



DIAMOND TOWERS V LLC (DIAMOND)

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

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

–CHESHIRE FACILITY–

Docket No. ____

BULK FILING

**DIAMOND TOWERS V LLC (DIAMOND)
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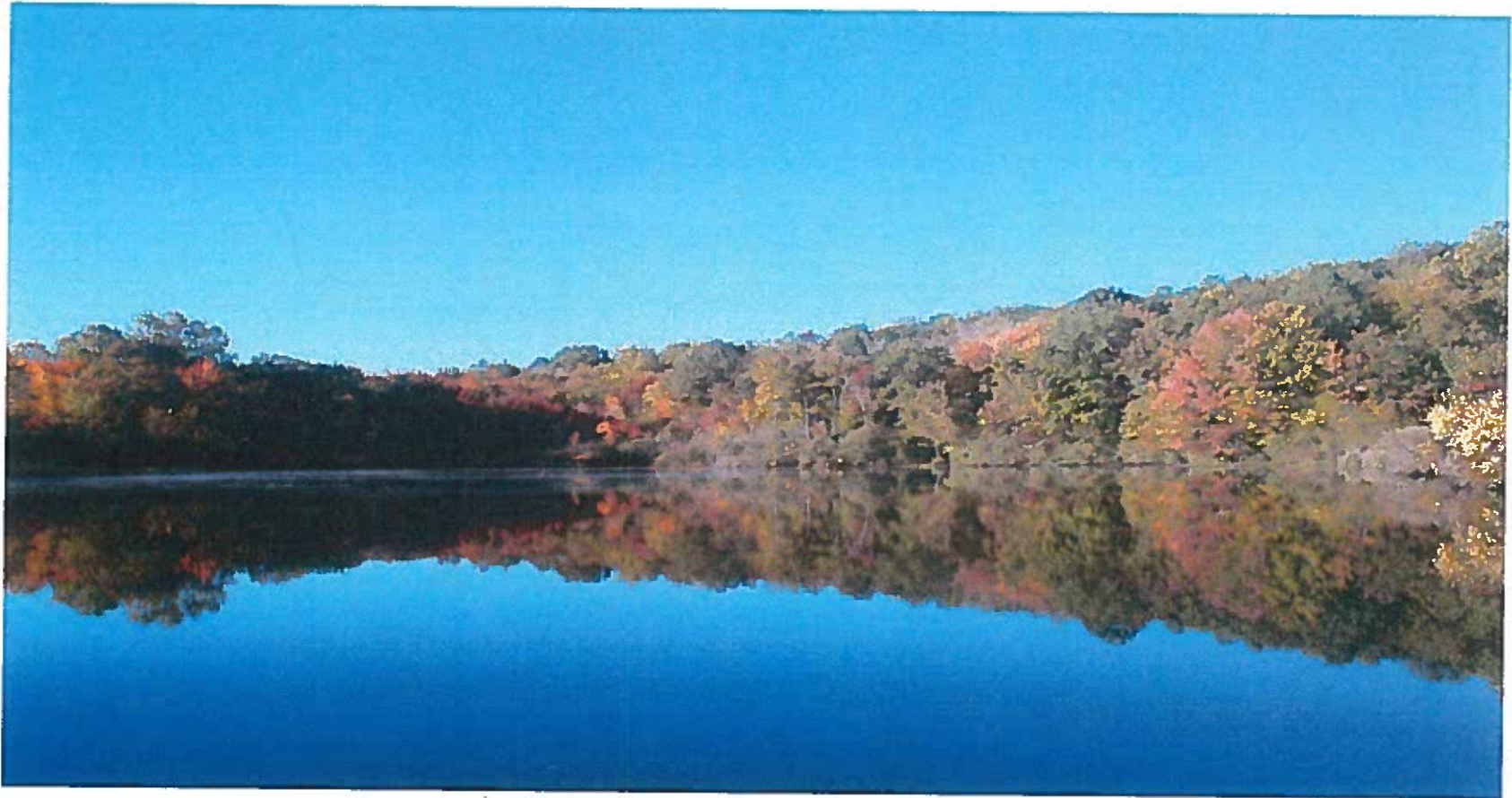
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- Section 1: Cheshire Connecticut 2016 Plan of Conservation and Development
- Section 2: Zoning Regulations, Town of Cheshire, Connecticut, Adopted 1970, Effective April 24, 1970, Revised Effective June 5, 2020
- Section 3: Zoning Map, Town of Cheshire, Connecticut, Effective July 25, 2000
- Section 4: Inland Wetlands and Watercourses Regulations, for the Town of Cheshire, Connecticut, originally adopted June 24, 1974, Revised Effective date October 19, 2010
- Section 5: Technical Report

SECTION 1

TOWN OF CHESHIRE
PLAN OF CONSERVATION AND DEVELOPMENT

"The Bedding Plant Capital of Connecticut"



Cheshire Plan of Conservation and Development Town of Cheshire, Connecticut

Effective July 1, 2016

Prepared by the Cheshire Planning and Zoning Commission

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Introduction and Findings of Consistency

Presented herein is an update of the Cheshire Plan of Conservation and Development prepared in accordance with Section 8-23 of the Connecticut General Statutes. During preparation of this Plan, the Planning and Zoning Commission strove to prepare a Plan that would preserve and protect community character, as well as satisfy the requirements set forth within this statute. This Plan includes recommendations that should protect and strengthen Cheshire's economic base and maintain an ability to compete for business within the region.

Efforts included a Community Survey with more than 200 responses from which many valuable insights were provided to the Commission. A summary of the survey results is included within this Plan for reference.

This Plan is a product completed by people who live and breathe within this community who recognize that development patterns within Cheshire are long established, and whose recommendations are intended to reflect and capitalize on that. Cheshire is a desirable place to live, and this Plan is written to protect the characteristics that make this so.

Cheshire is a member of the Naugatuck Valley Council of Governments whose 2008 Regional Plan provides guidance and focus for the preparation of this plan. Section 8-23 of the Connecticut General Statutes requires consideration of the 2008 Regional Plan of Conservation and Development adopted by the Naugatuck Valley Council of Governments in the preparation of the municipal plan, and also requires consideration of the 2013-2018 Conservation and Development Policies: The Plan for Connecticut prepared by the Connecticut Office of Policy and Management in the preparation of municipal plans.

Goals and policies from each are summarized here by category along with responses based upon the text of this Plan to demonstrate consistency with the regional and state goals.

Consistency with the 2008 Regional Plan adopted by the Naugatuck Valley Council of Governments:

Land Use and Growth Patterns

Guide the location of growth in the region towards the regional center and areas with infrastructure. Growth within Cheshire will continue in the pattern that currently exists. Industrial properties lie generally in the northerly portion of the Route 10 corridor, and this Plan recommends amendments to the Zoning Regulations that should facilitate further growth within industrial areas. The Plan

also recommends amendments that will encourage growth and reinvestment in the West Main Street corridor which is one of the oldest village center areas within Cheshire.

Educate municipal commissions and others about the fiscal impacts of growth within the region. The Planning and Zoning Commission understands that growth of the commercial and industrial sectors within Cheshire will have positive fiscal impacts region wide, especially considering that Cheshire is a net importer of labor within the Naugatuck Valley region. Growth within these sectors will provide regional benefits.

Encourage periodic review of local land use regulations. This Plan contains specific recommendations for review of regulations to satisfy various purposes, including cluster, affordable housing, industrial lot size and coverage, the Special Development District and adopting new regulations to help achieve outcomes within the West Main Street focus areas.

Encourage settlement patterns that reduce the rate of land consumption in the region. This Plan includes a specific recommendation to review the cluster regulations with the goal of making them more useable. Cluster development is a land conservation tool that is in keeping with this goal. Enabling residential growth in the already developed core areas will also be in keeping with this goal.

Recognize farmland as an important natural resource worthy of conserving for farming activity as well as its present aesthetic and economic benefits. Cheshire has worked to conserve farmland in our purchase of open space, and has worked with the Cheshire Land Trust and the Regional Water Authority to do the same. Continuation of this collaboration is recommended within this Plan. Commercial farming is also a major part of our economic base.

Facilitate sustained and coordinated efforts to renovate contaminated sites. Brownfield contamination is not a major problem within Cheshire, but the Commission understands the value of land reclamation and will continue to advocate for adaptive reuse when necessary. The plan to rehabilitate and remediate the Ball and Socket Arts facility is noted as an important activity center within the West Main Street focus area within this Plan.

Encourage preservation of cultural resources. This Plan includes a chapter entitled Historic and Cultural Resources and also recommends the protection of the two historic districts and their importance as setting context for the design of new developments that may be proposed in their vicinity.

Natural Resource Conservation

Protect water resources in the region. Safeguarding these essential resources is discussed including continuing our collaboration with the Regional Water Authority in our Aquifer Protection regulations and protection of the Mill River Watershed in southern portions of Cheshire. The Plan also recommends continuing to work with Meriden to protect of Broad Brook Reservoir and the

extensive watershed that lies within Cheshire, including retaining the low density residential land use pattern that exists within this area.

Relate land use intensity to the capability of the land. This Plan includes a recommendation to review and modify cluster regulations to make this alternative an effective development option to obtain more open space. This Plan also agrees with and incorporates by reference and by map the Facilities Plan that was adopted by the Cheshire Water Pollution Control Authority (WPCA) to supply sanitary sewer to growth areas identified by the Connecticut Conservation and Development Policies Plan, and also to limit extension of sanitary sewers in lower density areas zoned Residential 40 (R40) and Residential 80 (R80).

Housing

Increase opportunities for affordable housing in the region. The Plan recommends review of the existing affordable housing regulations and cluster regulations with the Cheshire Zoning Regulations to facilitate their use over Section 8-30g of the Connecticut General Statutes.

Promote a variety of housing types in the region. The Cheshire Zoning Regulations were amended to permit infill, multi-family housing within the Residential 20A zone along portions of South Main Street. The Plan recommends review of the Special Design District (SDD) and the writing of a new Planned Area Development (PAD) to enable effective mixed use developments with a residential component in the Town Center, West Main Street and West Main Street Gateway focus areas.

Promote housing that allows for a variety of transportation choices. Infill Development projects are already located along the South Main Street (Route 10) corridor, and the Special Design District (SDD) and future Planned Area Development (PAD) are also located on state highways where public transportation is available.

Major Regional Plan Goals for Economic Development

Nurture the region's strength as a center of precision manufacturing. Proposed modifications to the industrial zone regulations to promote additional coverage from 25 to 35 percent and reducing lot size in the Industrial 2 (I-2) zone and the Interchange Zone (IC) are recommended to support industrial growth.

Aggressively pursue economic development in the region. The recommended changes to the Industrial and Interchange regulations will support this goal.

Guide the location of economic development in the regional center and major economic areas. Substantial portions of Cheshire's economic base are located in the northerly portions of Cheshire, close to the highway network and the regional center. This Plan includes a specific recommendation that the industrial sector should be protected from conversion to highway commercial uses.

Prepare workers for current and future needs. This Plan expresses nothing that is in conflict with this goal.

Major Regional Plan Goals for Transportation

Maintain and improve the region's transportation system. Plan proposes no measures that are contrary to this goal.

Coordinate land use and transportation actions. Proposed amendments to the Special Design District (SDD) and proposed Planned Area Development (PAD) regulations are considered with respect to locational context. Recommendation to reduce the Industrial 2 lot area includes a recommendation to require an access management plan in exchange for that reduction.

Emphasize connectivity in developing local roads. The 2002 Plan of Conservation and Development discussed the need for the reduction of cul-de-sacs for efficient circulation and safety within Cheshire. This Plan agrees with those statements, but also recognizes that much of the remaining undeveloped properties within Cheshire, especially those zoned for residential purposes have substantial wetlands and watercourses and environmentally sensitive areas. These include watersheds or unique habitats that should be considered before requiring the extension of public roads. Temporary cul-de-sac designations on subdivision plans represent an affirmative statement that a public road should be continued, but these should be required only after the Commission has reviewed the characteristics of the adjoining property and considers the impacts of roadway construction on any apparent sensitive environmental areas or resources.

Continue to plan for needed transportation improvements. The Plan includes recognition that public transportation is essential to reducing traffic volumes and to supporting our economic base, and states the following: "the Commission will encourage the inclusion of transit stops within larger scale development projects and more along our major arterials. Consideration should also be given to bike sharing where appropriate and to establishing linkage to the linear park so that it may become a genuine alternative for commuters. The Commission also encourages consideration of established traffic calming techniques along our major arterials and at high volume intersections. It is also recommended that the Route 10 corridor be reviewed to examine specific problems and to determine appropriate methods for their resolution. In addition, pedestrian needs should also be satisfied with construction of new sidewalks and replacement of older ones that provide access to and through commercial areas, including the Town Center, parks and other public places, and to provide linkage between neighborhoods."

Major Regional Plan Goals for Open Space

Protect more open space in the region. This Plan makes various recommendations regarding open space acquisition and management especially within the Environmental Resources Section. Cheshire has acquired more than 1500 acres of open space making the town the largest open space land holder, and this Plan recommends continued support for that strategy. Cheshire has

taken advantage of public funding programs to assist with acquisition, and the Plan recommends that we continue to do so. In addition, the Plan recommends continued collaboration with the state, Regional Water Authority and Cheshire Land Trust to acquire open space property and fulfill valid and identifiable public goals.

Coordinate and prioritize open space preservation throughout the region. Open space within Cheshire serves many major regional functions including environmental and natural resource protection, as well as ridgeline protection, especially along our western border.

Major Regional Plan Goals for Water Supply and Sewer Service

Focus efforts on obtaining sites for water based recreation. Cheshire maintains public access to the Quinnipiac River for recreation purposes in the vicinity of the sewer treatment plant, and has organized guided canoe trips on the river for the public to participate in cleanup efforts. In addition, Cheshire maintains canoes for public use on the pond at Mixville Park.

Preserve declassified water company land as open space. All water company property within Cheshire is associated with active water public water sources, and there is no declassified water company land within Cheshire. The South Central Regional Water Authority (RWA) is, however, an active partner in the acquisition and protection of open space within Cheshire.

Protect the quality of the region's water supply. Cheshire has had Aquifer Protection regulations for many years, and continues to work with the South Central Regional Water Authority (RWA) for their implementation. This Plan also recognizes the Broad Brook Reservoir as an essential public resource, and recommends continued cooperation with its owner, the city of Meriden to protect the reservoir and its surrounding watershed. In addition, portions of the watershed for Lake Whitney which is a public water supply reservoir in Hamden are located within the southern portion of Cheshire are also noted and recommended for protection.

Ensure an adequate supply of water for the region. This Plan reinforces the ongoing protection efforts and collaboration with the Regional Water Authority and the city of Meriden to make sure that the water supply remains safe for consumption.

Reduce the impacts of sewage discharges. Cheshire actively manages a sewer treatment plant and sanitary sewer system in accordance with an adopted Facilities Plan. This Plan incorporates that Facilities Plan by map and reference.

Use the infrastructure system to guide growth. This Plan makes recommendations and recognizes the limits of existing infrastructure. Proposed modifications to the Zoning Regulations and recommended focus area strategies are all sensitive to context and the infrastructure available within each of those.

Carefully manage existing infrastructure systems. The Community Facilities section of this Plan makes various recommendations regarding improvements to community infrastructure including essential municipal buildings, roads, and utility systems. The Plan states that sustainable practices should be incorporated into daily operation of municipal facilities in ways that will reduce the long

term maintenance and energy costs required for their operation. Sustainable infrastructure design requirements for both public and private sector projects should be included within Cheshire's zoning and subdivision regulations.

Consistency with the 2013-2018 Conservation and Development Policies: The Plan for Connecticut:

GROWTH MANAGEMENT PRINCIPLE #1: Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Infrastructure. This principle provides guidance for infrastructure maintenance, repairs and upgrades for regional centers around the state. Areas of Cheshire are included in this, especially in the vicinity of the Interstate 691 interchange. This principle includes a number of policy recommendations that can be transmitted into municipal policies. These include:

1. ***Promote Infill development in areas with existing infrastructure including town centers with an appropriate scale and density for the particular area.*** Cheshire has had developed land use strategies for specific growth areas including the Interchange Zone and Infill Zoning along the South Main Street corridor and this Plan makes recommendations for various focus areas that are consistent with this policy.
2. ***Promote the continued use or adaptive reuse of existing facilities and developed property, including brownfields in strategic locations.*** This Plan recognizes the adaptive reuse approved for the Ball and Socket Arts building within the West Main Street Focus Area as an activity generator that is an essential component of revitalization within this village center.
3. ***Proactively identify and market available properties that are currently served by infrastructure and that could meet the needs of new or expanding businesses.*** Cheshire is very proactive and has a very active Economic Development Coordinator and Commission that offers outstanding support to the business community.
4. ***Encourage local zoning that allows for a mix of uses "as-of-right" to create vibrant central places where residents can live, work, and meet their daily needs without having to rely on automobiles as the sole means of transport.*** This Plan makes specific recommendations for the development of mixed use areas within the West Main Street Focus area and the West Main Street Gateway Area all of which offer the opportunity for public transportation. The importance of public transportation services is recognized in other focus areas as well.
5. ***Promote urban areas such as centers for arts, entertainment and culture, while also supporting community based agriculture, historic preservation, and access to urban green spaces and waterways.*** As noted in Item 2, the adaptive reuse of the Ball and Socket Arts facility is consistent with this policy. In addition, the Plan includes an entire chapter on Historic and Cultural Resources, and the Community Facilities and Environmental Resources sections also support the remaining items.

GROWTH MANAGEMENT PRINCIPLE #2: Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs. This principle encourages innovative housing strategies to provide support for expanding the

economy and promoting a “vibrant population” by proactively addressing “current policies and regulations that hinder private developers from building the types of housing options and amenities that the market demands”. These include providing opportunities for higher density, mixed income housing stock in areas that are within walking distance to retail, recreational and cultural attractions, jobs and public transit. This Plan is consistent with the policy goals that are stated within this principle including:

1. ***Enhance housing mobility and choice across income levels and promote vibrant, mixed-income neighborhoods through both ownership and rental opportunities.*** This Plan recommends amendments to the existing Affordable Housing, Cluster and Special Design District regulations to promote efficiency and offer housing choice, and also recommends development of a Planned Area Development regulation which will include residential as a component of mixed use development.
2. ***Promote housing and/or affordable housing as part of mixed use and transit-oriented developments within walking distance to public transportation facilities.*** As already noted, the proposed amendments to the Zoning Regulations and potential for mixed use development within the West Main Street focus areas are in accordance with this policy.
3. ***Encourage and promote access to parks and recreational opportunities, including trails, greenways, community gardens and waterways for affordable and mixed-income housing.*** The importance of completion of the linear park within Cheshire is noted within the West Main Street Focus Area, and will be an essential component of the functioning of that village area.

