GRAVEL SURFACING AND SHALL BE OF THE SAME THICKNESS.
- REPLACE EXISTING GRAVEL SURFACING ON AREAS FROM WHICH GRAVEL SURFACING IS REMOVED DURING CONSTRUCTION OPERATIONS. GRAVEL SURFACING SHALL BE REPLACED TO MATCH EXISTING ADJACENT GRAVEL SURFACING AND SHALL BE OF THE SAME THICKNESS. SURFACES OF GRAVEL SURFACING SHALL BE FREE FROM CORRUGATIONS AND WAVES. EXISTING GRAVEL SURFACING MAY BE EXCAVATED SEPARATELY AND REUSED IF INJURIOUS AMOUNTS OF EARTH, ORGANIC MATTER, OR OTHER DELETERIOUS MATERIALS ARE REMOVED PRIOR TO REUSE. FURNISH ALL ADDITIONAL GRAVEL RESURFACING MATERIAL AS REQUIRED. BEFORE GRAVEL SURFACING IS REPLACED, SUBGRADE SHALL BE GRADED TO CONFORM TO REQUIRED SUBGRADE ELEVATIONS, AND LOOSE OR DISTURBED MATERIALS SHALL BE THOROUGHLY COMPACTED. DEPRESSIONS IN THE SUBGRADE SHALL BE FILLED AND COMPACTED WITH APPROVED SELECTED MATERIAL. GRAVEL SURFACING MATERIAL MAY BE USED FOR FILLING DEPRESSIONS IN THE SUBGRADE, SUBJECT TO ENGINEER'S APPROVAL.
- DAMAGE TO EXISTING STRUCTURES AND UTILITIES RESULTING FROM CONTRACTOR'S NEGLIGENCE SHALL BE REPAIRED/REPLACED TO OWNER'S SATISFACTION AT CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL COORDINATE THE CONSTRUCTION SCHEDULE WITH PROPERTY OWNER SO AS TO AVOID INTERRUPTIONS TO PROPERTY OWNER'S OPERATIONS.
- ENSURE POSITIVE DRAINAGE DURING AND AFTER COMPLETION OF CONSTRUCTION.
- ALL CUT AND FILL SLOPES SHALL BE MAXIMUM 2 HORIZONTAL TO 1 VERTICAL.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING SITE VEHICLE TRAFFIC AS TO NOT ALLOW VEHICLES LEAVING THE SITE TO TRACK MUD ONTO PUBLIC STREETS. THE CONTRACTOR IS RESPONSIBLE FOR CLEANING PUBLIC STREETS DUE TO MUDDY VEHICLES LEAVING THE SITE.

GENERAL EROSION & SEDIMENT CONTROL NOTES:

- THE SOIL EROSION AND SEDIMENT CONTROL MEASURES AND DETAILS AS SHOWN HEREIN AND STIPULATED WITHIN STATE STANDARDS SHALL BE FOLLOWED AND INSTALLED IN A MANNER SO AS TO MINIMIZE SEDIMENT LEAVING THE SITE.
- PRIOR TO COMMENCING LAND DISTURBANCE ACTIVITY, THE LIMITS OF LAND DISTURBANCE SHALL BE CLEARLY AND ACCURATELY DEMARCATED WITH STAKES, RIBBONS, OR OTHER APPROPRIATE MEANS.
- EROSION CONTROL DEVICES SHALL BE INSTALLED BEFORE GROUND DISTURBANCE OCCURS. THE LOCATION OF SOME OF THE EROSION CONTROL DEVICES MAY HAVE TO BE ALTERED FROM SHOWN ON THE APPROVED PLANS IF DRAINAGE PATTERNS DURING CONSTRUCTION ARE DIFFERENT FROM THE FINAL PROPOSED DRAINAGE PATTERNS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCOMPLISH EROSION CONTROL FOR ALL DRAINAGE PATTERNS CREATED AT VARIOUS STAGES DURING CONSTRUCTION. ANY DIFFICULTY IN CONTROLLING EROSION DURING ANY PHASE OF CONSTRUCTION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
- THE LOCATION OF SOME OF THE EROSION CONTROL DEVICES MAY HAVE TO BE ALTERED FROM THAT SHOWN ON THE PLANS IF DRAINAGE PATTERNS DURING CONSTRUCTION ARE DIFFERENT FROM THE FINAL PROPOSED DRAINAGE PATTERNS. ANY DIFFICULTY IN CONTROLLING EROSION DURING ANY PHASE OF CONSTRUCTION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
- CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL MEASURES UNTIL PERMANENT VEGETATION HAS BEEN ESTABLISHED. CONTRACTOR SHALL CLEAN OUT ALL SEDIMENT PONDS WHEN REQUIRED BY THE ENGINEER OR THE LOCAL JURISDICTION INSPECTOR. CONTRACTOR SHALL INSPECT EROSION CONTROL MEASURES AT THE END OF EACH WORKING DAY TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
- THE CONTRACTOR SHALL REMOVE ACCUMULATED SILT WHEN THE SILT IS WITHIN 12" OF THE TOP OF THE SILT FENCE.
- FAILURE TO INSTALL, OPERATE OR MAINTAIN ALL EROSION CONTROL MEASURES WILL RESULT IN ALL CONSTRUCTION BEING STOPPED ON THE JOB SITE UNTIL SUCH MEASURES ARE CORRECTED.
- SILT BARRIERS TO BE PLACED AT DOWNSTREAM TOE OF ALL CUT AND FILL SLOPES.
- ALL CUT AND FILL SLOPES MUST BE SURFACED ROUGHENED AND VEGETATED WITHIN SEVEN (7) DAYS OF THEIR CONSTRUCTION.
- CONTRACTOR SHALL REMOVE ALL EROSION & SEDIMENT CONTROL MEASURES AFTER COMPLETION OF CONSTRUCTION AND ESTABLISHMENT OF PERMANENT GROUND COVER.
- THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES.

SEEDING GUIDELINES:

FINAL STABILIZATION OF ALL DISTURBED AREAS, UNLESS OTHERWISE NOTED, SHALL BE LOAMED AND SEEDED. LOAM SHALL BE PLACED AT A MINIMUM COMPACTED DEPTH OF 4". RECOMMENDED SEEDING DATES FOR PERMANENT VEGETATION SHALL BE BETWEEN JUNE 15 THROUGH AUGUST 1 AND SEPTEMBER 15 THROUGH OCTOBER 15. TEMPORARY VEGETATIVE MEASURES SHALL CONSIST OF AN ANNUAL OR PERENNIAL RYE GRASS WITH RECOMMENDED SEEDING DATES BEING FROM JUNE 1 THROUGH AUGUST 15 AND SEPTEMBER 30 THROUGH NOVEMBER 30.

EVALUATE PROPOSED COVER MATERIAL

BEFORE SPREADING COVER MATERIAL OVER THE DESIGNATED AREA, OBTAIN A REPRESENTATIVE SOIL SAMPLE AND SUBMIT TO A REPUTABLE SOIL TESTING LABORATORY FOR CHEMICAL AND PHYSICAL ANALYSIS. THE PRELIMINARY TEST IS NECESSARY TO DETERMINE THE REQUIRED INORGANIC AND/OR ORGANIC AMENDMENTS THAT ARE NEEDED TO ASSIST IN ESTABLISHING THE SEED MIXTURE IN AN ENVIRONMENTALLY AND ECONOMICALLY SOUND MANNER. THE RESULTS WILL GIVE THE COVER MATERIAL CHARACTERISTICS SUCH AS pH AND FERTILIZATION NEEDS. THESE RESULTS SHALL BE KEPT ON-SITE BY THE CONTRACTOR AND AVAILABLE FOR REVIEW BY THE COUNTY.

SEED BED PREPARATION

PROPOSED COVER MATERIAL SHOULD BE SPREAD EVENLY OVER THE SITE AREA IN A MINIMUM 4" LIFT VIA BULLDOZER/BUCKET LOADER. USING THE INFORMATION FROM THE SOIL ANALYSIS, CAREFULLY CALCULATE THE QUANTITIES OF LIMESTONE AND PRE-PLANT FERTILIZER NEEDED PRIOR TO APPLYING. PRE-PLANT AMENDMENTS CAN BE APPLIED WITH A BROADCAST AND/OR DROP SEEDER AND INCORPORATED WITH AN OFFSET DISK, YORK RAKE, AND/OR HAND RAKE. AFTER INCORPORATION THE PRE-PLANT SOIL AMENDMENTS, THE SEED BED SHOULD BE SMOOTH AND FIRM PRIOR TO SEEDING. THE FOLLOWING SEED MIXTURES SHALL BE USED AS NOTED:

SEED MIXTURE

SPECIES/VARIETY LBS/ACRE

CREeping RED	20
FESCUE	20
KENTUCKY BLUEGRASS	5
PERENNIAL	

SEEDING TIME AND METHOD

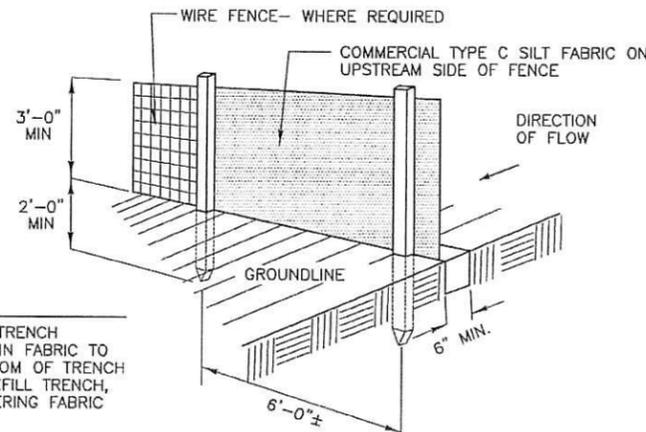
THE PREFERRED TIME FOR SEEDING THE COOL SEASON MIXTURE IS LATE SUMMER. SOIL AND AIR TEMPERATURES ARE IDEAL FOR SEED GERMINATION AND SEEDING GROWTH. WEED COMPETITION IS REDUCED BECAUSE SEEDS OF MANY WEED SPECIES GERMINATE EARLIER IN THE GROWING SEASON. ADDITIONALLY, HERBICIDE USE IS GREATLY REDUCED. HOWEVER, SEEDING MAY BE DONE AT ANY OF THE ABOVE NOTED TIMES.

MULCHING

NEWLY SEEDED AREAS SHOULD BE MULCHED TO INSURE ADEQUATE MOISTURE FOR SUCCESSFUL TURF ESTABLISHMENT AND TO PROTECT AGAINST SURFACE MOVEMENT OF SEDIMENT-BOUND AGROCHEMICALS AND SOIL EROSION. IF MULCHING PROCEDURES ARE NOT SPECIFIED ON PLANS, APPLY GOOD QUALITY STRAW OR HAY AT A RATE OF 2 BALES/1000 SQ. FT. OTHER COMMERCIALY AVAILABLE MULCHES CAN BE USED.

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

- WOVEN WIRE FENCE TO BE FASTENED SECURELY POSTS: STEEL EITHER T OR U TO FENCE POSTS WITH WIRE TIES OR STAPLES. TYPE.
- FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE: WOVEN WIRE, 14 GA. 6" MAX. MESH OPENING.
- WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH: FILTER X, MIRAFI 100X' STABILINKA T140N OR APPROVED EQUAL.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE. PREFABRICATED UNIT: GEOFAB, ENVIROFENCE OR APPROVED EQUAL.
- ALL SILT FENCE MATERIALS MUST BE LISTED ON THE CURRENT STATES, D.O.T. QUALIFIED PRODUCTS LIST.



- NOTE:
- DIG TRENCH
 - LAY IN FABRIC TO BOTTOM OF TRENCH
 - BACKFILL TRENCH, COVERING FABRIC

1 SILT FENCE DETAIL
NOT TO SCALE

INFINIGY
1033 Watervliet Shaker Road | Albany, NY 12205
Phone: 518-690-0790 | Fax: 518-690-0793
www.infinigy.com

A	SUBMITTED FOR REVIEW	DATE	1/16/17
No.	Submittal / Revision	App'd	Date
Drawn:	AD	Date:	12/22/16
Designed:	AD	Date:	12/22/16
Checked:	AD	Date:	12/22/16

Project Number: 502-000

Project Title:
SOMERS
CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

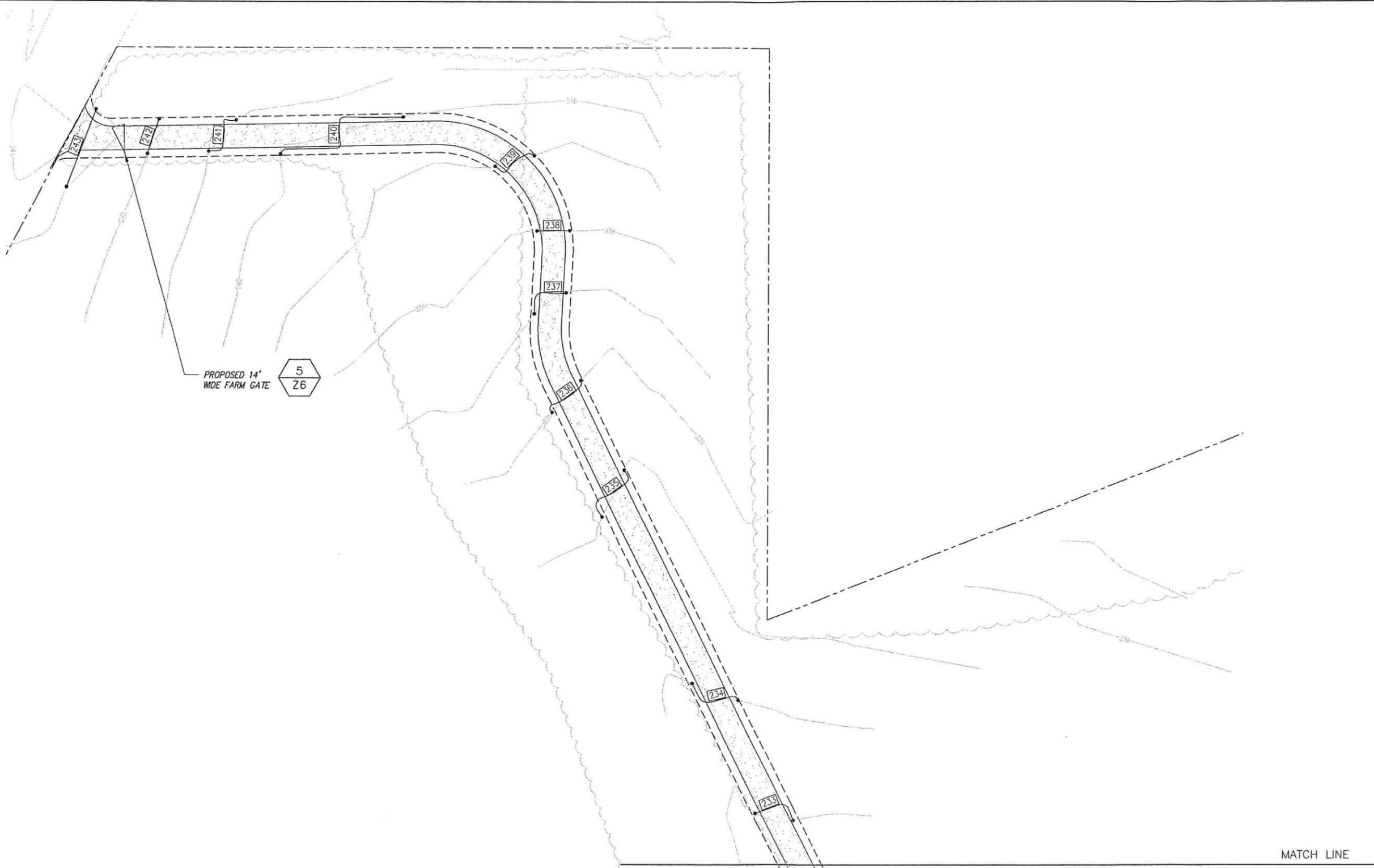
Prepared For:
Eco-Site

Drawing Title:
GRADING & EROSION CONTROL NOTES

Drawing Scale:
ZD
Date: 12/22/16

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS

Drawing Number:
EC1



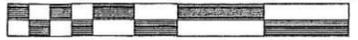
PROPOSED 14'
WIDE FARM GATE

5
Z6

MATCH LINE
SEE SHEET EC3

 **1** GRADING PLAN
SCALE: AS NOTED

APPROX. NORTH

DRAWING SCALE

 SCALE (11x17): 1" = 50'-0"
 SCALE (22x34): 1" = 25'-0"

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 www.infinigy.com

No.	Submittal/Revision	App'd	Date
A	SUBMITTED FOR REVIEW	JDL	1/16/17

Drawn: A.D. Date: 12/22/16
 Designed: A.D. Date: 12/22/16
 Checked: A.D. Date: 12/22/16

Project Number:
602-000

Project Title:
SOMERS
CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

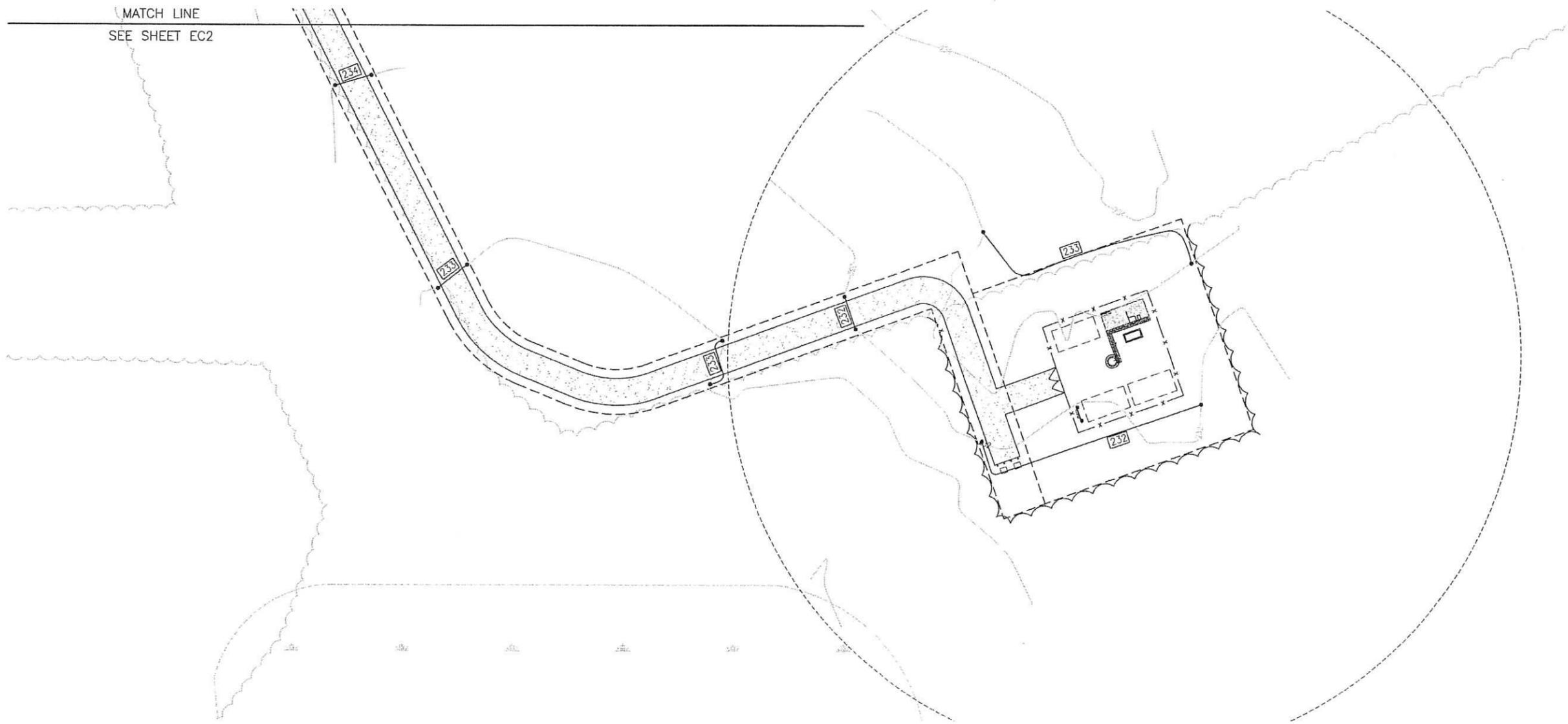
Prepared For:
Eco-Site

Drawing Title:
GRADING PLAN

Drawing Scale:
ZD
Date: 12/22/16

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TO THIS DOCUMENT IS A VIOLATION OF
APPLICABLE STATE AND/OR LOCAL LAWS

Drawing Number:
EC2



MATCH LINE
SEE SHEET EC2

 APPROX. NORTH

 1 GRADING PLAN
SCALE: AS NOTED

DRAWING SCALE

50 25' 0 25' 50'

SCALE (11x17): 1" = 50'-0"

SCALE (22x34): 1" = 25'-0"

INFINIGY

1033 Watervliet Shaker Road | Albany, NY 12205
Phone: 518-690-0790 | Fax: 518-690-0793
www.infinigy.com

A SUBMITTED FOR REVIEW EL: 1/16/17

No.	Submitted/Revision	App'd	Date

Drawn: AB Date: 12/22/16
Designed: AB Date: 12/22/16
Checked: AB Date: 12/22/16

Project Number: 502-000

Project Title:
SOMERS
CT-0005A
248 HALL HILL ROAD
SOMERS, CT 06071

Prepared For:
Eco-Site

Drawing Title:
GRADING PLAN

Drawing Scale:
Date: 12/22/16

ZD

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Drawing Number:
EC3

ATTACHMENT 4

SECTION 4

Environmental Assessment Statement

I. PHYSICAL IMPACT

A. WATER FLOW AND QUALITY

A wetland delineation was conducted at the site there were no wetlands identified in or immediately adjacent to the proposed access drive or facility compound. Proposed sedimentation and erosion controls will be designed, installed and maintained during construction activities in accordance with the 2002 Connecticut Guidelines For Soil Erosion and Sediment Control which will minimize temporary impacts. No wetlands or inland waterways will be impacted by the proposed facility.