GROWTH MANAGEMENT PRINCIPLE #3: Concentrate Development around Transportation Nodes and Along Major

Transportation Corridors to Support the Viability of Transportation Options. This principle recognizes that transportation corridors and hubs are critical assets that affect Connecticut’s ability to compete for economic development, and provide ready access to jobs, education, recreation and other daily activities. Recommended policies within this principle that most relate to Cheshire are:

1. ***Promote compact, pedestrian-oriented, mixed use development patterns...within transportation corridors and village centers.*** Cheshire has had a strategy for development at the I691 Interchange since 1981 and this plan continues to envision major development around that node, some of which will likely be mixed use, especially within the north western quadrant. In addition, the mixed use developments within the West Main Street Focus area all lay along a state highway where public transportation is available.
2. ***Encourage a network of pedestrian and bicycle paths and greenways that provide convenient inter- and intra-town access, including access to the regional public transportation network.*** Cheshire is working with the Connecticut Department of Transportation for completion of the linear trail which is entirely consistent with this goal.

GROWTH MANAGEMENT PRINCIPLE #4: Conserve and restore the Natural Environment, Cultural and Historical Resources and

Traditional Rural Lands. This principle encourages municipalities to invest in the state’s natural infrastructure while recognizing the functional values that these resources provide such as storm water management, flood control, oxygen production and carbon storage and the filtration and purification of water for human consumption and habitat preservation. Recommended policies within this principle that most relate to Cheshire are:

1. ***Continue to protect permanently preserved open space areas and facilitate the expansion of the state's open space and greenway network through continued state funding and public-private partnerships for the acquisition and maintenance of important multi-functional land and other priorities identified in the State's Open Space Plan.*** The recommendations contained within the Environmental Resources section of this Plan are entirely consistent with this principle. Cheshire is the largest owner of open space properties, and has developed management plans for most of the larger holdings. In addition, we work collaboratively with the State, Regional Water Authority and Cheshire Land Trust to acquire and protect open space assets that protect local character and also fulfill many of the functions identified in this policy.
2. ***Limit improvements to permanently protected open space areas to those that are consistent with the long-term preservation and appropriate public enjoyment of the natural resource and open space values of the site.*** Cheshire's acquisition strategies are always known before any purchase is made. The only improvements that are made to such areas are the construction of small parking areas to provide the general public with improved access. This Plan makes no recommendations that are in conflict with this policy.
3. ***Protect and preserve Connecticut Heritage Areas, archaeological areas of regional and statewide significance, and natural areas including habitats of endangered, threatened and special concern species, other critical wildlife habitats, river and stream corridors, aquifers, ridgelines, large forest areas, highland areas, and Long Island Sound.*** The Environmental Resources section is directly on point with respect to this policy and identifies the various natural resource features in Cheshire and follows with a discussion of the importance of protecting these. This Plan is in concert with this policy.
4. ***Encourage collaborative ventures with municipalities, private non-profit land conservation organizations and other entities to provide a system of appropriately preserved and managed natural areas and resources that allow for a diversity of well-functioning habitats and the sustainable use of resources.*** Cheshire has collaborated with the State and the Cheshire Land Trust to preserve and protect over 400 acres along the westerly ridge line. We have also sought linkage of natural areas in open space acquisitions and consider this to be a significant point for consideration in our evaluation.
5. ***Seek to achieve no net-loss of wetlands through development planning that: 1) avoids wetlands whenever possible; 2) minimizes intrusions into wetlands when impacts are unavoidable; 3) mitigates any resulting impacts through wetland enhancement or creation; and 4) encourages ongoing maintenance of functional wetlands and buffer areas.*** The Environmental Resources section recognizes that inland wetlands provide important functions to the natural world and built community through flood control, water quality, recharging drinking supplies and they support biodiversity of species. Both direct and indirect impacts to these areas can have detrimental effects to public health and safety and therefore the cost/benefit of such proposals should be thoroughly evaluated. In addition, Cheshire's Inland Wetlands and Watercourses Commission exercises their authority very diligently which is in keeping with this policy.

6. ***Revitalize rural villages and main streets by promoting the rehabilitation and appropriate reuse of historic facilities, such as former mills, to allow a concentration of higher density or multiple use development where practical and consistent with historic character.*** This Plan makes specific recognition of the benefits to be accrued from the adaptive reuse of the Ball and Socket building into a community arts center in the West Main Street Focus Area. The Plan also makes specific recommendations to encourage growth within this historic West Main Street village area. In addition, the Plan also recommends that consideration be given to maintaining historic character when considering new development in proximity to the two historic districts.
7. ***Utilize the landscape...and incorporate sound storm water management design, such as low impact development techniques, in existing and new development to maintain or restore natural hydrologic processes and to help meet or exceed state and federal water quality standards, so that the state's waters can support their myriad functions and uses.*** This Plan makes a specific recommendation to review and update the regulations governing cluster development which will include consideration of these specific standards. In addition, the Plan supports the current net-zero increase in storm water runoff policy adopted by the Engineering Department which includes promotion of on-site and underground detention designs that promote natural hydrologic processes.
8. ***Manage water resource conflicts by balancing the competing needs of water for human consumption, waste assimilation, habitat sustainability, recreation, power production, agriculture and transporting people and goods.*** This policy is very broad in its scope, however, this Plan makes specific recommendations regarding protection of public water resources including watersheds and aquifers and collaborating with the Regional Water Authority and City of Meriden.
9. ***Rely upon the capacity of the land, to the extent possible, to provide drinking water and wastewater disposal needs beyond the limits of the existing service area. Support the introduction or expansion of public water and/or sewer services or advanced wastewater treatment systems only when there is a demonstrated environmental, public health, public safety, economic, social, or general welfare concern, and then introduce such services only at a scale which responds to the existing need without serving as an attraction to more extensive development.*** In addition to the protection of water supply resources, this Plan also incorporates the Facilities Plan adopted by the Cheshire Water Pollution Control Authority which generally advocates for sewer expansion within growth areas and limits it within lower density residential areas, thus limiting the attraction for more extensive development in portions of the community which are rural in character.
10. ***Protect the ecological, scenic and recreational values of lakes, rivers and streams by promoting compatible land uses and management practices in the vicinity of these resources.*** As already noted, land use policy within Cheshire is proactive with regard to this policy, and this Plan makes no recommendations contrary to its intent.

GROWTH MANAGEMENT PRINCIPLE #5: Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety. This goal includes an array of policies regarding the protection of the public health of Connecticut residents by protecting

the air, water and food supplies within the state. It includes a statement that “municipal land use commissions fully consider the broader regional implications of their decision-making processes, whenever there are potential impacts to the integrity of environmental assets and working lands that are critical to the well-being of citizens beyond their local boundaries.” Policies discussed within this principle include the following:

1. ***Utilize a multiple barrier approach, including source water protection and appropriate treatment, to ensure the availability of safe and adequate public water supplies that meet or exceed state and federal drinking water standards.*** As noted within the Plan, the Regional Water Authority and City of Meriden are the suppliers of public water to customers within and around Cheshire. As also noted, the Plan makes specific recommendations for continued collaboration with both of these partners for the protection of this essential resource.
2. ***Ensure that water conservation is a priority consideration in all water supply planning activities and regulatory decisions.*** Cheshire’s Zoning Regulations and permitting processes require referrals the Regional Water Authority and City of Meriden for proposed development activities within their watersheds, and recommendations within this Plan support continuance of that policy.
3. ***Utilize an Integrated watershed management approach to ensure that high quality existing and potential sources of public drinking water are maintained for human consumption.*** As noted within the Plan, the Regional Water Authority and City of Meriden are the suppliers of public water to customers within and around Cheshire. As also noted, the Plan makes specific recommendations for continued collaboration with both of these partners for the protection of this essential resource.
4. ***Discourage new development activities within floodway and floodplain areas.*** The Cheshire Zoning Regulations regulate new development within floodway areas in ways to require compensation for loss of storage and velocity, thereby constraining new development, and this Plan makes no recommendations that are in conflict with this policy.
5. ***Minimize the impacts of development on drinking water sources by utilizing development forms and densities that limit impervious surface coverage to 10% of the overall area to be developed and which preserves the most amount of land in a natural or undisturbed state.*** As already noted, the Plan recommends a reexamination of the open space cluster regulations to improve their use as a development alternative that will provide appropriate forms of development consistent with this goal. There are substantial portions of Cheshire that are zoned for Industrial purposes that are also within Aquifer Protection areas, and the 10% will not be achievable. The Plan does recommend increasing the impervious coverage in Industrial areas within Cheshire to support the economic base, but does state that the zone text change required to do this will be done in collaboration with the South Central Regional Water Authority so that effective storm water management techniques will be used to minimize impacts.

GROWTH MANAGEMENT PRINCIPLE #6: Promote Integrated Planning across all Levels of Government to Address Issues on a Statewide, Regional and Local Basis. This goal encourages cooperation among state, regional and municipal governments to

“leverage their myriad assets in a manner that will enhance the vibrancy of the overall state economy and its populace. It includes seven policy statements that encourage this cooperation. Of specific relevance is the following:

1. ***Encourage municipalities to incorporate utility service areas from approved wastewater facility plans into the local Plan of Conservation and Development, so that any future state agency-sponsored actions can be coordinated and designed to accommodate locally desired development forms and/or outcomes that are consistent with growth management principles.*** This Plan incorporates the Facilities Plan adopted by the Cheshire Water Pollution Control Authority both by reference and inclusion of the map from the adopted plan.

Policy Overview for Commercial Areas

The Community Survey that the Planning and Zoning Commission put together was very useful in providing guidance for the preparation of this plan update. We are encouraged that 85 percent of survey respondents would like to see new businesses encouraged to come to Cheshire, and that 70 percent of respondents would support an effort towards increasing variety in both retail and service businesses. In addition, approximately 47 percent of respondents believe that recently added commercial development fits into Cheshire's character, but 70 percent would support an effort to strengthen requirements to enhance the aesthetics of commercial areas. The Commission has examined our commercial sector by examining four specific focus areas and analyzing the challenges within each one. These are the Town Center, Main Street, West Main Street, and South Main Street.

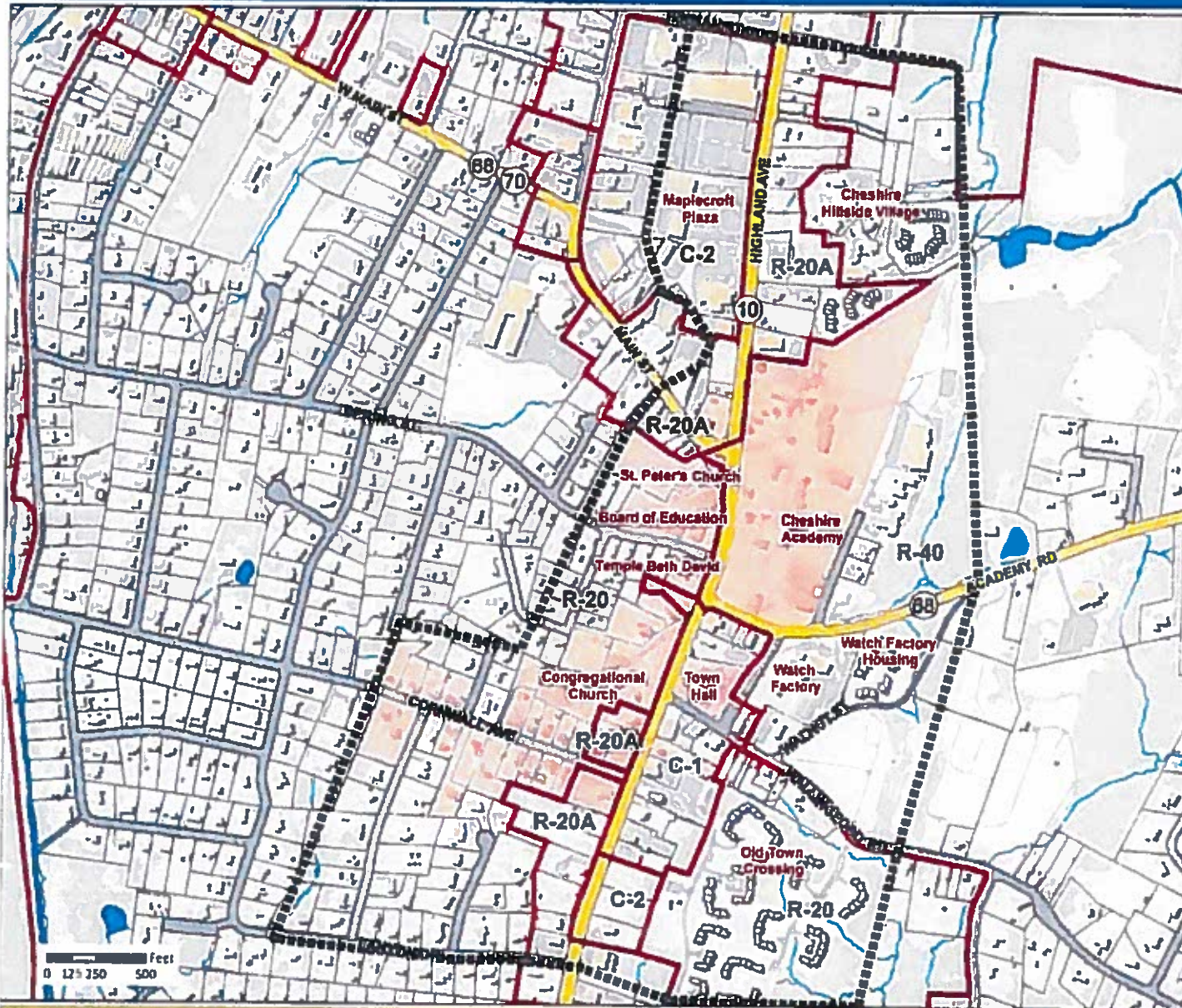
Town Center Focus Area

Like most New England towns, Cheshire grew around its center which was the hub of commerce and transportation. During the past sixty years, Cheshire has evolved into another automobile dominated suburban community and investment in the traditional center area has waned. An example of this was the closing of the former Cheshire Cinema that removed one of the primary reasons for coming to Cheshire after dark, and this was followed in turn by the closing of restaurants which also took advantage of the after- hours commerce that is one of the hallmarks of a healthy community.

A strong, revitalized Town Center has been consistently recommended in past Plans of Development. The 2002 Plan observes that traditional growth in the retail sector in the Town Center area was unlikely, due in part to market conditions and the lack of properties available for new development. For the purposes of this Plan, the Town Center is the commercial area that extends from Hinman Street, south to Lanyon Drive. Within this area are a variety of uses including retail, professional services, and restaurants, residential, municipal and religious. Zoning designations include Commercial 1 (C1), Commercial 2 (C2), Residential 20 (R20) and Residential 20A (R20A).

Cheshire's Town Center area is framed by larger scale uses, including Cheshire Academy, the Watch Factory, Town Hall, St. Peter's and the Congregational churches, Temple Beth David, and the Board of Education. The northern gateway is established by the large scale Maple Croft Plaza on the westerly side of route 10. The Center lacks strong pedestrian linkages with the residential neighborhoods that surround the center, due in part to the nature of the state highway network that defines the only major intersections of Route 10 (South Main Street) and Routes 68 & 70 (West Main Street and Academy Road).

Town Center Focus Area



- Main Street Focus Area
- Zone Boundaries
- Parcel Boundaries
- State Routes
- Streets
- Cornwell Avenue - Town Center Historic District
- Parking and Driveways
- Streams
- POND
- WETLAND
- Vegetation

Location Map



For planning purposes only.
Designations may not be exact.

0 125 250 500 Feet

Well maintained, single family neighborhoods line the streets along the westerly side of the corridor, but many of these are on a significant downslope from Route 10 which tends to discourage pedestrian activity. There are also three major residential projects located along the easterly side of Route 10 within the Center including the 122 unit Old Towne Crossing located across from Cornwall Avenue, the 26 unit Watch Factory affordable housing project, and the 85 unit, age restricted Cheshire Hillside Village located across from Maplecroft Plaza. Very little of the activity from these neighborhoods within the Town Center is pedestrian in nature.

Development in the Town Center is significantly influenced by the fact that it is bisected by Route 10, a major arterial that carries in excess of 20,000 motor vehicle trips per day. Though portions of both sides of the street have sidewalks and are potentially walkable, there is very little human synergy between the east and west sides of the street. Button activated pedestrian crossings are located at only a few intersections including Main Street across from Cheshire Academy, Academy Road, Cornwall Avenue, and two at the Maplecroft Plaza. Pedestrian signals are integrated into the signal control system operated by the Connecticut Department of Transportation, and the crossing time is limited in a way that does not result in a pedestrian friendly Town Center. There is some pedestrian activity in selected areas, especially along Elm Street between Town Hall and the Watch Factory complex, and some commerce is generated by students from Cheshire Academy and Cheshire High School that patronize a few of the local restaurants, shops, and service facilities. Some consideration should also be given to improving the pedestrian crossing at the Cornwall Avenue /South Main Street intersection which will recognize the residential neighborhoods that lie on both sides of this intersection. The fact remains, however, that most of the Town Center commerce is generated by trips that are motor vehicle in nature, and it is unlikely that there are any policy choices that will amend this.

Protecting the Historic District

Another major factor influencing development is the existence of the Cornwall Avenue-Town Center Historic District (see attached map) which is administered by the Historic District Commission. This Commission is charged with protecting the unique character of the district by reviewing visible changes to buildings within the District. This District includes properties located along Route 10 and Cornwall Avenue, and extends from just north of the Route 10/Main Street intersection, south to properties located on the southerly side of Cornwall Avenue. This is one of two such districts located within Cheshire. The second is the South Brooksvale Historic District, the importance of which will be discussed within the Historic Resources portion of this Plan. Property owners within the District must obtain a Certificate of Appropriateness from the Historic District Commission before a building permit can be issued for exterior work on their buildings. This approval is separate from any approval that must be obtained from the Planning and Zoning Commission. As already noted, the District provides and protects essential aspects of community character. Protecting this and other such areas is encouraged within the Cheshire Zoning Regulations when the Commission is asked to consider Zone Map and Text amendments, Site Plans, and Special Permits. The Commission will take note of the specific language written into Section 40.4 of the Cheshire Zoning Regulations (Planning and Zoning Commission Responsibilities) that requires the

Commission to consider various factors related to the design of a proposed Special Permit, especially Section 40.4.7 which specifies consideration of the “nature of the surrounding area and the extent to which the proposed use and its features and appearance will be in harmony with the surrounding area.”

Development in the Center area will likely include reinvestment, rehabilitation and reuse for existing properties, especially for those within the Historic District, with the potential for reuse that may require rehabilitation, with the potential for demolition and new construction for properties that are not within the Historic District. This Plan does not encourage demolition, but the Commission recognizes this possibility, and should therefore prepare for such outcomes with amendments to the Cheshire Zoning Regulations that encourage or require context sensitive design.