B. AIR QUALITY

Under ordinary operating conditions, the equipment that would be used at the proposed facility would emit no air pollutants of any kind. An emergency backup power generator (likely diesel) would be exercised once a week and comply with CT DEEP air emission requirements.

C. LAND

No trees will need to be removed in order to construct the compound or the new access drive. The total area of clearing and grading disturbance will be approximately 25,000 s.f. The remaining land of the lessor would remain unchanged by the construction and operation of the facility.

D. NOISE

The equipment to be in operation at the facility would not emit noise other than that provided by the operation of the installed heating, air-conditioning and ventilation system. Some construction related noise would be anticipated during facility construction, which is expected to take approximately four to six weeks. Temporary power outages could involve sound from the emergency generator which is tested weekly.

E. POWER DENSITY

The cumulative worst-case calculation of power density from T-Mobile's operations at the facility would be 0.69% of the federal MPE standard. Attached is a copy of a Radio Frequency Emissions Analysis Report for the facility.

F. VISIBILITY

Preliminary desktop analysis has identified areas where the tower site may be visible. As part of the technical consultation process and Siting Council review, additional visual analyses including field studies and photosimulations will be prepared and provided regarding overall tower site visibility.

II. SCENIC, NATURAL, HISTORIC & RECREATIONAL VALUES

There are no districts included on the National Register of Historic Properties within 1/2 mile of the project area. Eco-Site is currently consulting with the CT State Historic Preservation Office to obtain confirmation that the project will have no adverse effect on any on listed or eligible historic resources. The Town of Somers Plan of Conservation and Development identifies scenic views to the east of the proposed facility which will be analyzed as part of the noted visual field studies and photosimulations.

The facility site is moderately suitable as habitat for the threatened Northern long-eared bat but representatives concluded a consultation with the U.S. Fish and Wildlife the undertaking is deemed to have no impact on this species. US Fish and Wildlife Service correspondence did identify the Northern long-eared Bat as one (1) potential rare, threatened or endangered species to be present in the project area. Follow up correspondence has been filed with USFWS to

confirm that no further action is required because the project will not disturb a known hibernaculum or removal of maternity roost trees from June 1 to July 31. Review of other resources including The CT Department of Energy and Environmental Protection Natural Diversity Data Base does not show any other State or Federal Listed Species in the project area.

III. SCHOOLS/DAY CARE CENTERS

There are no schools or day care centers located within 250' of the tower site.



RADIO FREQUENCY EMISSIONS ANALYSIS REPORT
EVALUATION OF HUMAN EXPOSURE POTENTIAL
TO NON-IONIZING EMISSIONS

T-Mobile Existing Facility

Site ID: CTHA027B

Romano
248 Hall Hill Road
Somers, CT 06071

February 2, 2017

EBI Project Number: 950003-003

Site Compliance Summary	
Compliance Status:	COMPLIANT
Site total MPE% of FCC general public allowable limit:	0.69 %



February 2, 2017

T-Mobile USA
Attn: Jason Overbey, RF Manager
35 Griffin Road South
Bloomfield, CT 06002

Emissions Analysis for Site: **CTHA027B – Romano**

EBI Consulting was directed to analyze the proposed T-Mobile facility located at **248 Hall Hill Road, Somers, CT**, for the purpose of determining whether the emissions from the Proposed T-Mobile Antenna Installation located on this property are within specified federal limits.

All information used in this report was analyzed as a percentage of current Maximum Permissible Exposure (% MPE) as listed in the FCC OET Bulletin 65 Edition 97-01 and ANSI/IEEE Std C95.1. The FCC regulates Maximum Permissible Exposure in units of microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The number of $\mu\text{W}/\text{cm}^2$ calculated at each sample point is called the power density. The exposure limit for power density varies depending upon the frequencies being utilized. Wireless Carriers and Paging Services use different frequency bands each with different exposure limits, therefore it is necessary to report results and limits in terms of percent MPE rather than power density.

All results were compared to the FCC (Federal Communications Commission) radio frequency exposure rules, 47 CFR 1.1307(b)(1) – (b)(3), to determine compliance with the Maximum Permissible Exposure (MPE) limits for General Population/Uncontrolled environments as defined below.

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Public exposure to radio frequencies is regulated and enforced in units of microwatts per square centimeter ($\mu\text{W}/\text{cm}^2$). The general population exposure limit for the 700 MHz Band is approximately $467 \mu\text{W}/\text{cm}^2$, and the general population exposure limit for the 1900 MHz (PCS) and 2100 MHz (AWS) bands is $1000 \mu\text{W}/\text{cm}^2$. Because each carrier will be using different frequency bands, and each frequency band has different exposure limits, it is necessary to report percent of MPE rather than power density.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled



exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

Additional details can be found in FCC OET 65.



CALCULATIONS

Calculations were done for the proposed T-Mobile Wireless antenna facility located at **248 Hall Hill Road, Somers, CT**, using the equipment information listed below. All calculations were performed per the specifications under FCC OET 65. Since T-Mobile is proposing highly focused directional panel antennas, which project most of the emitted energy out toward the horizon, all calculations were performed assuming a lobe representing the maximum gain of the antenna per the antenna manufactures supplied specifications, minus 10 dB, was focused at the base of the tower. For this report the sample point is the top of a 6-foot person standing at the base of the tower.

For all calculations, all equipment was calculated using the following assumptions:

- 1) 2 UMTS channels (AWS Band – 2100 MHz) were considered for each sector of the proposed installation. These Channels have a transmit power of 30 Watts per Channel.
- 2) 2 LTE channels (AWS Band – 2100 MHz) were considered for each sector of the proposed installation. These Channels have a transmit power of 60 Watts per Channel
- 3) 1 LTE channel (700 MHz Band) was considered for each sector of the proposed installation. This channel has a transmit power of 30 Watts.
- 4) All radios at the proposed installation were considered to be running at full power and were uncombined in their RF transmissions paths per carrier prescribed configuration. Per FCC OET Bulletin No. 65 - Edition 97-01 recommendations to achieve the maximum anticipated value at each sample point, all power levels emitting from the proposed antenna installation are increased by a factor of 2.56 to account for possible in-phase reflections from the surrounding environment. This is rarely the case, and if so, is never continuous.
- 5) For the following calculations the sample point was the top of a 6-foot person standing at the base of the tower. The maximum gain of the antenna per the antenna manufactures supplied specifications minus 10 dB was used in this direction. This value is a very conservative estimate as gain reductions for these particular antennas are typically much higher in this direction.



- 6) The antennas used in this modeling are the **RFS APXV18-206513-C-A20** for 2100 MHz (AWS) channels and the **Commscope LNX-6515DS-VTM** for 700 MHz channels. This is based on feedback from the carrier with regards to anticipated antenna selection. The **RFS APXV18-206513-C-A20** has a maximum gain of **13 dBd** at its main lobe at 2100 MHz. The **Commscope LNX-6515DS-VTM** has a maximum gain of **14.6 dBd** at its main lobe at 700 MHz. The maximum gain of the antenna per the antenna manufactures supplied specifications, minus 10 dB, was used for all calculations. This value is a very conservative estimate as gain reductions for these particular antennas are typically much higher in this direction.
- 7) The antenna mounting height centerline of the proposed antennas is **175 feet** above ground level (AGL).
- 8) Emissions values for additional carriers were taken from the Connecticut Siting Council active database. Values in this database are provided by the individual carriers themselves.
- 9) All calculations were done with respect to uncontrolled / general public threshold limits.



T-Mobile Site Inventory and Power Data

Sector:	A	Sector:	B	Sector:	C
Antenna #:	1	Antenna #:	1	Antenna #:	1
Make / Model:	RFS APXV18-206513-C-A20	Make / Model:	RFS APXV18-206513-C-A20	Make / Model:	RFS APXV18-206513-C-A20
Gain:	13 dBd	Gain:	13 dBd	Gain:	13 dBd
Height (AGL):	175	Height (AGL):	175	Height (AGL):	175
Frequency Bands	2100 MHz (AWS)	Frequency Bands	2100 MHz (AWS)	Frequency Bands	2100 MHz (AWS)
Channel Count	4	Channel Count	4	Channel Count	4
Total TX Power(W):	180	Total TX Power(W):	180	Total TX Power(W):	180
ERP (W):	3,591.47	ERP (W):	3,591.47	ERP (W):	3,591.47
Antenna A1 MPE%	0.45	Antenna B1 MPE%	0.45	Antenna C1 MPE%	0.45
Antenna #:	2	Antenna #:	2	Antenna #:	2
Make / Model:	Commscope LNX-6515DS-VTM	Make / Model:	Commscope LNX-6515DS-VTM	Make / Model:	Commscope LNX-6515DS-VTM
Gain:	14.6 dBd	Gain:	14.6 dBd	Gain:	14.6 dBd
Height (AGL):	175	Height (AGL):	175	Height (AGL):	175
Frequency Bands	700 MHz	Frequency Bands	700 MHz	Frequency Bands	700 MHz
Channel Count	1	Channel Count	1	Channel Count	1
Total TX Power(W):	30	Total TX Power(W):	30	Total TX Power(W):	30
ERP (W):	865.21	ERP (W):	865.21	ERP (W):	865.21
Antenna A2 MPE%	0.23	Antenna B2 MPE%	0.23	Antenna C2 MPE%	0.23

Site Composite MPE%	
Carrier	MPE%
T-Mobile (Per Sector Max)	0.69 %
No Additional Carriers	NA
Site Total MPE %:	0.69 %

T-Mobile Sector A Total:	0.69 %
T-Mobile Sector B Total:	0.69 %
T-Mobile Sector C Total:	0.69 %
Site Total:	0.69 %

T-Mobile_Max Values per sector	# Channels	Watts ERP (Per Channel)	Height (feet)	Total Power Density ($\mu\text{W}/\text{cm}^2$)	Frequency (MHz)	Allowable MPE ($\mu\text{W}/\text{cm}^2$)	Calculated % MPE
T-Mobile AWS - 2100 MHz UMTS	2	598.58	175	1.51	AWS - 2100 MHz	1000	0.15%
T-Mobile AWS - 2100 MHz LTE	2	1,197.16	175	3.01	AWS - 2100 MHz	1000	0.30%
T-Mobile 700 MHz LTE	1	865.21	175	1.09	700 MHz	467	0.23%
						Total:	0.69%



Summary

All calculations performed for this analysis yielded results that were **within** the allowable limits for general public exposure to RF Emissions.

The anticipated maximum composite contributions from the T-Mobile facility as well as the site composite emissions value with regards to compliance with FCC's allowable limits for general public exposure to RF Emissions are shown here:

T-Mobile Sector	Power Density Value (%)
Sector A:	0.69 %
Sector B:	0.69 %
Sector C:	0.69 %
T-Mobile Per Sector Maximum:	0.69 %
Site Total:	0.69 %
Site Compliance Status:	COMPLIANT

The anticipated composite MPE value for this site assuming all carriers present is **0.69%** of the allowable FCC established general public limit sampled at the ground level. This is based upon values listed in the Connecticut Siting Council database for existing carrier emissions.