Function of the Special Development District

To facilitate a flexible approach to development, the Planning and Zoning Commission developed what is known as the Special Development District (SDD), the boundaries of which are shown on the attached map. This district was created under the 1977 Plan as an overlay district and gives property owners an option of development under existing regulations, or an opportunity to establish a Special Development Project with special regulations that would be applicable to that project. The SDD is regulated under Section 45 of the Cheshire Zoning Regulations with a stated purpose and intent “to permit modification of the strict application of the plan and standards of the Zoning Regulations” for purposes that include the following:

1. To implement the Commercial Chapter of the Plan of Development by providing a concentration of future retail uses in the center, but also flexibility in uses and design in the center.
2. To permit development of tracts of land to be developed and designed as harmonious units consistent with the character of the town and neighborhood.
3. To permit the establishment of uses that are not otherwise permitted in an established zone, but which would be beneficial to and consistent with the orderly development of the Town Center.
4. To permit residential use, as a secondary use in conjunction with a commercial application or by itself, when the size, scope and magnitude of such residential use is subordinate to the primary use and purpose of the SDD which is to implement the Commercial Chapter of the Plan of Development by encouraging primarily commercial growth.
5. To permit the design and construction of buildings that – by virtue of their location, orientation, texture, materials, landscaping, general bulk and height would be consistent with the Town Center and would show design merit.

A More Flexible SDD

Projects within the SDD must be at least one and one-half acres, which has the potential to limit its applicability. The other difficulty is that the SDD was implemented to concentrate future retail uses in the Center, which may have made sense in 1975, but has limited potential now for the various reasons already discussed. It is important, however, that the Zoning Regulations provide sufficient flexibility to maintain the economic health of private properties within the Center. This Plan therefore recommends consideration of amendments to the SDD regulations as necessary to achieve this flexibility. Some consideration may be made to reducing the minimum lot size for SDD projects and to permitting primary residential, rather than requiring them to be subordinate to the commercial uses. This adjustment is not a recommendation to convert large portions of the commercial base in the Center to residential. It is instead, meant to encourage investment and economic activity.

Strategic Locations

Outside the SDD, there are some specific properties that should receive some attention and focus to encourage them to be used. These include two vacant properties at 266 and 292 South Main Street and a former gasoline station located at 687 South Main located at its intersection with Higgins Road. Maps of these properties are attached. The 266/292 properties are adjacent and are owned together by a single party. They are zoned Commercial 2 (C2) and also lie within the Aquifer Protection Zone which eliminates some potential uses, including motor vehicle fueling and repair. Their total area is nearly two acres, and each has 150 feet of frontage on Route 10. These properties once held a movie theater and automobile repair facilities. Some remediation work was done in the last few years to eliminate pollution that was left from the former automobile repair use.

This location is a gateway to the Center area from the south, and a carefully considered design, both in terms of layout and appearance, is essential. The location is very close to the Historic District, and the architecture of the buildings and location and screening of parking areas should all show consideration of this.

These properties are also located on a downhill portion of the easterly side of South Main Street, approximately 400 feet south of a traffic signal located at the intersection with Cornwall Avenue so, access management will be critical. Careful consideration must be given to the location and number of curb cuts. The Commission has previously required rear rights-of-way for properties on the east side of Route 10, with the intention of adding a service road, and channeling exiting traffic to intersections controlled by traffic signals. This approach is still recommended and should continue to be considered. In every case, the Commission should require a careful, coordinated layout that demonstrates a sensitivity and respect for the surrounding area for any development of these properties.

The former gas station site at 687 South Main offers similar challenges. This .69 acre parcel is on the northwest corner of the Higgins Road/South Main Street intersection. It is zoned Residential 20 (R20) and is also within the Aquifer Protection Zone. The attached map illustrates the location of the former convenience store/gasoline station with a curb cut that provided access from Higgins Road. Property to the north at 677 South Main is zoned Residential 20A (R20A) and contains a professional office building that also has an access onto Higgins Road as well as a shared access with 673 South Main Street to its north. The R20A designation continues north across Elmwood Drive up to the southerly boundary of Cheshire High School. Property to the south is zoned Residential 20 (R20) and includes a detached single family home as well as the multi-family Brookshire Condominium development.

The future development of this property is likely to be non-residential, so an R20A designation should be considered to promote a professional office development that would be consistent with the pattern of the properties to the north. Careful consideration must be given to site and building design to achieve compatibility with the surrounding area. As much as the redevelopment of this site is important to eliminate blight and strengthen the economic base of Cheshire, it is just as important to view it as a gateway to the residential neighborhood that begins on Higgins Road. This property is currently undergoing remediation for gasoline leakage from spoiled tanks, and the completion of that will likely slow the pace of redevelopment.

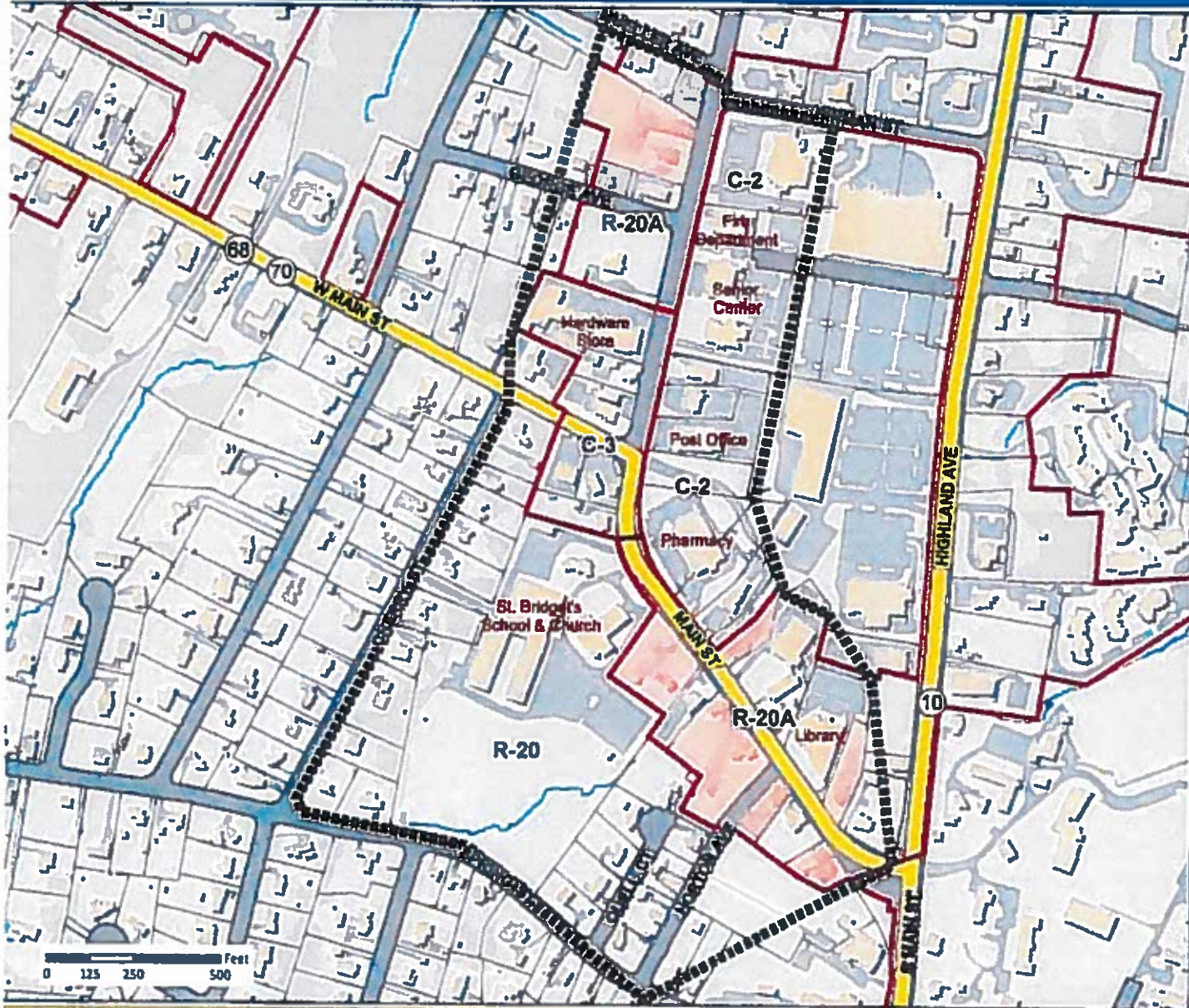
Main Street Focus Area

The Main Street focus area is largely an extension of the Town Center area, and extends northwest along Main Street from its intersection with Highland Avenue, and continuing on Maple Avenue to Hinman Street and Mueller Avenue. The area is shown on the attached map. This is another area that contains a variety of institutional uses and neighborhood scale commercial uses. The institutional uses include St. Bridget's church and school, the Cheshire Public Library, the Post Office, the Cheshire Senior Center and the headquarters of the Cheshire Fire Department. Zoning designations include Commercial 2 (C2), Commercial 3 (C3), Residential 20 (R20), and Residential 20A (R20A).

Commercial uses within this neighborhood are professional offices, a bank, restaurants, and retail uses that include a 21,000 square foot hardware store and a 15,000 square foot retail/pharmacy. There is also an active residential component of this area that includes well-maintained single and multi-family homes, especially along the southerly side of Main Street on both sides of the intersection with Horton Avenue. Sidewalks are within this area, and it has uses and scale that encourage pedestrian activity, the safety of which should be a factor in the review of any applications for development within this focus area.

Though not within the Historic District, many structures within this focus area – both residential and commercial – are historic, and contribute to the character and unique sense of place which defines this area. Three of the buildings were constructed in the 18th

Main Street Focus Area



- Main Street Focus Area
- Zone Boundaries
- Historic Buildings
- Building Structures
- Parcel Boundaries
- State Routes
- Streets
- Parking and Driveways
- Streams
- POND
- WETLAND
- Vegetation

Location Map



For planning purposes only. Delineations may not be exact.



century (87 Main – 1740, 92 Main – 1780, 125 S. Main – 1780), two were constructed in the second half of the 19th century and early 20th century (97 Main – 1850, 275 Maple Avenue – 1860, 81 Main – 1900, 105 S. Main – 1900, 143 Main – 1926, 134 Main – 1900, 291 Maple Avenue – 1920).

Preservation of these historic structures is due, in part, to availability of the Residential 20A zone that allowed owners to reap investment value through the conversion of some of these structures to multi-family homes and professional offices. Community character is further reinforced by locating of much of the off street parking to the rear and sides of the buildings, as well as landscaping treatments that reinforce the historic elements of this focus area. Continued use of the R20A zone should be encouraged where appropriate, and rezoning properties to Commercial zones is not recommended. The R20A regulations require that buildings be residential in character and that parking be located to the side and or rear of buildings where appropriate, and this enhances the quality of the area. This is another area within which alternatives to demolition should be encouraged. The Main Street focus area also benefits from not having parking as a dominant, visual element along much of the frontage, and this should be continued. Commercial zones have the potential to introduce a variety of uses and design elements that are out of character and inappropriate for this area.

A principal problem for this area is that it is framed by two very busy Main Street intersections at Highland Avenue (Route 10) and at West Main Street (Route 68). The Main Street/West Main intersection also receives traffic from a rear entry to Maplecroft Plaza. Additional traffic and turning movements are also generated – particularly during the late afternoon peak hour – to and from the Post Office, bank and the retail/pharmacy located within the vicinity of this intersection. Careful access management should be a key concern in the review of any development proposals within this area. These strategies should include minimizing the number of curb cuts, shared access and parking wherever possible, and providing vehicles and pedestrians with safe, logical approaches and entry to all site use areas. Applicants should be expected to demonstrate to the Commission that these elements have been considered in all applications.

West Main Street Focus Area

For the purposes of this discussion, the West Main Street focus area begins at its intersection with Maple Avenue, and proceeds westerly to the intersection with Deepwood Drive. This forms the core of the West Main Street village. It is an area containing a distinct mixture of neighborhood scale commercial land uses including restaurants, convenience retail, motor vehicle repair and gasoline filling, coffee shops, hair solons, professional services, physical fitness. It also contains and is surrounded by older and well-maintained single, two and three-family homes as well as multi-family developments, all of which have a strong relationship to the commercial core. Residents within these neighborhoods are also well organized with a strong sense of community pride. Willow Street, Grove Street, and Warren Street intersect with West Main, and the health of the village area will translate directly into the

health and property values of these local neighborhoods. Zoning designations within this area include Commercial 3 (C3), Industrial 1 (I1), Residential 20 (R20), and Residential 20A (R20A).

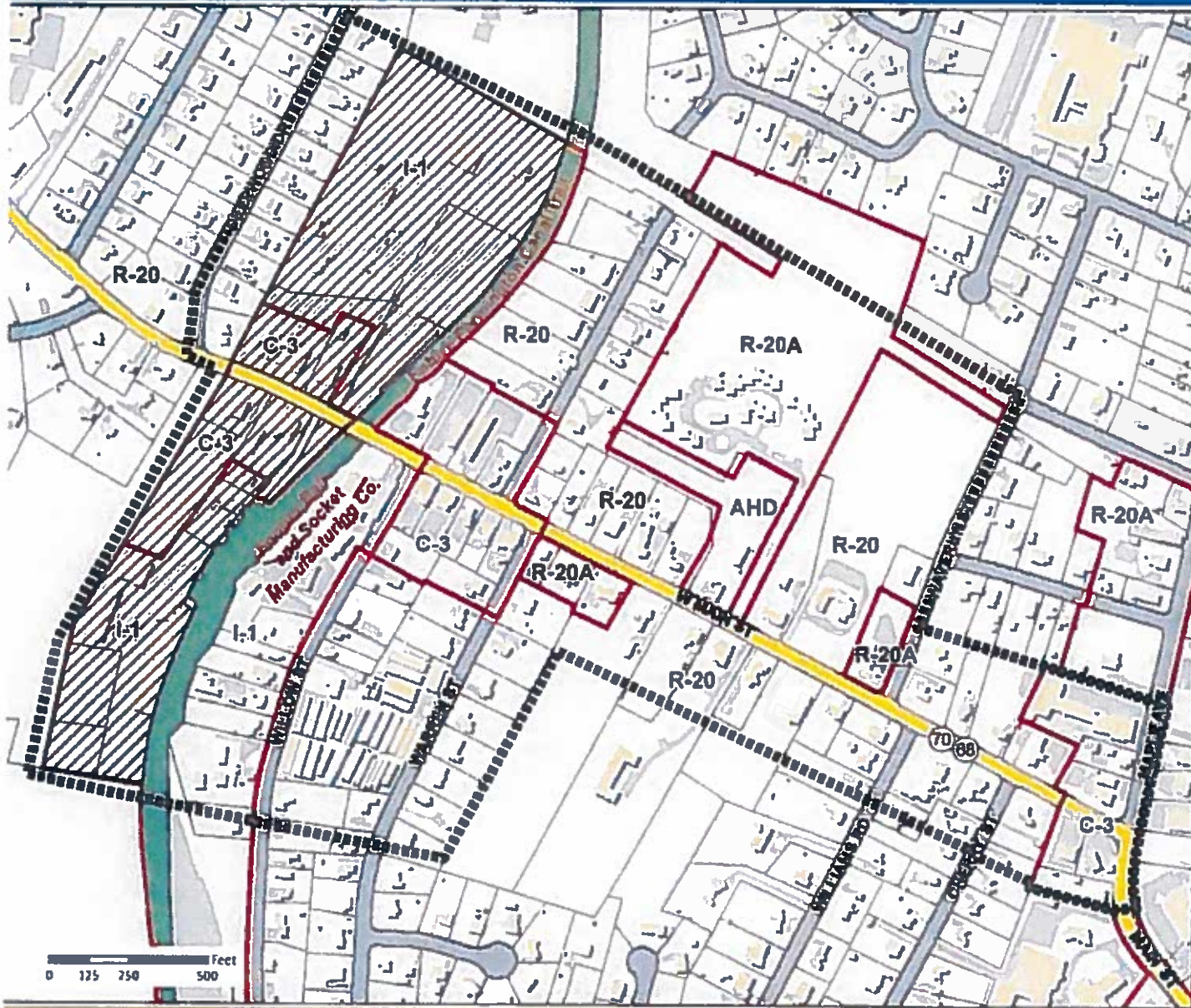
The dominant feature in this area is the former Ball and Socket manufacturing facility that is in the process of being converted into a community arts facility through adaptive reuse. This project has the potential to provide significant benefits as it becomes a major activity center. It is proposed to be a destination for multiple purposes every day of the week, and will likely increase pedestrian activity and provide incentive for new investment in the village area.

West Main Street is a state highway (Route 68/70) and carries a very high volume of traffic in excess of 19,000 vehicles per day. The village core sits at the bottom of a long hill descending from the Town Center vicinity, and from behind a curve when approaching from the west. The hill increases the speed of motor vehicles and the curve shortens the sight distance, making pedestrian crossings of West Main Street difficult. The West Main focus area is to become an essential node on the linear trail, and a safe pedestrian crossing of the highway must be completed. The Connecticut Department of Transportation estimates that as many as 100,000 people per year will use the trail and pass through the heart of the West Main Street village core. The potential commercial benefits from this traffic should not be underestimated. The DOT has installed a pedestrian "island of refuge" in the middle of the highway for crossing the trail, and will also install a High Intensity Activated Crosswalk (HAWK) signal system on West Main to facilitate pedestrian crossings.

During the past seven years, the Town has received \$1,000,000 from the Connecticut Department of Economic and Community Development for streetscape improvements along both sides of West Main Street. These have improved the aesthetics of this area and reinforced the village atmosphere. The street should continue to be maintained as a major pedestrian area, and local businesses – especially restaurants – should be encouraged to organize and provide for trail access and appropriate outdoor service and activities wherever reasonably possible.

Many commercial buildings on West Main Street – particularly from Warren Street westerly to the edge of the focus area – could not be constructed under the 50 foot front yard setback requirement of the Commercial 3 (C3) zone. In recent years, there have been inquiries regarding the potential for demolition and redevelopment of a few individual properties in this area. Interested parties are always informed that this is not possible under the current setback regulations. Demolition is made attractive by the difficulties with adoption of current structural, life safety, and energy codes that make conversion and remodeling of older buildings very difficult. Under the existing C3 regulations, a demolition/rebuild approach would force new construction to meet the 50 foot front yard setbacks. This approach destroys the historic street rhythm and would likely bring off street parking to front yards, making the accommodation of motor vehicles a dominant design feature on this street.

West Main Street Focus Area



- West Main Street Focus Area
- Potential Special Development District (SDD) Areas
- Zone Boundaries
- State Routes
- Building Structures
- Parcel Boundaries
- Streets
- Parking and Driveways
- Future Farmington Canal Trail
- Streams
- POND
- WETLAND
- Vegetation

Location Map



for planning purposes only.
Definitions may not be exact.

It is therefore recommended that flexible zoning regulations be written to facilitate mixed residential and commercial uses that will allow for reconstruction on portions of sites that are currently precluded by the setbacks in the C3 zone. It is also recommended that new development be regulated by Special Permit in order to enable consideration of locational context in the design of the site and buildings to be located thereon. Section 40.4.7 of the Cheshire Zoning Regulations enables the consideration of the “nature of the surrounding area and the extent to which the proposed use and its features and appearance will be in harmony with the surrounding area.” It is likely that such an approach will encourage redevelopment where appropriate without the 50 foot front setback requirement and should protect the character of this essential focus area.

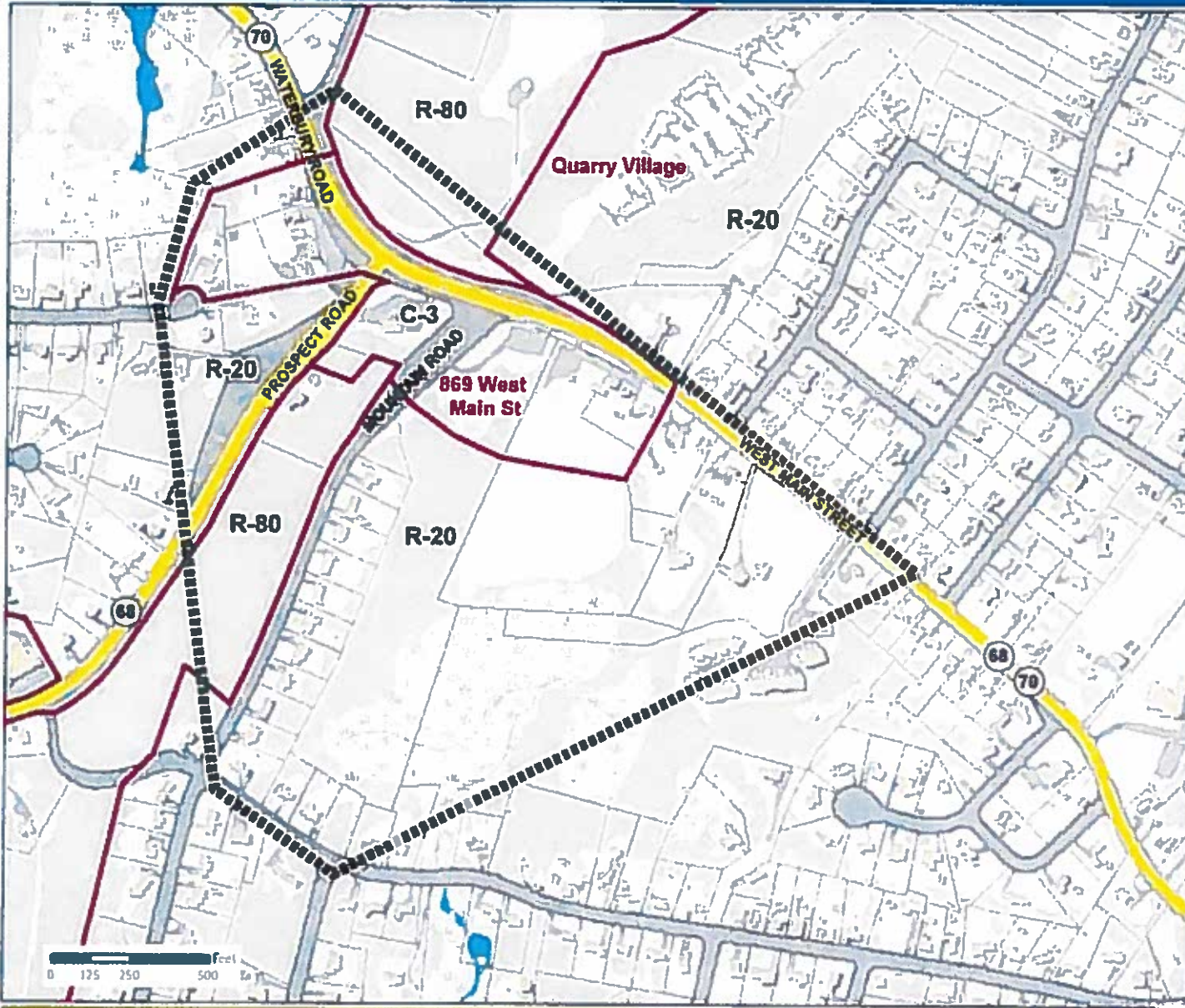
There are also comparatively large groups of properties within the West Main focus area whose future redevelopment should be done in a coordinated manner, and which should include consideration of appropriate uses, scale, parking location, access management, and building design that will also withstand the scrutiny set forth in Section 40.7. These areas are shown on the maps entitled “Potential Special Development District (SDD) Areas Within the West Main Street Focus Area”. These include approximately 14 acres on the northerly side of West Main Street located between the westerly boundary of the Farmington Canal and the rear boundaries of the Deepwood Drive neighborhood, and 9.23 acres located directly across on the south side of West Main. These property groups include commercial, industrial, and residential uses, and their zoning designations include Industrial 1 (I1) and Commercial 3 (C3). It is recommended that consideration be given to writing a Special Development District (SDD) or Planned Area Development regulation to enable a mixture of uses that will include all three use categories in a manner that will achieve their coordinated development and satisfy the various goals already stated for West Main Street. These regulations should enable and encourage projects to be done in a manner that extends and reinforces the neighborhood atmosphere that exists within this focus area.

West Main Street Gateway Focus Area

This area is located at the intersections with Waterbury Road, West Main Street, Prospect Road, Mountain Road and the entry drive to Quarry Village. It is a mixture of residential and commercial uses including a gasoline filling station, restaurants, and a golf driving range. Residential uses include Quarry Village and some detached single and two family homes. Commercial properties are zoned Commercial 3 (C3) and residential zoning includes R20 for homes on West Main Street and Mountain Road, and R80 for homes on Prospect Road. It is a gateway to the West Main Street Focus area leading in from the Interstate 84 interchange further west on Waterbury Road, and it is the first substantial node of mixed residential and commercial uses along this corridor. It is also a busy intersection with commuting traffic moving to and from the I-84 interchange as well as Prospect.

There are some properties within this focus area that are likely to receive consideration for redevelopment. These include a 2.26 acre commercial property (C3) located at 869 West Main Street which is adjacent to 8.51 acres of residential property (R20). This property

West Main Street Gateway Focus Area



- West Main Street Gateway Focus Area
- Zone Boundaries
- State Routes
- Building Structures
- Parcel Boundaries
- Streets
- Parking and Driveways
- Streams
- POND
- WETLAND
- Vegetation

Location Map



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runs southerly behind ten residential properties on Mountain Road and five with frontage on Ives Road, all of which are zoned R20. These properties were included in a mixed use development project that has been approved for a 14,000 square foot retail building on the commercial property and seven age restricted dwelling units on the residential piece which was approved in 2008. The 8 acre driving range property that is zoned R20 and the adjoining .97 acre commercial property which houses the recently constructed restaurant and an older two-family home are also likely to be considered in a future development scenario. Total acreage of all of these properties is nearly 20 acres.

Conventional development of the undeveloped residentially zoned portions of these properties will be constrained by a substantial area of inland wetlands. These wetland areas and the overall layout encourages the clustering of residential units along with some pedestrian friendly commercial uses that can be complementary to the residential portion, support the already existing residential neighborhoods and function as a commercial node similar to the historic uses of this property. New residential development in this area could be consistent with that which is recommended within Section 8-23 of the Connecticut General Statutes which encourages expansion of "housing opportunities and design choices to accommodate a variety of household types, and needs including affordable; concentration of development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse."

It is recommended that regulations be developed to permit a Planned Area Development (PAD) approach to redevelopment of this area which will permit mixed use development with the integration of commercial and residential land uses; and permitting residential at a density that is compatible with this gateway location and similar areas within Cheshire, including the potential Infill Development areas that may be permitted along South Main Street. These regulations should include sufficient design standards to establish character features and functional relationships between all uses included in projects, buffering between already existing neighborhoods and effective access management to avoid traffic conflicts.

The West Main Street corridor includes State Routes 68 and 70 and begins at the intersection with Prospect Road. However, it is an extension of the arterial corridor that begins at the I-84 Interchange on Waterbury Road and serves primarily as an artery carrying high volumes of traffic through Cheshire, and maintaining the efficiency of this function is important, especially to the Connecticut Department of Transportation. However, the recommendations within this Plan are intended to amend the perception of this corridor as primarily a traffic artery to one that includes and should be supportive of an historic village area by acknowledging its importance as a pedestrian area.

South Main Street Focus Area

The South Main Street focus area extends from the intersection along Main Street (Route 10) with North Brooksvale Road (Route 42) south to its intersection with King Road. It includes various commercial uses on both sides of the street, as well as some residential and professional offices. Zoning designations include Commercial 3, Commercial 2, Residential 20A and Residential 20. The entire area is located within the Aquifer Protection district.

It is framed to the north by the 1.32 acre 802 South Main Street property, upon which sits a well preserved 2200 square foot home constructed in 1930 that is zoned Residential 20A and a 1.7 acre parcel at 830 South Main that is zoned Commercial 3. A cluster of three buildings owned by Bovano Industries are located on this site, and they are used for commercial and industrial purposes. These buildings are of historic interest, as one was constructed in 1840, one in 1904, and a third, although built in 1960, was designed to be consistent with the style of the other two structures. They are residential in character, are of an appropriate scale for this area, and have been maintained by the owner. The home at 802 South Main is also adjacent to the 32 unit, Stonegate active adult community to its north. Stonegate includes two rehabilitated historic homes that face Route 10, and the balance of the units are detached single family homes. The overall scale and design of these areas are desirable for this portion of the community.

There have been a number of inquiries made over the years about development alternatives for both 802 and 830 South Main, individually or combined into a single development project. The R20A zoning designation of 802 South Main is appropriate, and offers future owners an opportunity to convert the home for professional office purposes which will preserve the structure and enable it to continue to serve as a signature piece at the gateway to this focus area. The properties at 830 South Main may provide an opportunity for adaptive reuse, or the design of a small mixed use project that could include residential and commercial uses, and preserve most of the historic structures that exist on this property. The C3 designation does not enable this, and in fact may encourage more intense uses that could result in the demolition of these structures.

The South Main Focus area is framed to the south by Cheshire Nursery located at 1263 South Main on the westerly side of the street. This 12 acre property has had a functioning nursery business on it since approximately 1910. It is zoned Residential 20, and is surrounded by single family neighborhoods that are located on Brentwood Drive, Brubaker Road, Bates Drive, and South Brooksvale Road. It is also directly across the street from the Southwick residential community, and just down the street from the South Central Connecticut Regional Water Authority well head. It is recommended that this property remain as a non-conforming use within the R20 district, and that no consideration be given to rezoning it for commercial purposes which would likely introduce uses that will be disruptive of these neighborhood areas, and could be detrimental to the well.

The central portion of this focus area contains many uses that are highway commercial in nature, including two community shopping centers, and a number of smaller properties that contain a variety of uses including retail, service, restaurants, a motel, and automotive sales and service. Properties on the easterly side are fairly shallow, which forces a design that includes parking to be located in the front of the structures. Care should be taken with future redevelopment applications to minimize the number of curb cuts to reduce traffic conflicts on Route 10 and to introduce landscaping elements that will soften the dominance that these parking lots impose on this corridor.

Properties on the westerly side of the street are much deeper, and have been developed as two larger scale community shopping centers. The same landscaping considerations should also be given for development on this side to soften the impact of the vast parking areas as well as reducing the perceived scale of these shopping center buildings.

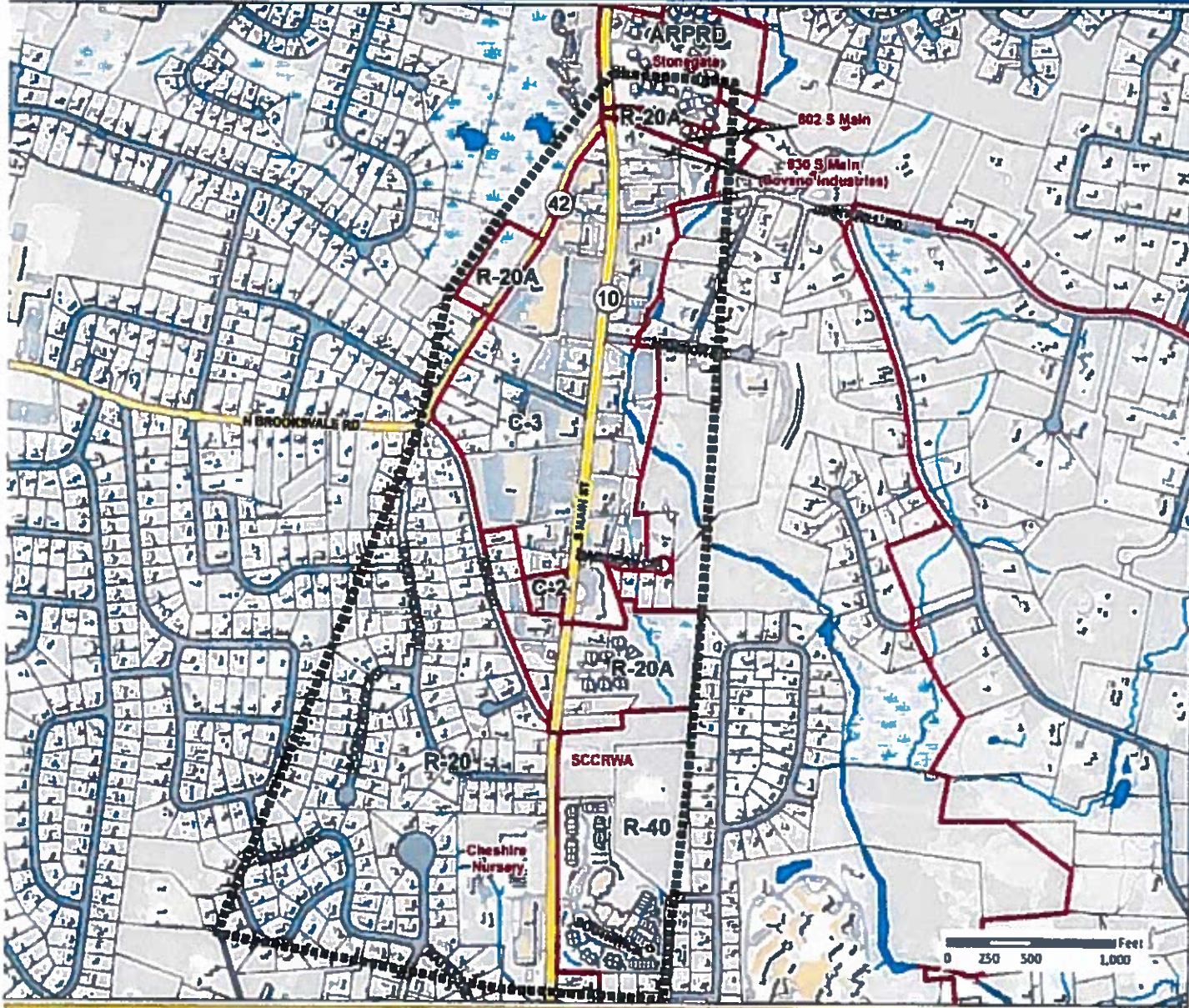
The most westerly portion of this focus area lies to the rear of these community shopping centers which includes a number of single family homes that are zoned Commercial 3, yet have their frontage and access on North Brooksvale Road and King Road. They are in every way part of those neighborhoods and, if developed for commercial purposes, would completely disrupt the fabric of this area. It is therefore recommended that consideration be given to rezoning these properties for residential purposes.

Summary of Commercial Policy Recommendations

1. Amend the Zoning Regulations to encourage and require context-sensitive design, especially in the vicinity of Historic Districts.
2. Amend the Special Development District regulations to achieve more flexibility in SDD projects with consideration given to lot area and residential uses.
3. Continue consideration of a service road south of Cornwall Ave to Lanyon Drive on the east side of Route 10.
4. Maintain the R20A zoning in the Main Street Focus Area and avoid parking in the front yards.
5. Access management in the Main St/ West Main St commercial area should be a principal design factor in the review of new development proposals to avoid traffic conflicts and reduce the number of curb cuts.
6. Revise the Zoning Regulations for properties within the West Main Street Focus Area to enable the village atmosphere to be maintained with buildings located closer to the street than is currently allowed.
7. Revise the Zoning Regulations to facilitate mixed residential and commercial uses in the C3 zone in the West Main Street Focus Area.
8. Consider establishing a Special Development District or Planned Area Development Regulations for select areas within the West Main Street Focus Areas.

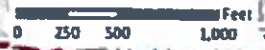
9. **Maintain the Residential 20 designation for the Cheshire Nursery property.**
10. **Rezone nonconforming residential properties on King Road and North Brooksvale Road from Commercial 3 (C3) to Residential 20 (R20).**
11. **Continue to make improvements to pedestrian crossings in all commercial areas, especially in the Town Center Focus area to improve linkage of residential areas on both sides of South Main Street.**
12. **Strive to emphasize the importance and benefits of safe pedestrian activity within the West Main Street Focus Area and change its perception as primarily arterial.**

South Main Street Focus Area



- South Main Street Focus Area
- Zone Boundaries
- Parcel Boundaries
- Building Structures
- State Routes
- Streets
- Parking and Driveways
- POND
- WETLAND
- Vegetation
- Streams

Location Map



For planning purposes only.
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Policy Overview for Industrial Areas

Industrial policy was summarized in our 2002 Plan of Conservation and Development through a goal of continuing “to provide an adequate amount of industrially zoned land and encourage industrial development that is compatible with the environment, residential growth, and community facilities”, as well as supporting and enabling “existing industrial facilities to expand in town”.

Industrial land use is regulated through three classifications: Industrial 1 (I-1), Industrial 2 (I-2), and Interchange Zone (IC). Total industrial land area is approximately 2500 acres, nearly 400 acres of which is within the Interchange District. These districts extend from Creamery Road, north along Route 10 through its interchange with I-691, ranging from approximately one mile easterly from Route 10 along East Johnson Avenue, and as far westerly as Marlon Road. The range of these areas is shown on the map entitled *Industrial Districts*. A smaller area zoned I-1 is located in the West Main Street focus area, and policy options regarding that area are reviewed within the Commercial Section of this Plan. Most of the industrially zoned property on the easterly side of Route 10 (Highland Avenue) is also within the Aquifer Protection Zone, and that designation places additional limits on potential uses for those properties.

Industrial uses constitute a major portion of Cheshire’s economic base and includes a wide range of uses and employment in various industrial categories, including manufacturing and assembly, agriculture, bio-technology, warehousing and distribution, and professional office.

Cheshire lies within the nineteen town Council of Governments of the Naugatuck Valley Region (COGNV) that includes Ansonia, Beacon Falls, Bethlehem, Bristol, Cheshire, Derby, Middlebury, Naugatuck, Oxford, Plymouth, Prospect, Seymour, Shelton, Southbury, Thomaston, Waterbury, Watertown, Wolcott, and Woodbury. In 2014, COGNV staff completed an *Economic Profile, 2014* for this region that analyzes our regional economy and includes a comparison of employment versus workforce in the region and within each town.