FCC guidelines state that if a site is found to be out of compliance (over allowable thresholds), that carriers over a 5% contribution to the composite value will require measures to bring the site into compliance. For this facility, the composite values calculated were well within the allowable 100% threshold standard per the federal government.

A handwritten signature in black ink, appearing to read 'Scott Heffernan', is positioned above the printed name.

Scott Heffernan
RF Engineering Director
Centerline Communications, LLC
95 Ryan Drive, Suite 1
Raynham, MA 02767



Christopher Bond
Project Manager
Biologist

CBRE, Inc.
Telecom Advisory Services

4 West Red Oak Lane
White Plains, New York 10604

914-597-6956 Tel
914-316-0303 Cell

Christopher.bond@cbre.com
www.cbre.com

December 13, 2016

Jonathan Terry
Airosmith Development, Inc.
125 High Rock Avenue
Saratoga Springs, NY 12866

Re: CT-0005 Wetland Delineation
248 Hall Road
Somers, Tolland County, CT 06071
CBRE Project No.: TS61116613

Mr. Terry,

A wetland delineation was conducted at the above referenced address on December 7, 2016. All areas of the proposed access and lease area were assessed for existing wetlands. There were no wetlands in or immediately adjacent to the proposed 20' access/utility easement or the lease area. As noted in the attached Wetland Delineation Site Map, a dry ditch located in a hedgerow parallels part of the access road. This ditch contains very stony, well-drained soils and does not contain wetland vegetation or hydric soils. Any water that reaches the ditch from adjacent fields flows in a southerly direction to a pond, which was completely dry at the time of the site inspection. Hydric soils were only observed a short distance upstream from the pond indicating infrequent flow events and well-drained soils.

In summary, no wetlands or inland waterways will be impacted by the access or lease area. Please do not hesitate to contact me at (914) 597-6956 or at christopher.bond@cbre.com if you have any further questions

Sincerely,
CBRE, INC.

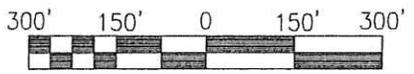
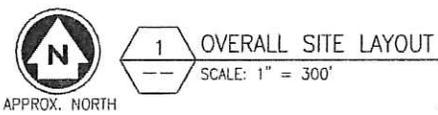
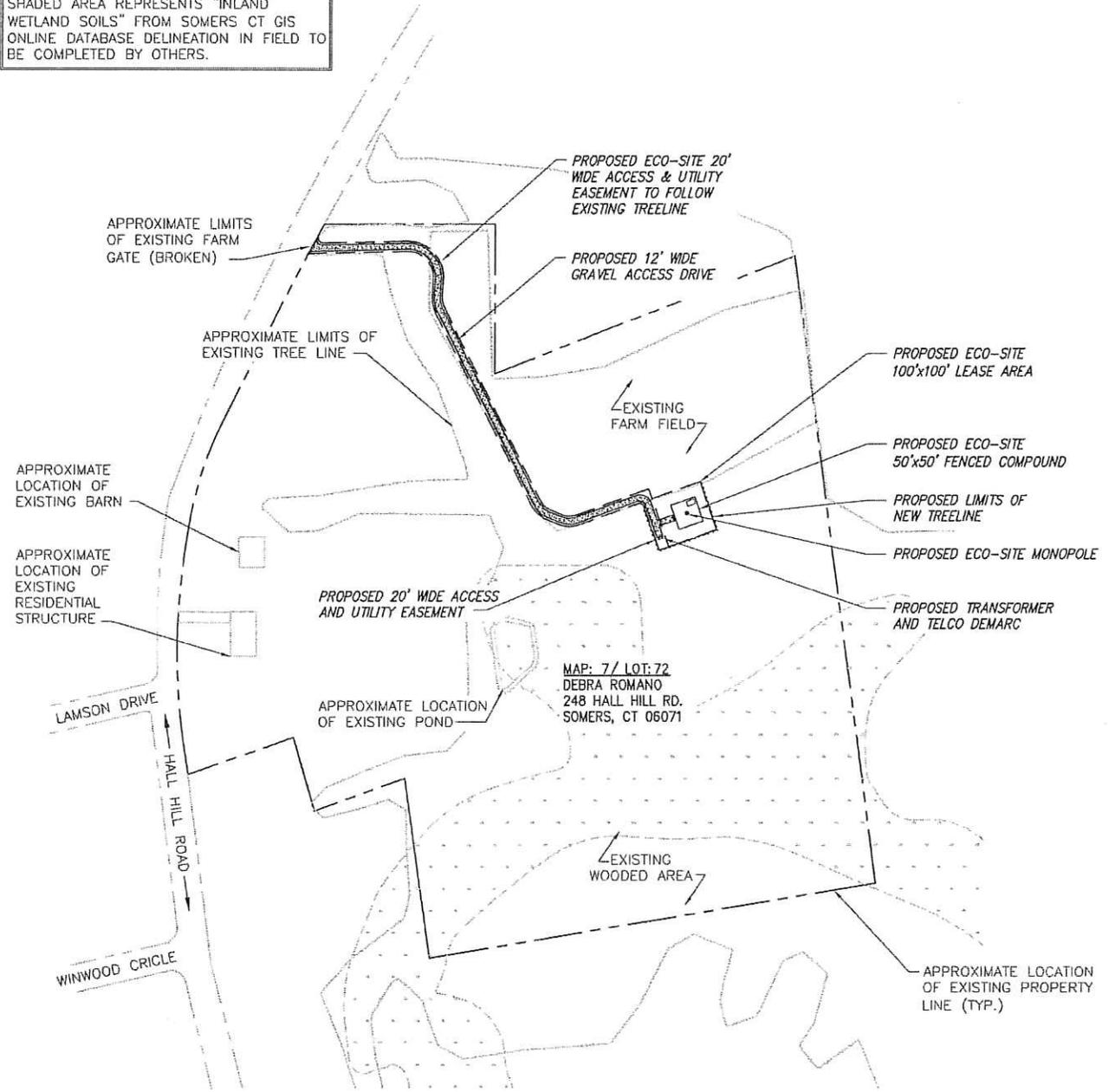
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Chris Bond
Project Manager – Biologist

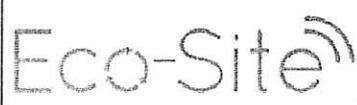
Attachments:

Wetland Delineation Site Map
Lease Exhibits
Resume

SHADED AREA REPRESENTS "INLAND WETLAND SOILS" FROM SOMERS CT GIS ONLINE DATABASE DELINEATION IN FIELD TO BE COMPLETED BY OTHERS.



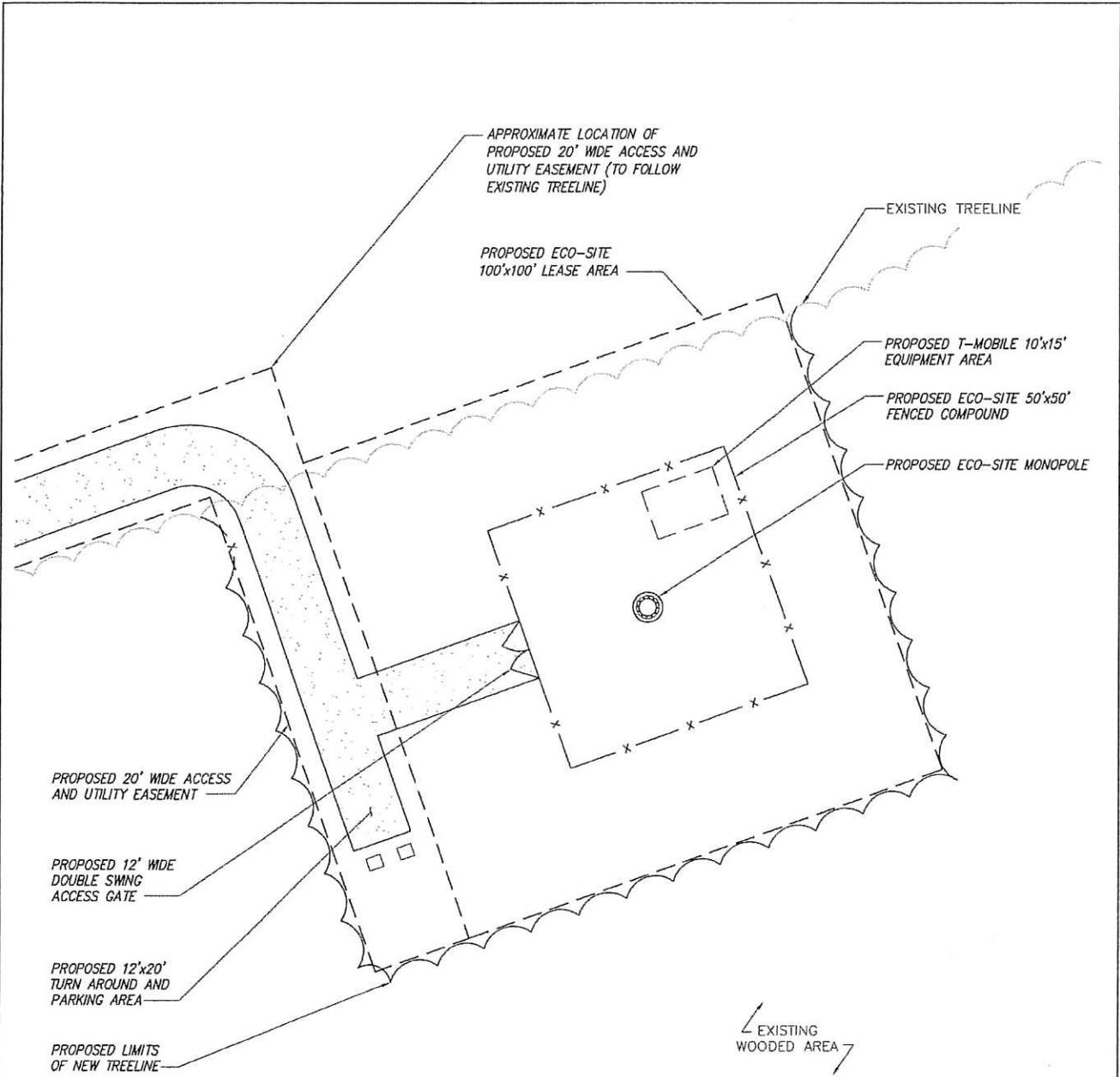
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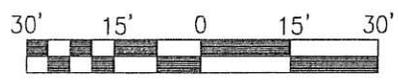
INFINIGY
 1033 Watervliet Shaker Road | Albany, NY 12205
 Phone: 518-690-0770 | Fax: 518-690-0793
 www.infinigy.com

EXHIBIT A -- LEASE EXHIBIT		
SITE NUMBER:	CT-0005A	
SITE NAME:	SOMERS	
SITE ADDRESS:	248 HALL HILL ROAD SOMERS, CT 06071	
DRAWING SCALE:	AS NOTED	DATE: 12/2/16
		REV: 0

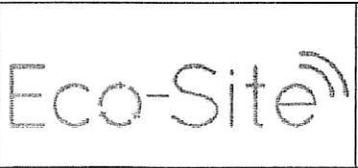
INFINIGY PROJECT #: 592-000



1 COMPOUND LAYOUT
 SCALE: 1" = 30'

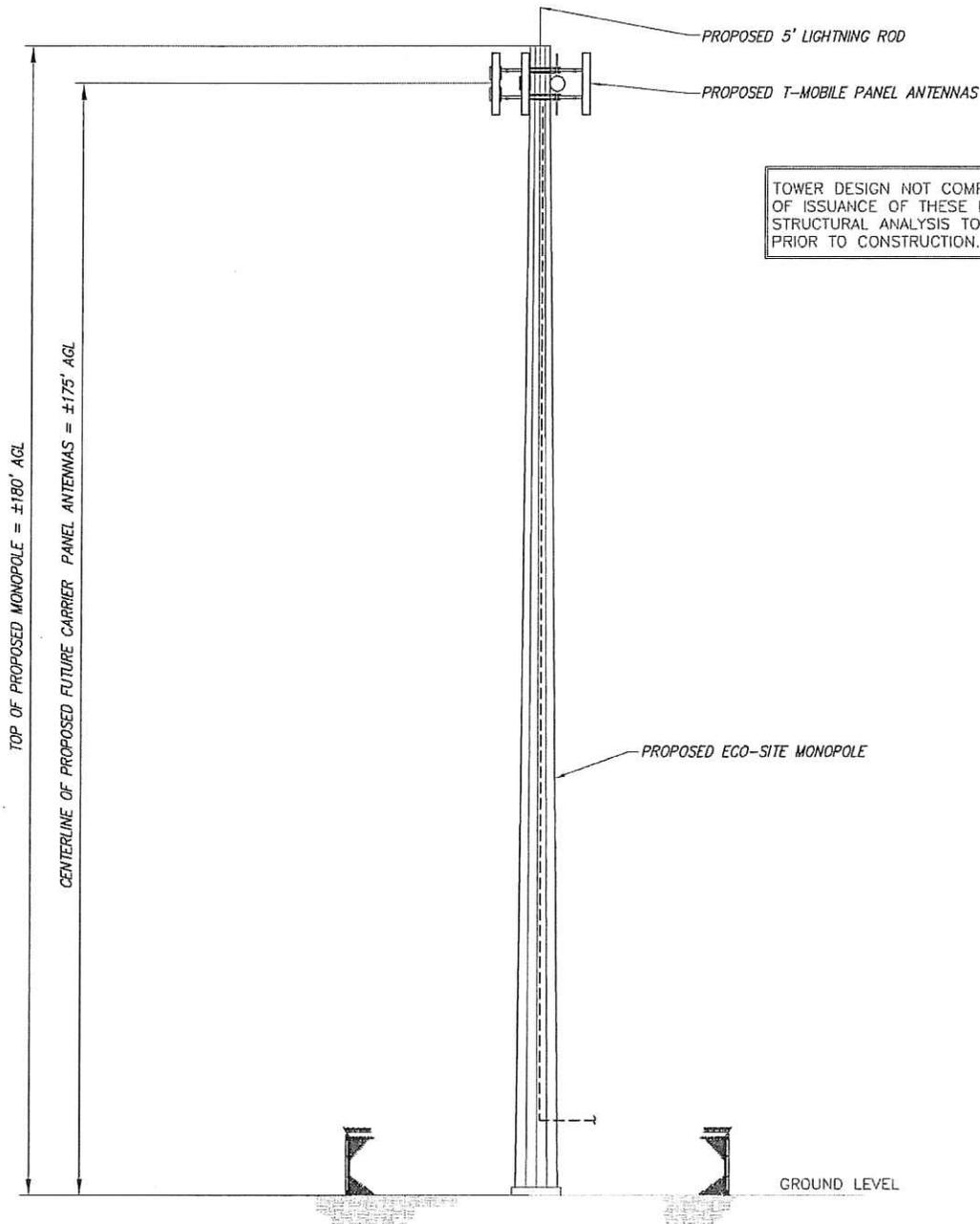


BASEMAPPING INFORMATION BASED ON INFORMATION OBTAINED FROM A SITE WALK COMPLETED BY INFINIGY ON 11/29/16.

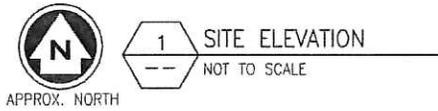


INFINIGY
 1033 Watervliet Shaker Road | Albany, NY 12205
 Phone: 518-690-0790 | Fax: 518-690-0793
 www.infinigy.com
 INFINIGY PROJECT #: 502-000

EXHIBIT A -- LEASE EXHIBIT		
SITE NUMBER: CT-0005A		
SITE NAME: SOMERS		
SITE ADDRESS: 248 HALL HILL ROAD		
SOMERS, CT 06071		
DRAWING SCALE: AS NOTED	DATE: 12/2/16	REV: 0



TOWER DESIGN NOT COMPLETED AT TIME OF ISSUANCE OF THESE DRAWINGS. STRUCTURAL ANALYSIS TO BE COMPLETED PRIOR TO CONSTRUCTION.



BASEMAPPING INFORMATION BASED ON INFORMATION OBTAINED FROM A SITE WALK COMPLETED BY INFINIGY ON 11/29/16.



INFINIGY
 1033 Watervliet Shaker Road | Albany, NY 12203
 Phone: 518-690-0790 | Fax: 518-690-0793
 www.infinigy.com

EXHIBIT A — LEASE EXHIBIT

SITE NUMBER: CT-0005A
 SITE NAME: SOMERS
 SITE ADDRESS: 248 HALL HILL ROAD
 SOMERS, CT 06071

DRAWING SCALE: AS NOTED DATE: 12/2/16 REV: 0

Christopher S. Bond

Education:	M.S. Environmental Science, Sacred Heart University B.S. Traditional Biology, Sacred Heart University
Licenses/Registrations	Methodology for Delineating Wetlands, Rutgers University NYS Wetlands Forum Member, 2015
Years of Experience:	3 years

Summary of Professional Experience

Mr. Bond is a Biologist and Project Manager at CBRE, Inc. Telecom Advisory Services for over two years. He has conducted Migratory Bird Surveys, consulted on Wetland Delineations, Natural Resource and NEPA reviews for various clients within the telecommunications industry.

Mr. Bond's environmental experience extends from both his background in biology and chemistry. Specifically, Mr. Bond has conducted environmental sampling of rivers, streams and groundwater for presence of harmful chemicals and suspended solids. Mr. Bond has also conducted biological surveys for different migratory bird species and invertebrate diversity within streams and rivers. He also has experience coordinating and working with the USFWS Field Offices throughout the United States.

Mr. Bond received his Bachelor of Science at Sacred Heart University with majors in Traditional Biology. Mr. Bond also received his Master of Science in Environmental Science at the Sacred Heart University Environmental Graduate Program. While attending graduate school, he participated in Project Limulus where he conducted species surveys of horseshoe crab populations within the Long Island Sound. Mr. Bond was also a co-writer of "Estimation of Short-Term Tag-Induced Mortality in Horseshoe Crab *Limulus Polyphemus*" which was published in *Biology Faculty Publications* in 2011.

NATURAL RESOURCES CHECKLIST & EXEMPTION REVIEW

Client:	Eco-Site				
Project Name/No.:	CT-0005	CBRE Project #:	TS61116613	Date:	01/21/2017
Address:	248 Hall Hill Road	City:	Somers	State:	CT
Latitude:	42° 0'9.26"N	Longitude:	72°29'5.54"W		
Date of Site Visit:	November 28, 2016	Tower Height:	180 feet		

TYPE OF UNDERTAKING		
Tower Type	<input checked="" type="radio"/> Monopole <input type="radio"/> Guyed Lattice <input type="radio"/> Compound Expansion <input type="radio"/> Self-Support Lattice <input type="radio"/> Stealth Structure <input type="radio"/> Other:	
Tree Removal	Will the Undertaking involve the removal of any trees?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Previous Disturbance	Will the Undertaking involve the removal of any native vegetation (i.e., vegetation other than cultivated plants and lawns)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Impact Area and Vicinity Description	The area of the proposed Undertaking, currently consists of wooded land and existing farmland. Land in the vicinity of the Undertaking consists of farmland, residential development and wooded land.	

PROTECTED LAND REVIEW		
Wilderness Area	Will the Undertaking be located within a Designated Wilderness Area? <i>Source: National Wilderness Preservation System (NWPS); National Park Service (NPS); U.S. Forest Service (USFS); U.S. Fish and Wildlife Service (USFWS); Bureau of Land Management (BLM); http://www.wilderness.net/index.cfm?fuse=NWPS</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No
Wildlife Preserve	Will the Undertaking be located within a Designated Wildlife Preserve? <i>Source: National Wildlife Refuge System (NWRS; NPS; USFS; USFWS; BLM; http://www.fws.gov/refuges)</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No
U.S. FWS Threatened & Endangered Species Active Critical Habitat	Will the Undertaking be located with an area designed as active proposed or final habitat for threatened and endangered species? <i>Source: USFWS Critical Habitat Map; http://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No
Wild & Scenic Rivers	Will the Undertaking be located within one mile of a National Wild and Scenic River? <i>Source: NPS; USFS; USFWS; BLM; http://www.rivers.gov</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No
National Scenic Trail	Will the Undertaking be located within one mile of a National Scenic Trail? <i>Source: NPS and Managing Systems and Trails Organization (MSTO); http://www.nps.gov/ncrc/programs/nts/nts_trails.html</i>	<input type="radio"/> Yes <input checked="" type="radio"/> No
Comments	None	