Employment is a measure of how many people are actually employed, and workforce is a measure of the number of employed persons living within an area of employment. According to this report, the Central Naugatuck Valley Region (CNVR) has a significant employment to workforce mismatch as 98,453 people work within the geographic region, compared to 130,968 employed residents who live within it. This means that there is a daily net export of over 32,500 workers from the CNVR to places outside of the region.

The good news is that Cheshire is the only community in the CNVR that is a net importer of workers with an employment of 15,431, and a workforce of 14,474 persons. The major employment sectors are warehousing and distribution, agriculture, manufacturing, and service. Cheshire's strong and diversified industrial sector is a major reason that we are a net importer of labor, and this sector should be protected and strengthened to protect our economic health.

Support for Sanitary Sewer Extensions

Industrial uses are also major consumers of public sanitary sewer, and most industrial property within Cheshire has sewer available. Public sanitary sewer in Cheshire is regulated by the Cheshire Water Pollution Control Authority (WPCA) in accordance with a Facilities Plan that was adopted in 2010. The town owns and operates a Water Pollution Control Plant (WPCP) that treats collected wastewater prior to its discharge into the Quinnipiac River. This facility is currently undergoing a major upgrade at a cost of \$32,000,000 that should be completed by October of 2015.

The Commission takes note of Public Act 15-95 that requires Plans which are adopted after July 1, 2015 to include existing and planned sewer service areas within the document. According to Office of Policy and Management (OPM) staff and an analysis completed by the Office of Legislative Research, this requirement will reveal any differences between recommendations regarding sanitary sewer installation made within POCD's and those within a Facilities Plan adopted by public sewer authorities. Its purpose is to provide guidance to state agencies that provide funding for various growth related projects that may occur within municipalities, and to resolve any differences between plans.

The Planning and Zoning Commission has had guidance from the WPCA staff and finds that the Facilities Plan adopted by the Cheshire WPCA in 2010 provides sufficient sanitary sewer to accommodate the long term interests of Cheshire to satisfy our growth and public health needs, and hereby adopts that plan by reference. The map contained in the Facilities Plan is included herein.

One other important policy consideration to remember in the overall is that industrial properties cannot be easily replaced, in part because they are so dependent upon highway and utility infrastructure, and because the range of uses that are allowed within these districts are inappropriate for many of the undeveloped portions of this community. Therefore, it is recommended that properties zoned for industrial purposes remain so zoned in order to protect this portion of our economic base and to discourage invasion of commercial uses into industrial areas, especially along the Route 10 corridor south of East Johnson Avenue and West Johnson Avenue.

Increasing Lot Coverage

Since industrially zoned properties make up such a significant portion of Cheshire’s economic base, it is worthwhile to consider ways in which the industrial sector can remain strong and competitive. Some amendments to applicable zoning requirements should be considered to accomplish this. A primary factor limiting scale of development within both industrial districts is a requirement for a maximum of 25 percent lot coverage. Lot coverage is that portion of ground area on a property that may be covered by buildings. A comparison of industrial coverage requirements within abutting municipalities (Table 1) reveals that our current 25 percent ratio is significantly lower than any of these communities.

Table 1 Lot Coverage in Surrounding Communities

Town	% Coverage
Southington	35 to 50 depending upon location
Wallingford	35
Prospect	35
Hamden	40
Meriden	30 to 50 depending upon location
Waterbury	50

Consideration should be given to increasing lot coverage to at least 35 percent as a potential starting point. This coverage ratio is competitive and will provide opportunity for new projects as well as expansion of existing industrial users. It is also modest in terms of potential scale and character of industrial areas. It can also be accomplished without any significant environmental consequences, as our storm water management policy of no net increase in runoff will remain in effect.

Under our existing 25 percent coverage, a 40,000 square foot lot could support a 10,000 square foot building. An increase in building coverage to 35 percent could enable construction of up to an additional 4,000 square feet of ratable space. This proposition was discussed with the Regional Water Authority who requested that consideration be given to the management of additional storm water flows that may result from an increase in hard surfaces, including development of a total lot coverage requirement and a requirement for on-site management of storm water runoff. A total lot coverage ratio will be difficult to develop as it has a potential outcome of making existing industrial sites nonconforming. Existing policy and practice encourages on site management since the Engineering Department has historically required a net zero increase in peak runoff rates resulting in the creation of

detention ponds, underground detention devices and rain gardens. Permitting of deferred parking also aids in reducing additional storm water generated from industrial sites. It is recommended that potential zoning amendments regarding increased coverage show some consideration of these concerns and be referred to the Authority for comment.

Reducing Lot Size in Exchange for Access Management

Another item for consideration is a review of minimum lot area requirements within each industrial district. Cheshire's Zoning Regulations require a minimum lot size of 40,000 square feet for properties zoned Industrial 1 and 120,000 square feet for those zoned Industrial 2. A distinction between required lot areas has existed at least as far back as 1959. It appears that 40,000 square feet has always been required for I-1 properties, but was as high as 240,000 square feet for I-2 properties until 1970 when it was reduced to 120,000 square feet as part of a major update of the entire zoning ordinance.

The larger lot size requirement of the I-2 district anticipated potentially larger users in an industrial park setting at a time when it was more realistic to anticipate larger industrial projects, and when Cheshire was more rural in character. Large lot zoning was also used before the installation of sanitary sewers in order to provide sufficient area making large lot sizes necessary to establish larger on-site septic systems. However, Cheshire and the market for industrial development have evolved considerably, and it is recommended that lot size regulations be amended to accommodate smaller users. It is also recommended that the minimum lot size in the I-2 district be reduced to 40,000 square feet to match that of the I-1 district. Any zoning text amendment written to reduce lot size should include measures to avoid poor access management.

In 1988, a Route 10 Planning Study was completed for Cheshire by Wilbur Smith Associates to review potential widening of Route 10 between Creamery Road and the intersection with West/East Johnson Avenue in the northerly part of Cheshire. This study made a number of recommendations on the impacts of this widening which included a recommendation to implement a curb cut control program. Such a program is designed to minimize the number of site access points, regulate their location to advantageous points to reduce conflicts, encourage connections between adjacent properties, and to provide for future consolidation of driveways serving adjacent properties. These are all very effective access management tools.

The Commission may choose to reduce minimum industrial lot area requirements in the I-2 zone in exchange for the incorporation of access management measures into a plan, thereby providing more flexibility and opportunities for economic development and achieving some of the objectives recommended in the 1988 study.

For example, under existing regulations, a 10 acre frontage parcel on Highland Avenue that is zoned Industrial 2 could be subdivided into a maximum of three individual building lots with a potential of up to three access points onto the public highway. Under an amended regulation, the property might be divided into as many as ten industrial lots with the potential for the same – or fewer – number of access points onto Highland Avenue using these access management strategies. Reducing lot size also provides more flexibility for development of industrial parks, and may provide some advantage for Cheshire in our regional market place.

This reduction should be granted by Special Permit which includes an additional level of discretionary review under Section 40 of the Zoning Regulations and requires a public hearing. If the regulations are amended to permit this reduction, then it is advisable to require a master plan of an overall development in order to assess access management and curb cut control strategy for a particular location. The Special Permit process is ideal for this type of review.

Interchange Focus Area Considerations

The Interchange Zone (IC) was developed in 1985, and was based upon a study entitled Land Use Analysis and Plan of Development, Land Surrounding I-691/Route 10 Interchange that was written by the FIP Corporation in collaboration with town officials to develop an overall strategy for the development of the area surrounding the I-691/Route 10 interchange. Most of this area was originally zoned for industrial purposes under the I-2 regulations.

This study observed that the interchange area was Cheshire's "front door" and that consideration be given to optimizing the attractiveness of the area, protecting natural resources, ensuring compatibility between adjacent land uses, minimizing traffic conflicts, and providing for a balanced tax and employment base. Land uses including office buildings, high-tech research centers, hotels and conference centers were anticipated by this study, and a proposed land use plan was developed that led to the development of the Interchange Zone (IC) regulations and changes to the Cheshire Zoning Map.

This focus area is shown on the Interchange Focus Area map and includes four quadrant areas wrapped around the I-691/Route 10 interchange. The northwesterly quadrant has been rezoned to Interchange Special Development District (ISDD) to facilitate development of a mixed use commercial center that has already been approved. The Plan of Conservation and Development was amended in 2007 to facilitate this.

A major portion of the northeasterly quadrant is owned by the State of Connecticut and includes a commuter parking lot. There are also three residential properties wedged between the interchange ramps and the commuter lot. The southwesterly quadrant is largely undeveloped, but does include an abandoned single family home along Highland Avenue, and an active home along West Johnson Avenue. This entire quadrant area was recently acquired by a local company with a likely intention for business development. Most of the southeasterly quadrant is owned by a utility company whose intentions appear to be to remain on the property for an extended period of time.

The original vision for major office buildings, high-tech research centers, hotels and conference centers has been impaired by fluctuating market conditions and the lack of public utilities. This mix of uses may still have potential with users that are willing to bear the cost of various improvements, but it is almost certain that changes will be requested. If so, it will be important to remember that this is still Cheshire's front door, and that any proposed amendments to the Interchange Zone regulations or Cheshire Zoning Map within this Focus Area be reviewed with a perspective that recognizes this as Cheshire's gateway. Therefore, any proposed changes or projects should include a master plan with a comprehensive vision of potential impacts, and emphasis given to access management and to the scale and design of buildings and how they will show context sensitive consideration for this area.

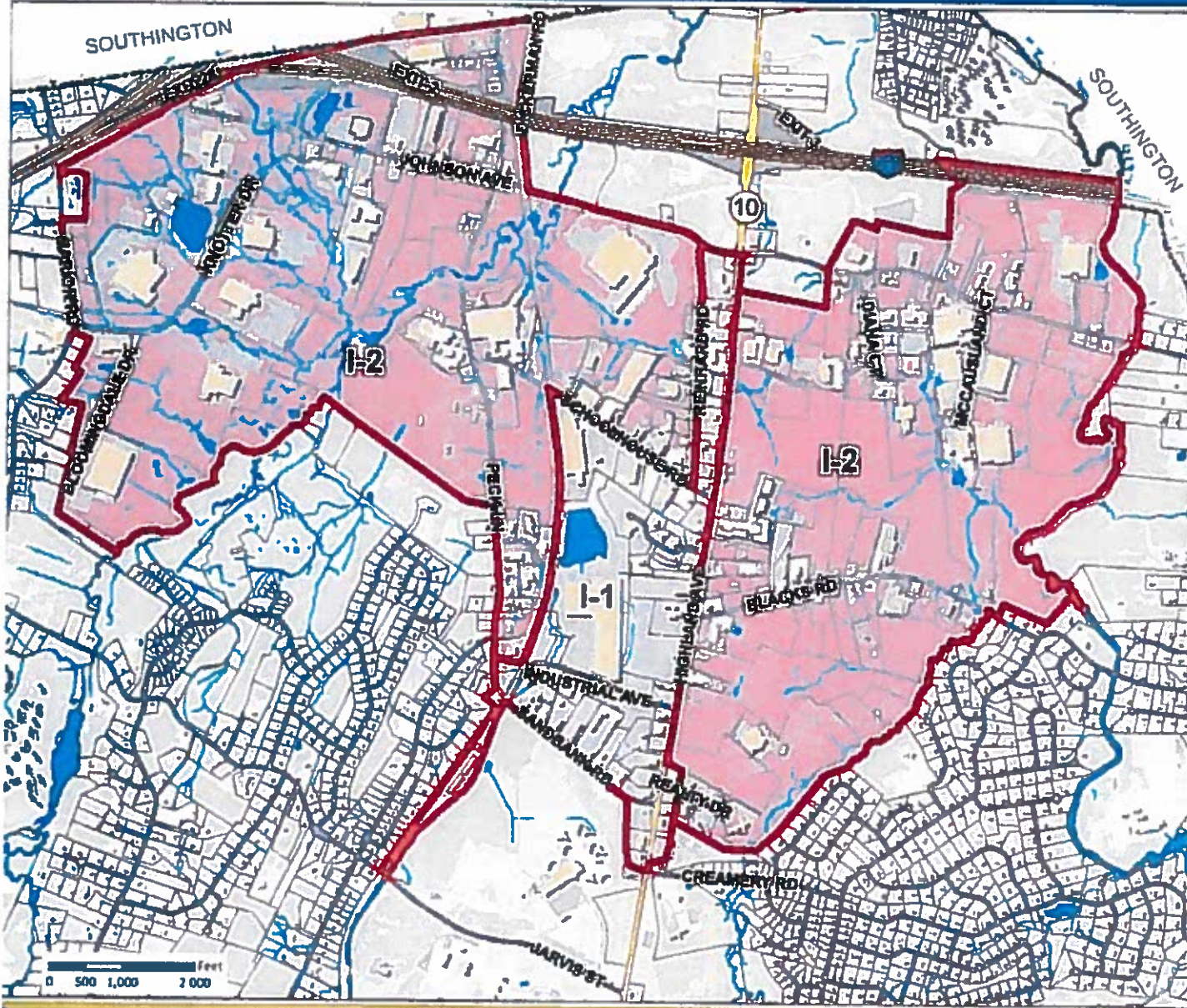
While it is reasonable to expect that developments of larger scale are desirable in the Interchange Focus Area, it may also be time to examine the ten acre requirement for minimum lot size within the Interchange Zone regulations. While ten acres encourages larger users, it is recommended that consideration be given to smaller lot sizes, perhaps in the three to five acre range to encourage the development of smaller corporate parks. The same access management principles used for the reduction of lot size in the Industrial 2 zone should be included in the Interchange Zone.

Summary of Industrial Policy Recommendations

1. Properties zoned for industrial purposes remain so zoned in order to protect this portion of our economic base and to discourage invasion of commercial uses into industrial areas, especially along the Route 10 corridor south of East Johnson Avenue and West Johnson Avenue.
2. The Zoning Regulations should be modified to increase the lot coverage to at least 35% to improve Cheshire's competitive position with neighboring communities.

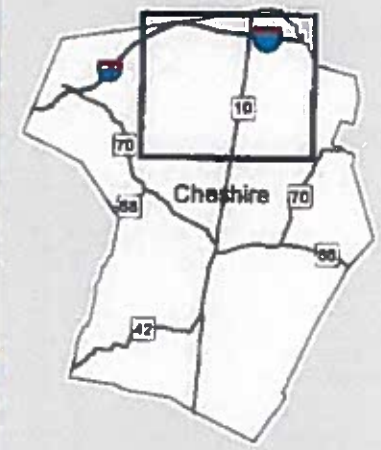
- 3. The Zoning Regulations should be modified to reducing minimum lot area to 40,000 square feet in the Industrial 2 zone to match that of Industrial 1 zone in exchange for an overall site development plan that includes an access management strategy with shared parking and fewer curb cuts.**
- 4. Continue to recognize the Interchange Focus Area as Cheshire's gateway and emphasize access management and context sensitive design for any development projects proposed within.**
- 5. Continue to recognize the Facilities Plan for the sanitary sewer system adopted by the Cheshire Water Pollution Control Authority as an extension of this Plan.**
- 6. Consider modification of reducing the minimum lot area from ten acres in the Interchange Zone to three to five acres in exchange for an overall site development plan that includes an access management strategy with shared parking and fewer curb cuts.**

Industrial Districts



- Cheshire Town Boundary
- Zone Boundaries
- Parcel Boundaries
- Interstate
- State Routes
- Streets
- Building Structures
- Parking and Driveways
- Streams
- POND
- WETLAND
- Vegetation

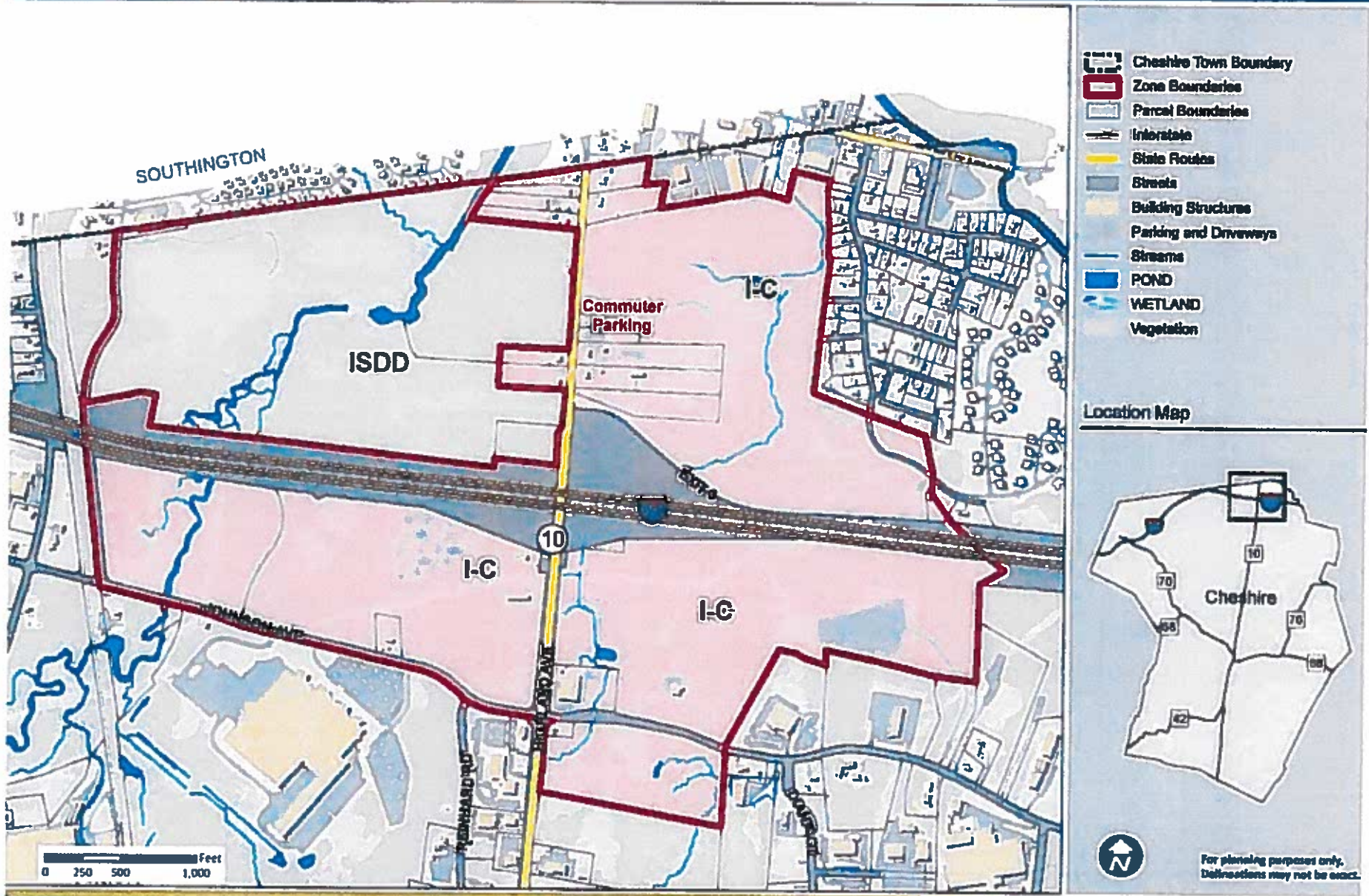
Location Map



For planning purposes only.
Definitions may not be exact.

0 500 1,000 2,000 Feet

Interchange Focus Area



Policy Overview for Residential Concerns

Approximately 87 percent of land within Cheshire is zoned for residential purposes, making residential uses an essential component of both the community character and economic base. The density pattern is typical for a suburban community within Connecticut, and is characterized by predominantly single family development with higher densities within and adjacent to the commercial core areas along Route 10 and West Main Street, and lower densities as the distance from these areas increases.

Cheshire is also a community of neighborhoods, all of which function to provide community character, spirit, and integrity. Cheshire residents care about this community and are the human capital that is necessary for it to function. Residents volunteer their time to serve on the various boards, committees, commissions, church groups, and youth organizations that form the heart and soul of this community. The Community Survey was also helpful in preparation of this portion of the Plan with 66 percent of respondents stating that they would support an effort to attract moderately-priced housing to meet the needs of residents of moderate incomes, including a broad cross section of community residents such as police, firefighters, teachers, young adults, and senior citizens.

According to the Naugatuck Valley Regional Profile 2014 prepared by the Naugatuck Valley Council of Governments, approximately 82% of housing units within Cheshire are detached, single family homes. In 2013, the Council prepared a Residential Build-Out Analysis for Cheshire which calculated that up to 1,554 dwelling units could be constructed on remaining residentially zoned property. This profile also estimated a potential population increase of up to 4,134 persons that could result from construction of these 1,554 additional dwelling units, calculated at a rate of 2.66 persons per household. This Plan does not challenge any assumptions or predictions made within this analysis, but does recognize that rates of new construction and absorption are not linear, and are tied to economic cycles that vary the pace of new development.

In addition, population projections prepared by the Connecticut State Data Center at the University of Connecticut forecast that our population will shrink by nearly 1 percent from 29,261 persons in 2010 to 28,931 persons in 2025. These projections indicate that there will be a reduction in the number of persons who are younger than age 39.

This Profile indicates that there has been very modest population growth (2.1%) between 2000 and 2013, and a small decline (-0.4%) between 2010 and 2013. The 2.1% increase was the second lowest within the entire 19 town Naugatuck Valley Region. Bristol was lowest at 0.8% and Oxford was highest at 31.1percent, and the regional average is 4.6%.

The median age has increased within Cheshire, and in the entire region. In 1990, this median was 35.5 years, in 2000 it was 38.4 years, and in 2010 it was 42.2 years. The regional averages are 34.3, 37.6, and 40.1 years respectively. Median age growth is affected primarily by out-migration of younger persons and declining household size. This change is also evident in that 45% of Cheshire's population is older than 45 years, and nearly 60% is older than 35.

The Profile also shows that household size has also declined from 3.06 persons in 1980 to 2.66 persons in 2010. The regional average is 2.81 to 2.53 for the same range. Household occupancy is 10.8% single parent, 64.1% married couple, and 25.1% non-family. A non-family household includes people who live alone, or where individuals share homes with persons to whom they are not related. The regional average for households is 18.3% single parent, 49.2% married couple, and 32.5% non-family.

In summary, Cheshire's population has become older and lives in smaller households – a significant portion of which are comprised of unrelated persons, and these characteristics are considered within the policy recommendations of this Plan.

Section 8-23 of the Connecticut General Statutes governs the preparation, amendment and adoption of plans of conservation and development. In 2013, the General Assembly amended CGS Section 23 to require consideration of policies that will allow older adults and persons with a disability the ability to live in their homes and communities whenever possible. This amended section includes consideration of various strategies to accomplish this goal, including home sharing, accessory apartments, and expanding the definition of family to allow for inclusion of aging persons, and those with a disability and their caregivers. It is recommended that the Cheshire Zoning Regulations be reviewed to include appropriate strategies, especially in consideration of our evolving demographic characteristics. These amendments might relate to the accessory apartment regulations and a review of the definition of family set forth with these regulations.

In addition, Section 8-23 requires that this Plan include policies regarding housing diversity and affordable housing. Specifically, Section 8-23, a, (3), (d) states that "the commission...shall consider...the need for affordable housing". This requirement is emphasized within Section 8-23, a, (3), (e) which states that the POCD must show consistency with various growth management principles including "expansion of housing opportunities and design choices to accommodate a variety of household types and needs"; providing "for the development of housing opportunities...for all residents of the municipality and planning region", and promoting "housing choice and economic diversity in housing, including housing for both low and moderate income households."

Town records show that there are approximately 8,082 dwellings in Cheshire (which includes single, two, three, and four family dwellings) and an additional 1,366 condominiums for a total of 9448 dwellings. Of these, 337 qualify as affordable, *i.e.* available to

households with income levels that are at or below the 80 percent of the median income that is adjusted for family size. Relevant income guidelines are published by the U.S. Department of Housing and Urban Development (HUD), and the current 80 percent adjusted level within Cheshire is \$63,900 for a family of four persons.

There are three primary means to develop affordable housing within Cheshire, two of which are contained within the Cheshire Zoning Regulations, and the third is through appeals filed under Section 8-30g of the Connecticut General Statutes. Section 44A of the Cheshire Zoning Regulations (Omnibus Affordable Housing Regulations) has a stated purpose of providing standards and procedures for the design and development of affordable single family, multifamily, and congregate housing. It provides for a two-step process – zone change and special permit – through which affordable housing projects can be reviewed and processed by the Planning and Zoning Commission. A review of this section leads to a conclusion that it was written as an alternative to CGS Section 8-30g which provides for a complete override of local zoning requirements.

This regulation was last used by the Cheshire Housing Authority for the expansion of the Beachport affordable housing project in 2009. It is recommended that Section 44A be reviewed and revised to remove any inconsistencies between it and the provisions of CGS Section 8-30g, and to enable it to become a more effective tool for the creation of affordable housing with more local control.

Affordable housing is also permitted under Section 44 of the Regulations (Planned Residential Subdivision Development), a residential cluster regulation that offers an affordable density bonus in exchange for open space. The terms of this regulation require no less than 20 percent of the total units be maintained as affordable as set forth by the HUD guidelines for 30 years. This regulation was used in 1993 for development of the Moss Farms Subdivision which resulted in the creation of 13 affordable units scattered along Dundee Drive, Maplehurst Court, Orleton Court, and Shipton Court. It is recommended that this regulation also be reviewed and updated for it to remain an effective tool for both the creation of affordable housing and the protection of open space.

CGS Section 8-30g is also known as the Affordable Housing Land Use Appeals Act which provides a complete override of local zoning authority in communities where less than 10 percent of the housing stock is affordable for projects in which at least 30 percent of the dwelling units are “sold or rented at, or below, prices which will preserve the units as housing for which persons or families pay 30 percent or less of their annual income, where such income is equal to 80 percent or less of the median income.” As noted, Cheshire is well below this 10 percent threshold, and it is unlikely that this level can ever be achieved. The review of the existing described above should also consider means of further reducing the likelihood of such burdensome appeals.

The 2002 POCD states that the principal residential goal is “to encourage a balanced growth that is compatible with our infrastructure; to preserve the semi-rural nature of the community and to provide a variety of housing types which offers a choice to meet the needs of various income levels and lifestyles.” This language is nearly echoed in the text of CGS Section 8-23, and these policies are also a principal goal of this plan.

Preservation of Cheshire’s rural characteristics is also a very important goal. Much of the remaining undeveloped residential land has rural characteristics and important environmental features. These include protected open spaces listed in the Environmental Concerns chapter of this Plan that are owned by the Town, the Cheshire Land Trust, the Regional Water Authority, the Connecticut Department of Energy and Environmental Protection, and the City of Meriden – all of which protect and preserve important environmental assets, as well as defining the character of large portions of the community. Cheshire’s total landmass (including water bodies) is 21,165 acres, of which 4,687 acres (22.14%) is protected as open space.

These environmental assets include a ridgeline along our westerly boundary with Prospect, watershed property surrounding Broad Brook Reservoir that is an essential resource for Meriden, those former agricultural areas that establish a greenbelt along our southeasterly boundary with Wallingford, and large open space areas that protect rural character in our northwesterly quadrant, directly adjacent to Waterbury. Much of the remaining residential land is also characterized by steep and irregular topography and areas with substantial wetlands and important watercourses, all of which makes development more difficult and can result in degradation of these resources.

Section 42 of the Cheshire Zoning Regulations is entitled “Cluster Subdivisions” that offers an alternative to conventional subdivision that could be useful in protecting rural character and our environmental resources. These regulations were originally adopted in 1984, and have had some amendments through 2000. There has been little use of Section 42 in recent years, and it is recommended that it be reviewed and revised to make it a more useful tool for the protection of our character as well as these environmental assets. Any revision of these regulations should provide for a review of the responsibilities of homeowners associations. Regulations should provide for a method of reimbursement to the town should an association fail to fulfill its responsibilities that would be specified in an approval, resulting in the town having to perform them in the interests of public health, safety, and welfare. Review should also be given to the rear lot regulations found in Section 5.5 of the Cheshire Subdivision Regulations. A review of these regulations was recommended within the 2002 Plan of Conservation and Development, and it is once again recommended within this update. This review should be done to clarify and/or eliminate inconsistencies in the language and to enable a comprehensive review of the design standards.

Summary of Residential Policy Recommendations

1. Review and amend the Zoning Regulations to include appropriate strategies concerning Cheshire's evolving demographic characteristics.
2. Review and amend Section 44A (Omnibus Affordable Housing Regulations) of the Zoning Regulations to be make it an effective alternative to Section 8-30g of (Affordable Housing Land Use Appeals) of the Connecticut General Statutes and protect local review of affordable housing projects.
3. Review and amend Section 44 (Planned Residential Subdivision Regulations) of the Zoning Regulations that regulate residential cluster subdivisions to provide for more open space for recreation and/or conservation and to provide for affordable housing within Cheshire as already stated within the purposes of this section.
4. Review and amend Section 42 (Cluster Subdivisions) of the Zoning Regulations to make cluster an effective development option that can provide for more usable open space.
5. Review and amend the Subdivision and Zoning Regulations regarding the responsibilities of home owner associations to protect the town from inheriting the maintenance of improvements that are to be maintained by such associations.
6. Review and amend Section 5.5 (Rear Lots) of the Subdlvision Regulations to clarify language and review design standards.

Policy Overview for Community Facilities

Sustainability and the Design of Public Facilities

This chapter focuses on infrastructure and municipal facilities that supports everyday life for Cheshire residents including Town Hall, our public library, police and fire department buildings, parks and recreational assets, and public water and sewer operations.

Real benefits can be realized from careful, sustainable design of municipal facilities including public buildings, parks, and rights-of-way. Sustainability promotes public health, safety, reliability, cost effectiveness, and quality of life within Cheshire, and consideration should be given to including sustainable design into new municipal buildings and to those waiting to be improved.

Sustainable practices should also be incorporated into daily operation of municipal facilities in ways that will reduce the long term maintenance and energy costs required for their operation, and sustainable infrastructure design requirements for both public and private sector projects should be included within Cheshire's zoning and subdivision regulations.

Cheshire has many old and beautiful trees. Our streetscape is an important factor in our overall attractiveness as a community. We also value the ecological importance of our trees. Therefore we support maintenance of existing trees and encourage planting new trees where appropriate, especially along our major highway corridors.

Community Service Facilities

Town Hall, 84 South Main Street

Town Hall is located within the Town Center Focus Area, and Town Center Historic District. This building has a usable area of nearly 40,000 square feet, and sits upon approximately 2.1 acres of land. It is characterized as being Late Greek Revival in style with features that include a pedimented gable, symmetrical shape, bold simple moldings, and a heavy cornice. It was constructed in phases beginning in 1867, with the last phase constructed in 1988.

There are 77 on-site parking spaces, 51 of which are reserved for municipal employees during business hours. An additional 8 spaces are reserved for municipal use in the Grange Hall parking lot located on Wallingford Road, and the Grange makes additional parking available as needed for special events at Town Hall.

Parking is generally adequate for municipal staff and visitors, although limited during peak tax and licensing seasons during June and July. From a functional perspective, Town Hall is complete, and there is no land available for any significant changes within its boundaries; however, continued efforts should be made to preserve and protect its historic architectural elements, and to improve both sustainability and efficiency of its operating systems.

Humiston School, 29 Main Street

Humiston School is located within the Town Center Historic District and Town Center Focus Areas. It provides offices for Cheshire's Board of Education and houses an alternative high school with an enrollment of up to 25 students. This property is approximately 3.1 acres in area, and is served by a large parking lot located on Spring Street which functions very well for both school and Board purposes. This lot is also shared with Temple Beth David, and this arrangement causes no problems for any users. The Board of Education occupies approximately 30,000 square feet of this structure, and the school is sufficient in size to satisfy its operational needs for many years.

This building was constructed in 1912 and is described as Colonial Revival in style. Elements of this style include classical columns and a cornice treatment, constructed to show the importance of this public institution. It is generally successful in fulfilling its functional purposes as a school and administrative center, and there do not appear to be any near-term need to make additions. In any case, efforts should also be made to preserve and protect its historic integrity, and to improve the sustainability and efficiency of its operating systems.

Hitchcock Phillips House, 43 Church Drive

The Hitchcock Phillips House is home to the Cheshire Historical Society. It is also located within the Town Center Historic District and Town Center Focus Area on 1.2 acres of land on the semi-circular Church Drive that surrounds the green across from Town Hall. This building was constructed in 1785, and is Georgian in architectural style, featuring a five-bay façade with a central chimney, gabled roof, small pane sash and clapboard exterior. It is expected that the Historical Society's tenancy will last for many years. Though small in size, it is historically important and should be maintained in its historic state.

Cheshire Public Library, 104 Main Street

Cheshire's public library is located within the Main Street Focus Area. The library has existed on this site since 1961, and was expanded to its current form in 1996. Parking at this location is limited at times, and it is shared with the adjacent Baptist Church of Cheshire. That shared parking arrangement is important, and it may be beneficial to consider examining a reconfiguration of the parking layout to improve its efficiency.

Cheshire Senior Center, 240 Maple Avenue

This structure was originally constructed in 1900, and is the former home of Dr. Wilbur J. Moore who was once a health officer for Cheshire as well as a physician at Cheshire Academy. This property lies within the Main Street Focus Area, adjacent to the Cheshire Fire Department. It is home to the Cheshire Senior Center and has nearly 12,000 square feet in total floor area. Despite the nature of the use, this structure maintains residential features, and this is in keeping with overall character of the Maple Avenue corridor. It is also a pleasing contrast to the institutional character of the Cheshire Fire Department headquarters building to its north. In addition, there is a large lawn area in front of the building that presents very well within this portion of the Focus Area. It is recommended that this building's residential character be maintained, and that its lawn also be preserved as a character feature that is not converted into a parking area.

Linear Trail

The Linear Trail is an essential element of Cheshire's community fabric. It will be approximately 7.56 miles in length when completed, and will eventually be part of a system enabling nearly uninterrupted travel from New Haven to Massachusetts. The existing portion runs a distance of 2.9 miles from Cornwall Avenue to Hamden. Its completion is a partnership between Cheshire and the Connecticut Department of Transportation (ConnDOT). Municipal responsibility includes overseeing completion of a 1.6 mile segment from West Main Street to Jarvis Street, and ConnDOT will oversee construction of a .66 mile portion from Cornwall Avenue to West Main Street, and a 2.4 mile extension from Southington to Jarvis Street.

Other improvements related to this project include construction of a 77 space parking lot on Jarvis Street. It is difficult to overvalue this asset, as it is an essential recreational facility that provides significant benefits to a wide range of people. It is also an important link within Cheshire and to our regional neighbors including Southington to the north, and through to New Haven heading south. This trail has great potential to stimulate local economic growth, especially within our West Main Street focus area.

The Commission recommends that this trail be maintained and improved where necessary, and that public parking be made available to support its use. While it is recognized that continued investment in it must always compete with other resources, proposed improvements will remain consistent with this Plan. The Lock 12 historic park is located along its length, and this is an essential feature that should also be maintained as needed.

Public Safety Facilities

The Cheshire Fire Department has a proud history dating back to 1912, and it has grown along with this community. It is comprised of nearly 80 persons including 5 paid professional fire fighters and approximately 75 volunteers. There are currently three stations: one at Byam Road, one on South Main Street near King Road, and headquarters on Maple Avenue. The Planning and Zoning Commission understands that improvement of these facilities and development of new ones may be required to protect Cheshire, and it will remain supportive of those requests that may be included in a Capital Budget.

Cheshire's Police Department provides many essential services within the community in addition to the everyday protective and law enforcement activities including child safety seat inspection, an Explorer program, and an annual bicycle rodeo. This department is located at 500 Highland Avenue in a facility that may also require improvement or enlargement depending upon community needs. Any such improvements that may be included in a Capital Budget will also be supported by the Commission.

Public Water and Sewer

Cheshire is one of twenty member municipalities within a non-profit water public corporation known as the South Central Connecticut Regional Water Authority whose headquarters is in New Haven. This utility provides public water to approximately 15,000 customers within Cheshire provided through local well fields which the Authority and the town will continue to protect. Town staff and the Commission have worked collaboratively with the Authority to develop and enforce aquifer protection regulations, as well as develop teamwork leading to effective review of land use applications that may occur in and around aquifers and watershed areas so essential to the protection of our precious water supply.

Cheshire is also the home of the Broad Brook Reservoir which is a major source of water for residents living within Meriden, and also supplies water to some customers within Cheshire. It is protected by a large watershed area in the easterly side of town, most of which is zoned for low density residential development. The Planning and Zoning Commission has historically recognized that protection of this reservoir and watershed is a mutual interest with Meriden, and has worked collaboratively with them to protect this essential resource. In addition, portions of the watershed for Lake Whitney which is a public water supply reservoir in Hamden are located within the southern portion of Cheshire should also be protected.

It is hereby recommended that the Commission continue to exercise good stewardship by carefully regulating land uses in and around aquifer protection areas, well fields, and watershed areas, and to work collaboratively with the Regional Water Authority and Meriden Water Department to protect our mutual interests.

Public sanitary sewer in Cheshire is regulated by the Cheshire Water Pollution Control Authority (WPCA) in accordance with a **Facilities Plan** that was adopted in 2010. The town owns and operates a Water Pollution Control Plant (WPCP) that treats collected wastewater prior to its discharge into the Quinnipiac River. This facility has undergone major upgrade at a cost of \$32,000,000 that was completed in 2015.

The Commission takes note of **Public Act 15-95** that requires Plans which are adopted after July 1, 2015 to include existing and planned sewer service areas within the document. According to Office of Policy and Management (OPM) staff and an analysis completed by the Office of Legislative Research, this requirement will reveal any differences between recommendations regarding sanitary sewer installation made within POCD's and those within a **Facilities Plan** adopted by public sewer authorities. Its purpose is to provide guidance to state agencies that provide funding for various growth related projects that may occur within municipalities, and to resolve any differences between plans. The Planning and Zoning Commission finds that the **Facilities Plan** adopted by the Cheshire WPCA in 2010 provides sufficient sanitary sewer to accommodate the long term interests of Cheshire for growth and public health needs, and hereby adopts that plan by reference.