NATURAL RESOURCES CHECKLIST & EXEMPTION REVIEW

FEDERALLY-PROTECTED SPECIES EXEMPTION REVIEW			
U.S. Fish and Wildlife Service 'No Effect' Exemptions	<p>Does the USFWS Region have consultation exemptions for 'No Effect' determinations? Source: CBRE received guidance from the New England USFWS Field Office, on January 22, 2016, which states that "Future Coordination with this Office Relative to New Telecommunication Facilities. We have determined that proposed projects are not likely to adversely affect any federally listed or proposed species when the following steps are taken to evaluate new telecommunication facilities:</p> <ul style="list-style-type: none"> • If the facility will be installed within or on an existing structure, such as in a church steeple or on the roof of an existing building, no further coordination with this office is necessary. Similarly, new antennas or towers in urban and other developed areas, in which no natural vegetation will be affected, do not require further review. • If the above criteria cannot be met, your review of our lists of threatened and endangered species locations within Vermont, New Hampshire, Rhode Island, Connecticut and Massachusetts may confirm that no federally-listed endangered or threatened species are known to occur in the town or county where the project is proposed. • If a listed species is present in the town or county where the project is proposed, further review of our lists of threatened and endangered species may allow you to conclude that suitable habitat for the species will not be affected. Based on past experiences, we anticipate that there will be few, if any, projects that are likely to impact piping plovers, roseate terns, bog turtles, Jesup's milk-vetch or other such species that are found on coastal beaches, riverine habitats or in wetlands because communication towers typically are not located in these habitats. <p>For projects that meet the above criteria, there is no need to contact this office for further project review.</p>		<input checked="" type="radio"/> Yes <input type="radio"/> No
	<p>Will the Undertaking have 'No Effect' on listed species? Source: See table below.</p>		<input type="radio"/> Yes <input checked="" type="radio"/> No
FEDERALLY-LISTED SPECIES REVIEW			
Source: the USFWS Information, Planning, and Conservation (IPaC) System (http://ecos.fws.gov/ipac)			
Common Name	Status (Federal)	Habitat	Determination
Northern long-eared bat (NLEB)	Threatened	In the winter hibernate in caves and mines. In summer roost underneath bark, in cavities, or in crevices of both live and dead trees.	Moderately Suitable / May affect the NLEB, but any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule
FINDINGS			
U.S. Fish and Wildlife Service Consultation	<p>Section 7 consultation is required with the USFWS In accordance with 47 CFR Part 1.1307(a)(3) of the FCC regulations</p>		<input checked="" type="radio"/> Yes <input type="radio"/> No
<p>Comments: After review of information provided by the CT Natural Diversity Data Base, CBRE found the project to be eligible for streamlined USFWS consultation procedures for the NLEB. CBRE sent an NLEB 4(d) Rule Streamlined Consultation Form to the USFWS on December 21, 2016. Per the form, if the USFWS does not respond within 30 days from submittal of the form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. Endangered Species consultation with the USFWS can be considered complete on January 21, 2016.</p>			

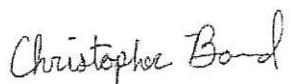
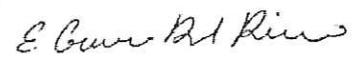
NATURAL RESOURCES CHECKLIST & EXEMPTION REVIEW

STATE-PROTECTED SPECIES EXEMPTION REVIEW		
CT Natural Diversity Data Base (NDDDB) No Species Exemptions	Does the CT NDDDB have consultation exemptions for tower projects located outside of Natural Diversity Data Base (NDDDB) areas? <i>Source: CT NDDDB Request Guidance: If your project does not intersect an NDDDB Area, you do NOT need to submit the Request for Connecticut Natural Diversity Data Base (NDDDB) State Listed Species Review (DEP-APP-007).</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No
	Does the Undertaking meet state consultation exemptions for a project not located within an NDDDB area? <i>Source: Somers, CT NDDDB Map</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Applicable

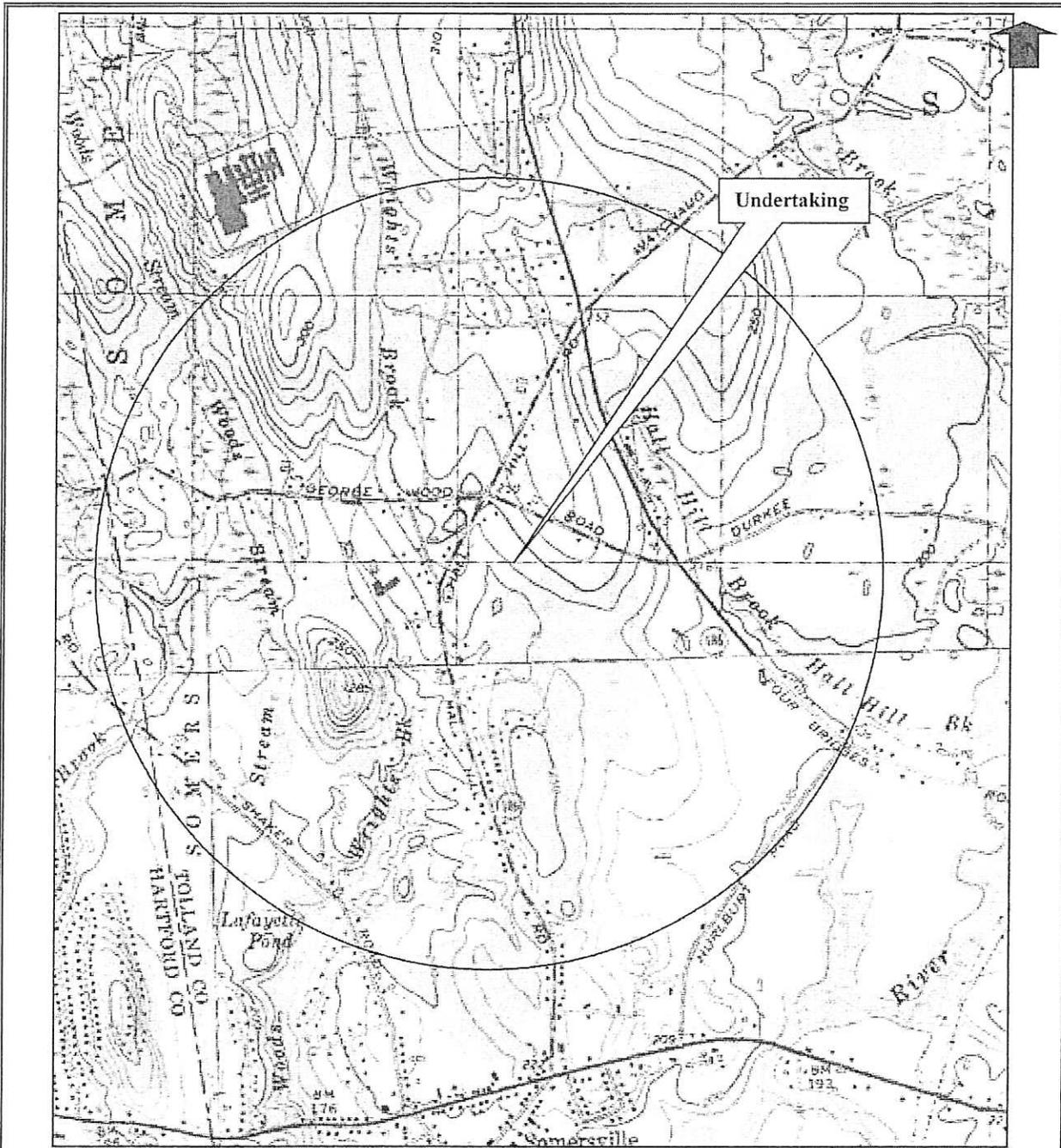
FINDING OF EFFECT	
The Undertaking will have 'no effect' on listed resources.	<input type="radio"/>
The Undertaking 'may affect, not likely to adversely affect' listed resources.*	<input checked="" type="radio"/>
Comments: *May affect the NLEB, but any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule	

MIGRATORY BIRD REVIEW		
Tower Height	Will the proposed tower be over 450 feet in height? <i>Source: Client-provided drawings</i>	<input type="radio"/> Yes* <input checked="" type="radio"/> No
Comments: On September 27, 2013, the USFWS revised the "Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning. These guidelines outline voluntary federal recommendations designed to minimize the impacts of tower facilities on migratory birds protected under the Migratory Bird Treaty Act (MBTA) and the Endangered Species Act. Based upon the Undertaking design (i.e. non guyed) and height (i.e. less than 200 feet above ground level), the Undertaking meets many of the recommendations set forth in the USFWS's Revised Guidelines. As such, it is unlikely that the Undertaking would adversely impact migratory bird species protected under the MBTA and the Endangered Species Act. *FCC NEPA rules require the preparation of an Environmental Assessment for all towers over 450 feet in height.		

FLOOD ZONE AND WETLANDS REVIEW		
Flood Zone	Will the Undertaking be located within a 100-year floodplain? <i>Source: Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (www.fema.gov; Map Number 0901120007D, effective date 08/16/2006)</i>	<input type="radio"/> Yes* <input checked="" type="radio"/> No
Wetlands	Will the Undertaking be located within a wetland? <i>Source: Site Observations; USFWS National Wetlands Inventory (NWI) map; United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS)</i>	<input type="radio"/> Yes* <input checked="" type="radio"/> No
*FCC NEPA rules require the preparation of an Environmental Assessment for all towers located in Flood Zones and Wetlands.		

QUALIFIED PERSONNEL			
Completed By:		Reviewed By:	
	Christopher Bond Project Manager - Biologist		Gio Del Rivero Director, Project Management

TOPOGRAPHIC MAP



USGS Topographic Map

Source: USGS (Hampden, Mass.-Conn., 1979)

One Mile Radius:



Project: CT-0005

Somers, CT

Project Number: TS61116613

WILDERNESS AREA MAP

WILDLIFE PRESERVE MAP

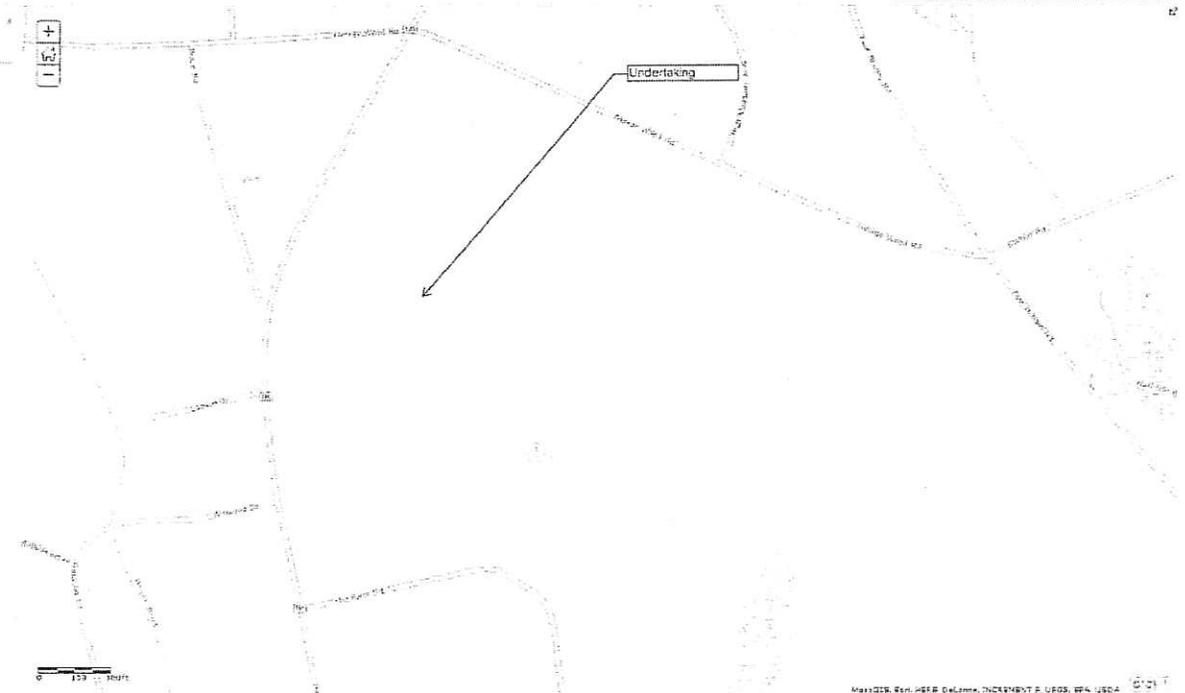
Details Settings

About Content Legend

Contents

- National Wildlife Refuge Boundaries
- Topographic

Print Measure 245 Hill Hill Road, Somers, CT



USFWS CRITICAL HABITAT MAP

Details EsriMap

Share Print Measure Bookmarks 249 Hall Hill Road, Somers, CT

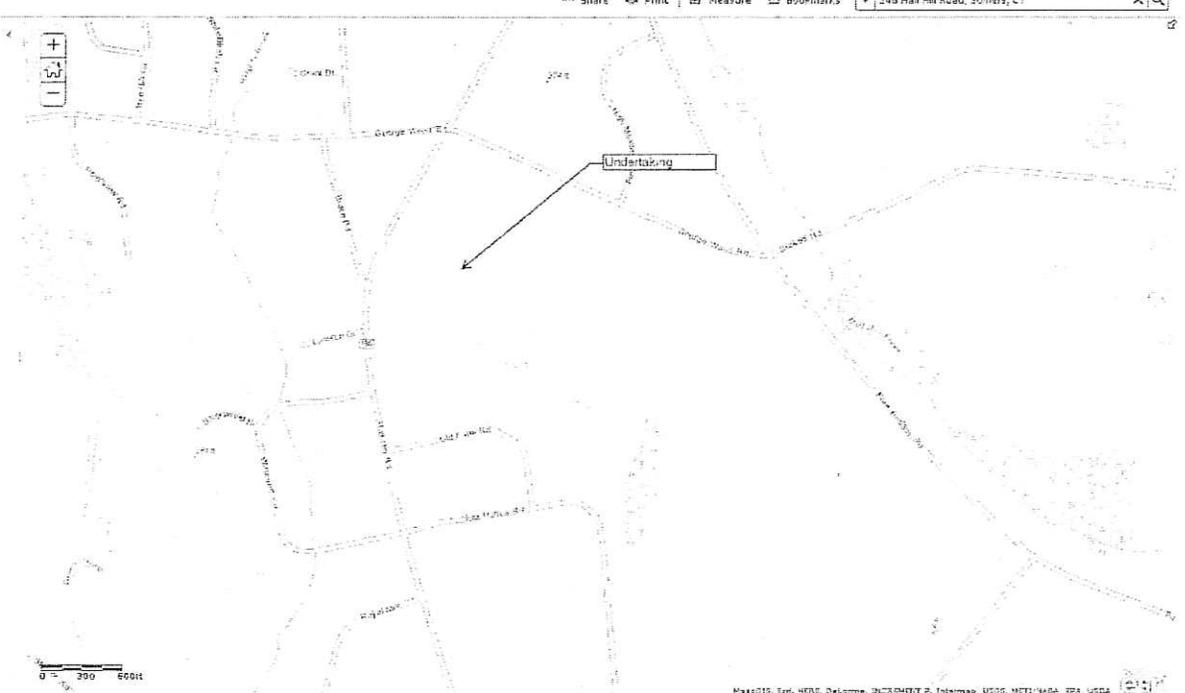
About Content Legend

Legend
Final Linear Features

Final Polygon Features

Proposed Linear Features

Proposed Polygon Features



NATIONAL WILD AND SCENIC RIVERS MAP

Details | Basemap

Share | Print | Measure | 240 Hill Hill Road, Somers, CT | X

Layers | Contents | Legend

Legend
REC_US_WSR
Wild & Scenic Rivers



NATIONAL SCENIC AND HISTORIC TRAILS MAP



NEW ENGLAND NATIONAL SCENIC TRAIL

WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL

Adirondack Park
MOUNTAIN NF

Shawangunk Mountain
SHAWANGUNK NF

Water Gap
NRA

Morristown
NHP

Wallkill River
NWR

NEW YORK CITY

TRENTON
N.J.

Independence
NHP
PHILADELPHIA

Boston Harbor Islands
NRA
BOSTON

MASS
AMHERST
Undertaking

CONN
SPRINGFIELD
HARTFORD

PROVIDENCE
NEWPORT
R.I.

NEW YORK

HARRISBURG

SCENIC

TRAIL

FEDERALLY-PROTECTED SPECIES EXEMPTION REVIEW
SUPPORT DOCUMENTATION

Maria E. Tur
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Date: 21Dec16
Wgt: 1.00 LBS

DV:

SHIPPING:
SPECIAL:
HANDLING:
TOTAL: 0.00

Svcs: ** 2DAY **

TRACK: 7146 9172 3750

Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form

Federal agencies should use this form for the optional streamlined consultation framework for the northern long-eared bat (NLEB). This framework allows federal agencies to rely upon the U.S. Fish and Wildlife Service's (USFWS) January 5, 2016, intra-Service Programmatic Biological Opinion (BO) on the final 4(d) rule for the NLEB for section 7(a)(2) compliance by: (1) notifying the USFWS that an action agency will use the streamlined framework; (2) describing the project with sufficient detail to support the required determination; and (3) enabling the USFWS to track effects and determine if reinitiation of consultation is required per 50 CFR 402.16.

This form is not necessary if an agency determines that a proposed action will have no effect to the NLEB or if the USFWS has concurred in writing with an agency's determination that a proposed action may affect, but is not likely to adversely affect the NLEB (i.e., the standard informal consultation process). Actions that may cause prohibited incidental take require separate formal consultation. Providing this information does not address section 7(a)(2) compliance for any other listed species.

Information to Determine 4(d) Rule Compliance:

	YES	NO
1. Does the project occur wholly outside of the WNS Zone ¹ ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have you contacted the appropriate agency ² to determine if your project is near known hibernacula or maternity roost trees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the project disturb hibernating NLEBs in a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Could the project alter the entrance or interior environment of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Does the project remove any trees within 0.25 miles of a known hibernaculum at any time of year?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Would the project cut or destroy known occupied maternity roost trees, or any other trees within a 150-foot radius from the maternity roost tree from June 1 through July 31.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You are eligible to use this form if you have answered yes to question #1 or yes to question #2 and no to questions 3, 4, 5 and 6. The remainder of the form will be used by the USFWS to track our assumptions in the BO.

Agency and Applicant³ (Name, Email, Phone No.): FCC and Eco-Site c/o CBRE, Christopher Bond, WhitePlainsBiology@cbre.com, 914-597-6956

Project Name: CT-0005

Project Location (include coordinates if known): 248 Hall Hill Road, Somers, Connecticut, 06071, 42° 0'9.26"N / 72°29'5.54"W

Basic Project Description (provide narrative below or attach additional information): Raw Land-New Build, 180-foot tall Monopole communications tower within a 0.23 lease area. Forest conversion is anticipated to be approximately 0.23 acres.

¹ <http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>

² See <http://www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html>

³ If applicable - only needed for federal actions with applicants (e.g., for a permit, etc.) who are party to the consultation.

General Project Information	YES	NO
Does the project occur within 0.25 miles of a known hibernaculum?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project occur within 150 feet of a known maternity roost tree?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include forest conversion ⁴ ? (if yes, report acreage below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estimated total acres of forest conversion	~0.23-acres	
If known, estimated acres ⁵ of forest conversion from April 1 to October 31	~0.23-acres	
If known, estimated acres of forest conversion from June 1 to July 31 ⁶	~0.23-acres	
Does the project include timber harvest? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of timber harvest		
If known, estimated acres of timber harvest from April 1 to October 31		
If known, estimated acres of timber harvest from June 1 to July 31		
Does the project include prescribed fire? (if yes, report acreage below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated total acres of prescribed fire		
If known, estimated acres of prescribed fire from April 1 to October 31		
If known, estimated acres of prescribed fire from June 1 to July 31		
Does the project install new wind turbines? (if yes, report capacity in MW below)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated wind capacity (MW)		

Agency Determination:

By signing this form, the action agency determines that this project may affect the NLEB, but that any resulting incidental take of the NLEB is not prohibited by the final 4(d) rule.

If the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.

The action agency understands that the USFWS presumes that all activities are implemented as described herein. The action agency will promptly report any departures from the described activities to the appropriate USFWS Field Office. The action agency will provide the appropriate USFWS Field Office with the results of any surveys conducted for the NLEB. Involved parties will promptly notify the appropriate USFWS Field Office upon finding a dead, injured, or sick NLEB.

Christopher Bond

Signature: _____

Date Submitted: 12/20/2016

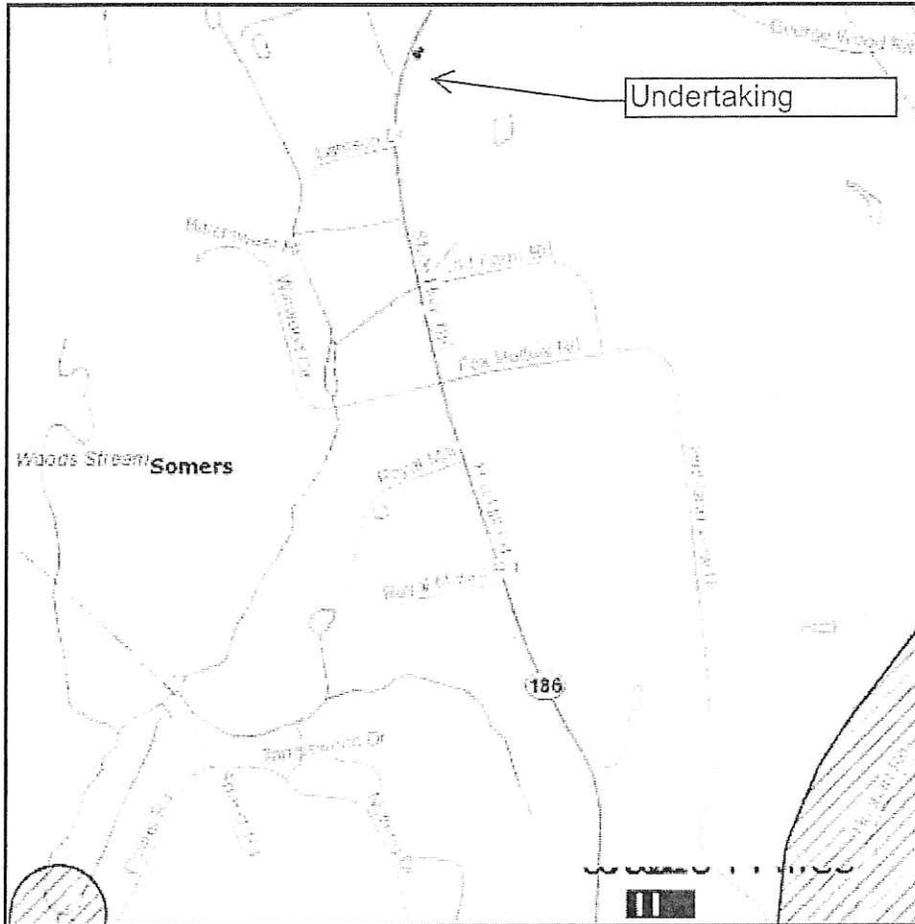
⁴ Any activity that temporarily or permanently removes suitable forested habitat, including, but not limited to, tree removal from development, energy production and transmission, mining, agriculture, etc. (see page 48 of the BO).