Parks and Recreational Facilities

The Cheshire Parks and Recreation Department has furnished an overview of the recreational facilities within town which includes a summary of needs that could be fulfilled at these locations. This overview is included in this section for reference. The Commission understands that the needs and upgrades identified by Parks and Recreation must be prioritized against all other municipal needs, but the Commission will continue to recommend that these improvements are consistent with this Plan. Respondents to the Community Survey were generally positive about these facilities with 53 percent showing satisfaction with the maintenance of existing parks and recreation facilities.

Substantial resources have been dedicated throughout Cheshire for the benefit of active recreational activities. Team sports have enormous benefits for those who are able to participate in them. Cheshire, however, like all communities, has residents whose recreational needs cannot be met only with active recreational facilities, and whose children are not able to participate in the structured and competitive environments provided by organized leagues. Community health improves from the provision of facilities and opportunities for a broad cross section of people who already live within its boundaries. Cheshire has already been proactive with the

construction of two playground facilities for handicapped children, one at Bartlem Park and one at Mixville Park. Three more will soon be located at Quinnipiac Park, McNamara Field, and Cheshire Park. Cheshire's needs for alternatives will likely grow as our population ages. Therefore, it is recommended that consideration continue to be given to a broad cross section of the community when designing new active and passive recreational facilities. Facilities should also include places for casual and informal activities such as strolling, picnics, kite flying, and others that stimulate social interaction within our public spaces.

Roads and Transportation Facilities

Cheshire is served by 150 miles of public highway including 90 that are local and maintained by the town, 50 that are owned by the state, and 4 miles of private road. Cheshire also has direct access to the interstate system with the I-691 interchange located on the northerly end of Highland Avenue. Roads are categorized according to function into three main categories: arterial, collector, and local. These are illustrated on the map entitled **Functional Classification of Roads** included in this plan.

Arterial streets include all of the state roads within Cheshire including Route 10, Routes 68 and 70, and Route 42. Arterials generally are designed to carry large volumes of traffic with as few interruptions as possible and have wider rights-of-way and paved surfaces. They collect and distribute traffic from collector streets and local roads. Collector streets function to collect trips from the local network and distribute them to the arterial network. They are generally designed with narrower paved surfaces and rights-of-way than arterials due to the lower traffic volumes. Local streets provide access to the collector and arterial streets and also function to provide neighborhood connections within Cheshire.

Street classifications provide an additional context for envisioning the scale of existing and proposed developments and how they will fit in within specific areas within Cheshire. Traffic volumes and safety are also very important, but highway characteristics give immediate context for envisioning scale. These classifications are also used within zoning and subdivision regulations as a way of determining where specific uses may be located and also to regulate access points. Streets within the major categories are listed below. Interstate highways 84 and 691 are limited access highways, and are not listed. All other streets not listed are considered local.

Arterials: Route 10 (South Main Street through Highland Avenue)
 Route 68 (Prospect Road through Galesville Avenue)
 Route 70 (Waterbury Road through Meriden Road)

Collectors: Bethany Mountain Road Peck Lane Jarvis Street

South Brooksvale Road
Cook Hill Road
Cornwall Avenue
Wallingford Road
Willow Street
Spring Street

Maple Avenue
Country Club Road
Wiebe Road
Creamery Road
Wolf Hill Road
Cheshire Street

Marion Road
Summit Road
East Johnson Avenue
West Johnson Avenue

The Planning and Zoning Commission advocates for safety and efficiency on our streets and within parking and circulation areas of development projects. Within this plan the Commission recognizes the importance and value of the linear park as an alternative transportation system as well as an important recreational facility. The Commission also believes that public transportation is essential to reducing traffic volumes and to supporting our economic base. Therefore, the Commission will encourage the inclusion of transit stops within larger scale development projects and more along our major arterials. Consideration should also be given to bike sharing where appropriate and to establishing linkage to the linear park so that it may become a genuine alternative for commuters. The Commission also encourages consideration of established traffic calming techniques along our major arterials and at high volume intersections. It is also recommended that the Route 10 corridor be reviewed to examine specific problems and to determine appropriate methods for their resolution. In addition, pedestrian needs should also be satisfied with construction of new sidewalks and replacement of older ones that provide access to and through commercial areas, including the Town Center, parks and other public places, and to provide linkage between neighborhoods.


The 2002 Plan of Conservation and Development discusses the need for the reduction of cul-de-sacs for efficient circulation and safety within Cheshire. This Plan agrees with those statements, but also recognizes that much of the remaining undeveloped properties within Cheshire, especially those zoned for residential purposes have substantial wetlands and watercourses and environmentally sensitive areas including watersheds or unique habitats that should be considered before requiring the extension of public roads. Temporary cul-de-sac designations on subdivision plans represent an affirmative statement that a public road should be continued, but these should be required only after the Commission has reviewed the characteristics of the adjoining property and considers the impacts of roadway construction on any apparent sensitive environmental areas or resources.


Summary of Policy Recommendations for Community Facilities

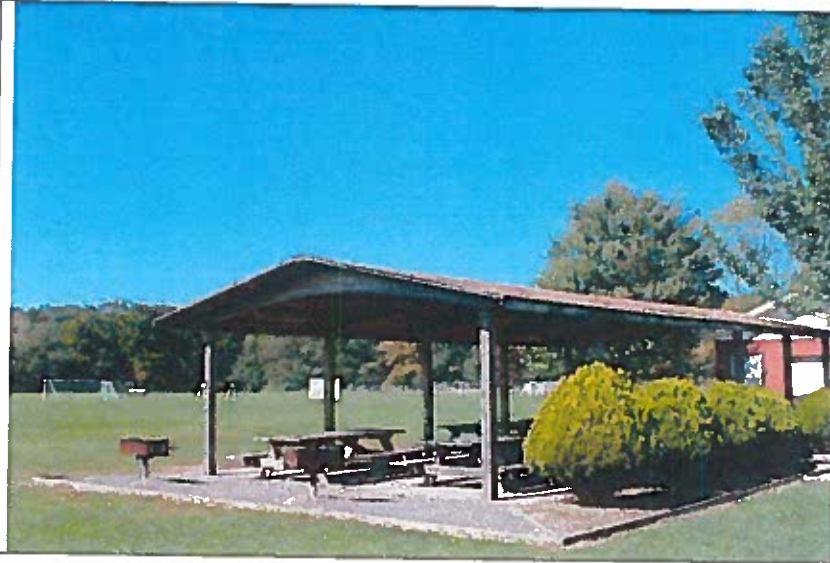
1. Incorporate sustainable practices into all public projects.
2. Maintain existing trees and encourage the planting of new trees along public roadways and within public spaces.
3. Preserve the historic architecture of Town Hall, Humiston School and the Hitchcock Phillips House.
4. Preserve the lawn at the Senior Center as a character feature and avoid converting it to a parking area.

5. Consider examining a reconfiguration of the Cheshire Library parking layout to improve its efficiency.
6. Encourage transit stops within large scale development projects and major arterial roads.
7. Encourage bike sharing in conjunction with the linear trail as an alternative for commuters.
8. Support implementation of traffic calming techniques along major arterials and at high volume intersections.
9. Review the Route 10 corridor to examine specific problems and determine methods for their resolution.
10. Construct new sidewalks replace old ones to provide safe pedestrian access through commercial areas, Town Center, parks and other public places, and to provide linkage between neighborhoods.
11. Complete, maintain and improve the Linear Trail where necessary including the provision of public parking to support its use.
12. Support improvements and enlargements to the Fire Department and Police Department facilities that are included in the Capital Budget.
13. Continue to carefully regulate land use in and around aquifer protection areas, public water supply watershed areas and the Broad Brook Reservoir and surrounding watershed.
14. PZC adopts the 2020 Facilities Plan of the Cheshire Water Pollution Control Authority.
15. Consideration should be given to the needs of a broad cross-section of the community when designing new active and passive recreation facilities.
16. Continue the extension of public roads to facilitate public safety and efficient circulation, but consider the effects of such extensions on wetlands, watercourses and environmental resources that may be impacted by such extensions before requiring them.

CHESHIRE PARKS AND RECREATION FACILITY INVENTORY AND NEEDS

<p><u>Cheshire Youth Center</u> 6 lighted tennis courts (used by CHS) for high school tennis 1 lighted basketball court 1 lighted sand volleyball court</p> <p>Needs 6 to 8 new tennis courts Renovated basketball court New lights on all facilities</p>	
<p><u>Bartlem Park</u> 2 full-size baseball fields (90 foot diamonds) 2 baseball/softball fields (60 foot diamonds) 4 multi-use rectangular fields (used by lacrosse/football/soccer/cricket) Cricket pitch Skate Park Large children's playground Picnic Pavilion Community Garden (30 plots) Concession Stand</p> <p>Needs More multi-use fields Additional Parking Outdoor basketball court Possible location of 6 to 8 tennis courts Possible lights for some of the</p>	

<p>above facilities Possible Nature-Outdoor learning center area</p>	
<p><u>Linear Trail</u> 2.9 miles of paved trail with a 2 foot stone apron</p> <p>Needs Section 1 - West Main St to Jarvis St (2015) Section 2 - Jarvis St to Southington (2016) Section 3 - Cornwall Ave to West Main St (2017)</p>	
<p><u>Quinnipiac Fields</u> 6 Soccer Fields of various sizes Picnic Pavilion Concession Stand Roller Rink Playground</p> <p>Needs New Playground (2015) Increased parking (possible site where crews park for Waste Water expansion) Possible installation of lights on fields</p>	



McNamara/Legion Field

4 various size Baseball fields
Basketball court
Playground

Needs

New Playground (2015)
Resurface Basketball Court



Cheshire Park

3 Baseball/Softball fields (one with lights)
Sand volleyball court
5 tennis courts (3 with pickleball lines)
Picnic pavilion
Basketball court
Playground
Outdoor Concert/Theater area
Hiking/running trails through the wooded area

Needs

Tennis court renovations
Drainage improvement throughout the park
New Playground (2015)
Improved lighting
Possible expansion onto 10 acres across Route 10 on former prison property
Resurface basketball court



Mixville Park

Sand volleyball courts (2)

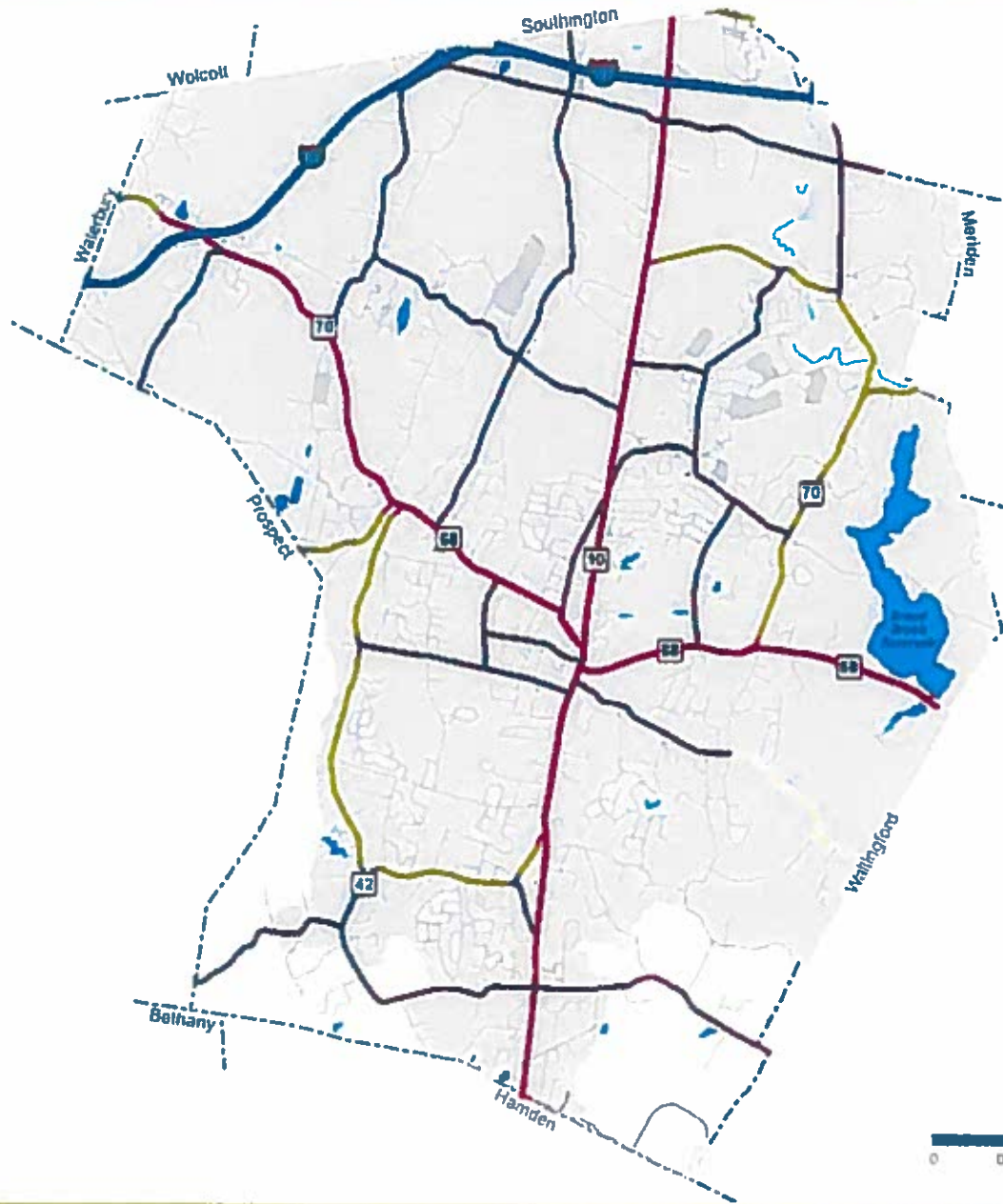
Bocce court
Basketball court trails
Sledding hill
2 ponds
Large and small picnic pavilions
Softball field
Beach on northern pond

Needs

Ball field renovation (drainage)
Possible expansion onto east side of pond (where dredging work was done)



Functional Classification of Roads



- Water
- Urbanized Area
- Functional Classification**
- Principal Arterial - Interstate
- Principal Arterial - Other
- Minor Arterial
- Collector
- Minor Collector
- Local Roads

0 0.5 1 2 Miles



For planning purposes only.
Delimitations may not be exact.



NAUGATUCK VALLEY
COUNCIL of GOVERNMENTS

Policy Overview for Environmental Resources

Cheshire's natural resources provide the physical foundation of this community. Natural resources in Cheshire include basalt ridges, inland wetlands, watercourses, vernal pools, lakes, ponds, aquifers, expansive forest lands, and grasslands. Design choices for developing land are fundamental to the balance between development outcomes and the protection of natural resources.

These environmental resources are our natural heritage. The development of land and the protection of such resources are not mutually exclusive, and site sensitive and responsible design proposals work to conserve irreplaceable resources. Much of the remaining undeveloped land in Cheshire is characterized by environmental conditions including wetland soils, irregular topography, water courses, and the existence of sensitive habitat areas which limit the scope and scale of potential development.

The Cheshire Planning Department consults with the State of Connecticut Department of Energy and Environment Protection's Natural Diversity Database to locate and identify known rare, endangered species of concern, as documented in the state mapping. This resource is invaluable to understand the potential pressures of development on the life cycles of known species, and how to incorporate best management practices to avoid land use conflict.



Photo 1: Salamander at Ten Mile Lowlands (Suzanne Simone)



Photo 2: Trailhead kiosk at DeDominicis Property (Suzanne Simone)

The Community Survey was revealed that nearly 50 percent of respondents are satisfied with how we have protected natural areas including wetlands, watercourses, and plant and animal habitats, and 44 percent noted satisfaction with our efforts toward acquiring and maintaining open space. The 2014 Hazard Mitigation Plan adopted by the Cheshire Town Council identifies and quantifies potential natural hazards existing in Cheshire and prescribes preventive actions. Many of the issues identified in this Plan involve the management of storm water and maintenance of storm water basins.

Watercourses and Vernal Pools

Watercourses are natural and artificial bodies of water with vernal, intermittent, seasonal or perennial water supply, such as rivers, streams, brooks, lakes, ponds, marshes, swamps, and bogs. These water bodies serve to manage storm water flows, provide species habitat, and recharge the quantity and quality of drinking water supplies. In addition to the two aquifers that serve Cheshire residents, over 1,307 acres of watershed protecting the Broad Brook Reservoir are located in eastern Cheshire. While Broad Brook is owned and operated by the City of Meriden, it provides water to a number of Cheshire residents, and is an essential public resource. Cheshire is located within five water basins, dictating the direction and flow of storm water and aquifer recharge areas. Residential zoning within this watershed is primarily large lot single-family, and should remain so. Within each of these water basins are major rivers: Quinnipiac River, Ten Mile River, Mill River, Cuff Brook, Honeypot Brook, Broad Brook, Willow Brook, Mountain Brook, and Roaring Brook (Map A).

In addition to these major and perennial watercourses, the intermittent vernal pools provide breeding habitat for upland amphibian and reptile species, the protection of which is essential to the survival of these creatures. The Town recognized the importance of these ecosystems with the purchase in 1993 of 146 acres of open space known as the Ten Mile Lowlands.

Inland Wetlands

The State of Connecticut defines inland wetlands based on soil type. In 1974 the location of inland wetlands was formally mapped, first identified through aerial photographs and field verified. The Inland Wetlands and Watercourses regulations identify this map as the official inland wetlands map of Cheshire.

Inland wetlands provide important functions to the natural world and built community through flood control, water quality, recharging drinking supplies and they support biodiversity of species. Both direct and indirect impacts to these areas can have detrimental effects to public health and safety and therefore the cost/benefit of such proposals should be thoroughly evaluated.

Woodlands

A majority of the land coverage in Cheshire is forested woodlands. This ecosystem provides habitats for a wide range of plant, animal, bird, reptile and amphibian species. The continuity of this habitat provides corridors for larger mammals to travel and maintain territory, increasing the success rates of reproduction and vigor.

Development proposals should avoid fragmentation of woodlands, and provide for easy passage to connected woodlands. In addition to habitat protection, many of these woodland acres are available for passive recreation, allowing the public to connect with nature in their own community.

Open Space

Open space provides for protection of natural resources through preservation of interior forest complexes of significant ecological value. Purchased for the purpose of passive recreation and protection of natural habitat, open space parcels are located in a variety of ecosystems.

In 1987, the Town Council sought to formally initiate the open space program by adopting a land preservation master plan to properly evaluate and prioritize sites with respect to geological, ecological, aesthetic and historical significance. A list of "interest areas" was developed locating general areas for potential open space acquisition.