⁵ If the project removes less than 10 trees and the acreage is unknown, report the acreage as less than 0.1 acre.

⁶ If the activity includes tree clearing in June and July, also include those acreage in April to October.

STATE-PROTECTED SPECIES EXEMPTION REVIEW
SUPPORT DOCUMENTATION

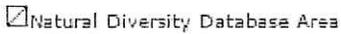
CT-0005 NDDDB Map



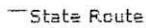
Address Candidates



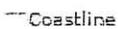
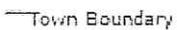
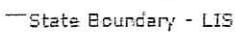
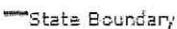
Natural Diversity Database Areas



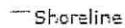
Streets



CT Town Line



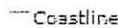
MA, NY, RI Town Line



CT Town Name

MA, NY, RI Town Name

State Line



Waterbody Line 7



Waterbody Poly 7





Connecticut Department of
Energy & Environmental Protection
Bureau of Natural Resources
Wildlife Division

Instructions for Completing a Request for Natural Diversity Data Base (NDDDB) State Listed Species Review

Use these instructions to complete the Request for Natural Diversity Data Base (NDDDB) State Listed Species Review form DEEP-APP-007 and to prepare supporting documents.

Introduction

The Natural Diversity Data Base of the Department of Energy and Environmental Protection's (DEEP) Bureau of Natural Resources compiles information about the status and locations of the state's rare plants, animals and significant natural communities. The purpose of this program is to conserve, protect, restore and enhance state listed species populations and their habitats.

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the DEEP commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species. The NDDDB *Request for Review* is designed to assist in complying with the State Endangered Species Act and to provide information to parties interested in conserving state listed species. An NDDDB Review is not a substitute for actual on-site surveys that may be required for a thorough environmental impact assessment, but can provide information on known locations of state listed species. For any questions you may have regarding NDDDB review requirements see the DEEP webpage www.ct.gov/deep/nddbrequest or call the DEEP

Wildlife Division at 860-424-3011. For more information on State Listed Species see the DEEP webpage www.ct.gov/deep/endangeredspecies.

How to Submit a Request for Review

Your request must include the following items:

- *Request for Natural Diversity Data Base (NDDDB) Listed Species Review* (DEEP-APP-007)
- All applicable Attachments
- Any additional supporting documents

You must submit the above materials together as a complete package to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY & ENVIRONMENTAL
PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

Or save the request form and supplemental documents in PDF format and email the request to: deep.nddbrequest@ct.gov.

There is a 25 MB limit for email attachments. If the total uncompressed size of the email and attachments exceeds 25 MB, save the request form and the supplemental documents on a compact disc and submit it along with a hard copy of the completed request form to the Central Permit Processing Unit. Label the disc

with “NDDB Request”, the requester’s name, the site name and the date.

Likewise, be sure to label your supporting documents as directed on the request form and always include, on each document, the requester’s name, the site name and the date.

If you are filling out the Request for Review form electronically, the text boxes will expand to accommodate additional text. If you are submitting a hardcopy form and additional space is needed to answer a question, insert additional sheets into the form immediately following the page on which the question was asked. Label each sheet with the requester’s name along with the corresponding part number and question number indicated on the form. You should retain a copy of all documents for your files.

Once the completed application is received, the Central Permit Processing Unit will log in your request and forward it to NDDB staff for technical review. When the review is complete, we will send you a letter indicating whether there are species present that could be impacted by your project and how to avoid potential harm to the species. If we cannot make a determination based on the information provided you may be asked to have biological surveys conducted at the site. Surveys must be conducted by qualified biologists at the proper time of year using appropriate survey methods specific to each species. DEEP does not maintain a list of qualified biologists.

If a federally listed species is identified in the project area you may be required to contact the US Fish and Wildlife Service (USFWS). You will be provided with the appropriate contact information in our response to you. The USFWS will determine whether a formal consultation is required to decide whether adverse effects from the proposed activity are likely to jeopardize the continued existence of a federally listed species or result in a “take” of that species.

If your project has not been initiated within two years following this review, then you must

submit a new request. The NDDB is constantly receiving new information and you will be required to address any new species found in the project area. Also, the regulatory list of state-listed species is updated by the DEEP every five years. Reviews will be based on the most current regulatory list. If your follow-up review occurs after a new list has been adopted, you will be required to address newly listed species found in the project area.

Request Instructions

Read the request form and these instructions carefully. They have been designed to obtain specific information needed to conduct the review. Missing or unclear information will cause delays in the review process. If you believe that the information requested does not apply to your specific project, explain, in the space provided, why you believe that is the case. Do not respond with “NA” (“not available” or “not applicable”); your request will be considered insufficient and may be rejected. If a question or supporting document is only required for specific activities it will be noted on the form and in the instructions.

The following instructions correspond to each part of the request form.

Part I: Preliminary Screening & Request Type

DEEP has developed a set of maps to be used as a preliminary screening tool that depict approximate locations of state and federally listed species and significant natural communities. These maps can be viewed on-line at the [DEEP webpage](#) as PDF files organized by town, or on the [CTECO webpage](#) (www.cteco.uconn.edu) in the Map Catalog and the interactive Map Viewers. Maps can be accessed on-line using computers in the DEEP Public File Room at 79 Elm Street in Hartford. The maps are updated every six months, usually in June and December. You must use the most current version available.

To begin, download the appropriate town map or open the CTECO map viewer. To use the

CTECO Simple Map Viewer, navigate to your site using the “Find” options in the lower left corner of the screen or use the pan and zoom buttons located in the upper left portion of the map. Next Choose a Map Theme from the list in the Map Contents on the left side of the screen. Select the Natural Diversity Data Base Area theme and click the “Refresh Map” button. You should now see the hatched Natural Diversity Data Base Areas around your site. The data will only be visible if you are zoomed in to a scale closer than 1:200,000.

Next, locate your project including any areas beyond the immediate footprint of the project and beyond the property line that will be either directly or indirectly affected. Include areas such as equipment and materials staging areas, areas receiving discharge and dredge material disposal areas. Use the following criteria to compare the project site to the shaded NDDDB areas depicted on the map.

Screening Criteria

If your project and any additionally affected areas intersect or overlap with an NDDDB Area on the maps, then you are in an area of concern for state listed species and should proceed to fill-out the Request for Review form. In Part I of the request form, indicate that your site is in an area of concern and enter the date of the map that was used. The **Date of the Map** can be found in the Legend on the left-hand side of the PDF maps below the Data Sources information. If you are using the CTECO Simple Map viewer, the date is indicated as part of the Map Theme name in the Map Contents located on the left side of the screen (e.g., “Natural Diversity Data Base Area, June 2010”).

If your project does *not* intersect an NDDDB Area, you do **NOT** need to submit the *Request for Connecticut Natural Diversity Data Base (NDDDB) State Listed Species Review* (DEP-APP-007). Bear in mind, however, that although there are no known locations of state listed species documented in the area, this does not preclude the possibility of their discovery should on-site surveys be conducted. If your

project does not meet the above screening criteria but you still require a formal determination from the NDDDB, you must submit your project for a full review. In Part I of the request form, indicate that your site is not in an area of concern and enter the date of the map used. In addition, in *Part V. Request Type and Associated Application Type*, check the box in Group 1 that indicates “Preliminary screening was negative but an NDDDB review is still requested.” If you are getting a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, you must follow the instructions provided in the permit and the registration.

After the initial screening, choose the appropriate request type. The choices include

- New NDDDB Request
- Renewal or Extension of a NDDDB Request without modifications and within two years of the issued NDDDB determination
- New Safe Harbor Determination associated with an application for GP for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities
- Renewal/Extension of an existing Safe Harbor Determination (with or without modifications)

Safe Harbor Determinations are a new optional category of review and are only available to those seeking a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. If your project requires multiple DEEP permits in addition to your stormwater construction permit, you may describe the full extent of the project and all the required permits for consideration for inclusion in the Safe Harbor Determination. Any activities not described will require additional consultation with NDDDB.

Renewals and extensions are only available if the form is received before the previous determination has expired and you provide the previous request number. Renewals without modifications do not need to submit any attachments. You may only apply for one one-

QUALIFIED PERSONNEL

CBRE

Christopher S. Bond

Education: M.S. Environmental Science, Sacred Heart University
B.S. Traditional Biology, Sacred Heart University

Licenses/Registrations Methodology for Delineating Wetlands, Rutgers University
NYS Wetlands Forum Member, 2015

Years of Experience: 3 years

Summary of Professional Experience

Mr. Bond is a Biologist and Project Manager at CBRE, Inc. Telecom Advisory Services for over two years. He has conducted Migratory Bird Surveys, consulted on Wetland Delineations, Natural Resource and NEPA reviews for various clients within the telecommunications industry.

Mr. Bond's environmental experience extends from both his background in biology and chemistry. Specifically, Mr. Bond has conducted environmental sampling of rivers, streams and groundwater for presence of harmful chemicals and suspended solids. Mr. Bond has also conducted biological surveys for different migratory bird species and invertebrate diversity within streams and rivers. He also has experience coordinating and working with the USFWS Field Offices throughout the United States.

Mr. Bond received his Bachelor of Science at Sacred Heart University with majors in Traditional Biology. Mr. Bond also received his Master of Science in Environmental Science at the Sacred Heart University Environmental Graduate Program. While attending graduate school, he participated in Project Limulus where he conducted species surveys of horseshoe crab populations within the Long Island Sound. Mr. Bond was also a co-writer of "Estimation of Short-Term Tag-Induced Mortality in Horseshoe Crab *Limulus Polyphemus*" which was published in *Biology Faculty Publications* in 2011.



ASSESSMENT AND CONSULTING SERVICES

E. Gio Del Rivero

Education: B.S., Earth and Environmental Science, University of Illinois

Years of Experience: 7+ years

Summary of Professional Experience

Mr. Del Rivero holds a Bachelor's of Science Degree in Earth and Environmental Science. He has more than 7 years of experience as an Environmental Professional in the telecommunications field, providing environmental and regulatory due diligence under the National Historic Preservation Act, the National Environmental Policy Act, and the Endangered Species Act. As a Project Scientist, he completed hundreds of Section 106 and NEPA reports throughout the United States, as well as Phase I Environmental Site Assessments. In his previous role as Project Manager, Mr. Del Rivero has provided quality control, conducted Natural Resources reviews nationwide, managed portfolios, and acted as a client liaison. In consultation with carriers and USFWS field offices, Mr. Del Rivero has developed mitigation strategies to avoid potential adverse effects to endangered species.

In addition to his experience working with natural resources and environmental due diligence, Mr. Del Rivero has also conducted numerous Phase II Environmental Site Assessments for telecommunications projects and geotechnical investigations for new roadway development projects.