Between combined efforts of the Town, the State Department of Environmental Protection, the Cheshire Land Trust, and private land owners, many listed properties have been successfully acquired or otherwise protected (**Map B**). Several other parcels, although not on the original list, have also been acquired.

The Town is the largest open space land owner in Cheshire, with 1,507 acres. This acreage accounts for 7% of Cheshire's land mass, including water bodies. Additionally, the Town has 24 forested acres preserved through conservation easement. The town does not heavily rely or encourage conservation easements as a means to protect and preserve open space, but rather as a strategy employed under particular development conditions.

Of the 21,165 acres comprising the town of Cheshire, approximately 22% of this acreage is preserved as open space. This figure also includes large, privately owned parcels of undedicated open space that may, in the future, be subdivided and developed. The town

has not established a goal to preserve a determined percentage of total Cheshire land mass, rather the location and features of individual parcels have been the criteria in their acquisition.

In 2007, the Connecticut Department of Energy and Environmental Protection adopted a report entitled The Green Plan, Guiding Land Acquisition and Protection in Connecticut in which it is recommended that up to 21% of the land area of Connecticut be preserved for open space for public recreation and natural resource conservation purposes. In this report, municipalities are identified as among the partners to work collaboratively with the State to achieve this goal.

Cheshire has taken advantage of public funding programs to assist with acquisition, and it is recommended that we continue to do so. This community also works with a number of partners to acquire open space property and fulfill valid and identifiable public goals.

Dedicated open space includes properties owned by the town, the state, the city of Meriden (watershed land for the public drinking supply), the Cheshire Land Trust, Regional Water Authority and the Quinnipiac Audubon Association, and land set aside that is maintained by home owners associations (Figure 1).



Photo3: Roaring Brook Falls (Suzanne Simone)



Photo 4: Red Trillium (Suzanne Simone)

Land Acquisition Strategies

Since 1986, Cheshire has acquired more than 1500 acres of open space, not including public parks, municipal grounds, or sport fields. In 1998, the Town Council accepted the final report of an Open Space Land Use Advisory Committee – a group comprised of members representing various municipal boards and commissions – who devised a system for evaluating open space in terms of community value and appropriate use. Their report provides a framework to evaluate potential purchases.

With much of the eastern and western greenbelt established, the Town seeks to obtain properties that enhance current acquisitions with access, habitat protection, connectivity, etc. The most recent acquisition, the Puchalski property, is located along Prospect Ridge and has direct connectivity to other town open space properties, which is a key consideration in the purchase of open space parcels. It is recommended that Cheshire should remain committed to the purchase of open space – alone and in partnership with other agencies – that fulfills important public purposes. These will include the protection of our historic and rural character, preservation of significant environmental resources, provision or enhancement of passive recreational areas, linkage with other open space properties, and the protection of ridge lines, especially around our western perimeter.

Accessibility for persons with special needs should also be considered, especially when planning for improvements to open space areas. Those considerations include accessible parking and the provision for some usability for portions of trails, walkways, and open areas for persons whose ability to have any access may be challenged.

Stewardship

In 2005 the Town Council adopted the **Open Space Ordinance** which mandates the management of open space properties. As prescribed, the majority of open space properties have adopted management plans that regulate the permitted and prohibited uses of the property; predicated on the properties topography, habitat, historical use, soils and access. These plans are drafted by town staff, reviewed and approved by the Environment Commission and Parks and Recreation Commission, and are then adopted by the Town Council. The contribution of these stakeholders is important in the fostering of stewardship among appointed and elected public officials.

Public access to public open space remains a priority for the town. Departments have coordinated efforts to recycle materials, when possible. An example of this is the parking area of the Casertano parcel, which was paved with mills retrieved from street paving

projects throughout town. Efforts should be made to continue the practice of reusing materials and timing the sequence of work to maximum benefit and waste reduction.

With the updated Town website, the open space properties have a dedicated webpage, which is updated regularly and contains trail maps, directions, historical information, current updates and events. There is collaboration among planning department and town library staff members to develop and co-host spring events and lectures, focusing on open space and habitat protection. Open space events are jointly advertised on the town website and email notifications from the library. Staff and volunteers continue to host open space hikes and clean up days. In 2013, staff from the planning department created maps for 10 open space properties. These maps are on permanent display at Town Hall, offices of the Parks and Recreation Department, and the public library. Since September 2013, over 12,000 maps have been distributed to the public.

The open space webpage on the town website has been revamped and has a more predominate location on the website, with a link available from the middle column of the homepage. Descriptions of the property's habitat and attractive features are posted for each property, as well as maps and driving directions to the trailhead.

The Town of Cheshire Facebook page provides a social media component to distribute information about the passive recreation options on public land. The most visited open space properties are outfitted with kiosks at the trailhead, with information posted about the property and the open space inventory in general. This visual markers help visitors locate the property and serve to remind the public of this public asset.

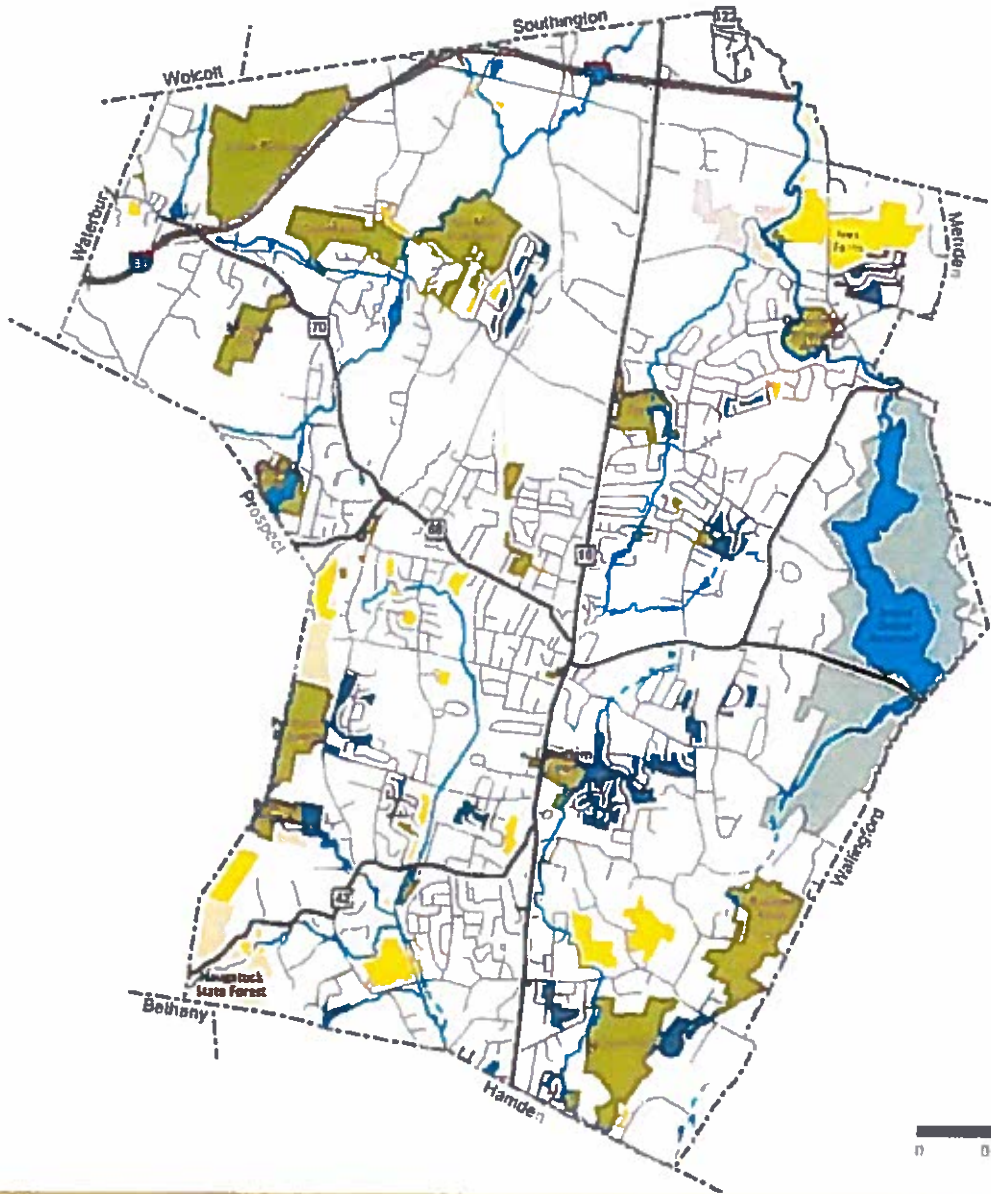
In 2013, planning department staff drafted an **Open Space Maintenance Program** which is currently being reviewed by the town administration. The goal of this program is to provide proactive and reactive maintenance for the 1500 acres of town land. Open space requires periodic maintenance from damage caused by storm events, establishment of invasive plant species, unpermitted activities and general safety issues.

The Town has relied on volunteers in the past for many of the maintenance items, and over time these needs have increased as the inventory has grown larger as well as the use of these properties through more public promotion and awareness. Additionally, the recent storms have led to trail and access issues with downed trees and erosion. Many of these issues require designed remedies that often require land use commission approval, and therefore necessitate a detailed proactive plan among various town departments.

Summary of Environmental Policy Recommendations

1. **Remain committed to the purchase of open space alone and in partnership with other agencies including the Cheshire Land Trust, the Regional Water Authority, and the Connecticut Department of Energy and Environmental Protection.**
2. **Open space purposes should fulfill important public purposes including the protection of our historic and rural character, preservation of significant environmental resources including farmland, provision or enhancement of passive recreational areas, linkage with other open space properties, and the protection of ridge lines, especially around our western perimeter.**
3. **Maintain public access to public open space so that it may be enjoyed.**
4. **Consideration should be given to accessibility for persons with special needs when planning improvements to open space properties.**
5. **Adopt and Implement the Open Space Maintenance Program.**

Existing Open Space

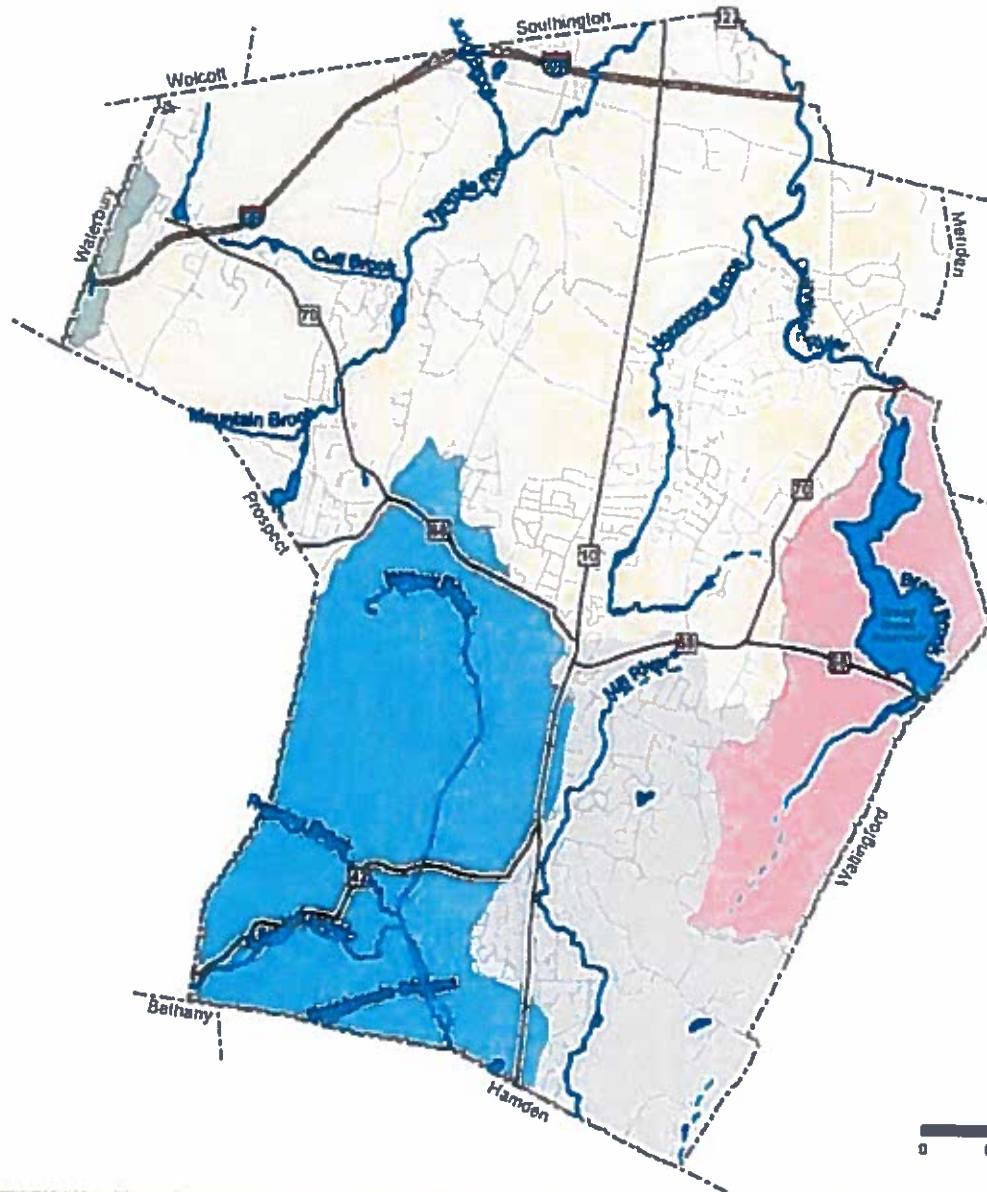


- Interstate
- State Route
- Local Roads
- Stream
- Intermittent Water
- Water
- South Central Regional Water Authority
- Quinnipiac Valley Audubon
- Town
- State of CT
- Private Open Space
- Land Trust
- Meriden Water Company



For planning purposes only.
 Delineations may not be exact.

Watershed/Watercourses



- Interstate
- State Route
- Local Roads
- Water
- Drainage Ditch
- - - Intermittent Water
- Water

SUBREGIONAL BASIN

- Beaver Pond Brook
- Broad Brook
- Mad River
- Mill River
- Quinnipiac River
- Tenmile River
- Willow Brook



For planning purposes only.
 Delineations may not be exact.

Policy Overview for Historic and Cultural Resources

The Planning and Zoning Commission recognizes that developing policies for the protection of our historic and cultural resources is and should be just as important as any other policies within this Plan. The Commission is also very appreciative of the efforts made by members of the Cheshire Historic District Commission whose work was essential to the completion of this chapter. Much of the following narrative comes directly from the policy recommendations prepared by them. In addition, 64 percent of respondents to the Community Survey feel that Cheshire has done a very good job of protecting its historic character.

The Historic District Commission has prepared the **Cheshire Historic Inventory** map illustrating that various historic resources are found throughout community. The map shows the location and age of historic neighborhoods and home sites as well as historic barns, cemeteries and the area of the South Brooksvale Historic District and the Cornwall Avenue-Town Center Historic District. The Planning and Zoning Commission recognizes that Cheshire is rich in history, and the importance of these historic resources is underscored in this Plan.

Native Americans hunted in Cheshire's forests and fished in the streams for hundreds of years before the arrival of European settlers. Significant prehistoric sites have been found within which Native American artifacts from the Quinnipiac tribes have been unearthed. Many sites likely remain undiscovered, and are a source for further study of the Quinnipiac culture.

European settlement began in 1694 when two English settlers from Wallingford chose to build their simple log homes here. Soon after that more people settled here, built handsome framed houses and in 1723 the first Congregational church was constructed, the site of which is marked on what is now Lanyon Drive, near the intersection with South Main Street. The second Congregational church was built at the front of the green, behind which the larger church now stands.

The eighteenth century brought intensive clearing of forested land to make way for farms. In the 19th century the residents built the first town hall and a variety of industries arose: barite mining, tin smithing, brick making, and the manufacture of metal products, including buttons for Civil War uniforms. The Ball and Socket facility along West Main Street was a major producer of these products. After World War II, especially in the years from 1950 to 1990, Cheshire's population quadrupled from 6000 to 25,000 as many farmlands were turned into subdivisions. Today, many historic homes, industrial buildings and other structures still stand, many in use, and some awaiting a productive re-use.

Economic Benefits

Historic preservation plays a role in the beauty and culture of a town, but is also an important economic asset. The Connecticut Commission on Culture and Tourism reports that between the years 2000 and 2001, nearly \$450 million were invested statewide by the private sector for the preservation and reuse of historic buildings. This investment generated over \$350 million in salary and wages for the rehabilitation of these properties, over \$15 million in additional income taxes, \$10.8 million in additional sales taxes, \$7.8 million in increased property taxes for local governments, and an additional \$2 million in business income taxes. Historic rehabilitation is also an employment generator with nearly 4,144 direct jobs and 2,293 indirect jobs created within Connecticut from rehabilitation projects. Cheshire's historic resources contribute to the quality of life here, and their preservation is also likely to result in similar economic benefits.

Adaptive Reuse

Our historic sites, buildings, and structures present various challenges and opportunities. In some cases they are in need of repair and rehabilitation so they can be put to new uses – a factory to an arts center, a 19th century home to a professional office. These re-purposed resources are vital to Cheshire's continuing prosperity and to our strong and environmentally responsible economic development.

Section 45A of the Cheshire Zoning Regulations entitled **Special Adaptive Reuse Development District** was written to enable the reconstruction and/or rehabilitation of older buildings that have significant historic and/or architectural merit to uses that are consistent with the character of the neighborhood and that would be beneficial to the town. This regulation was most recently used to approve the conversion of the former Ball and Socket manufacturing facility to the visual and performing arts center that it will become. It is recommended that this regulation be maintained and reviewed periodically to make sure that it is consistent with its original purpose stated within Section 45A.1 of the regulations, and is flexible enough to remain a useful tool for the preservation of significant historic and cultural resources, and inclusive of uses that are appropriate for this community. Adaptive reuse should always respect the architectural integrity of the original structure.

Development within Historic Districts

At various times the Planning and Zoning Commission will review projects that are also within the Historic District, including those that are contained within the Special Development District regulated under Section 45 of the Zoning Regulations. This happened most recently during the review of development of the George Keeler house and stove shop located on South Main Street midway between Old Towne Road and Wallingford Road. Rehabilitation and reconstruction within these areas requires the issuance of a Certificate of Appropriateness from the Historic District Commission, and a 90 day waiting period for demolition. Section 40.4.7 which is part of the Special Permits section of the Regulations requires the Commission to consider the nature of the surrounding area in their review of Special Permit uses and Section 45.6, h of the Special Development District regulations has more specific language regarding consideration of the design and construction of buildings. It is hereby recommended that the Commission continue to remember the historic context that such projects may be proposed within and to require applicants to demonstrate that they have also considered this important factor within their designs.

Stone Walls, Cellar Holes, and Historic Barns

All three of these can be found within Cheshire and are evidence of the different stages of settlement throughout our history. Stone walls may be significant features that are important to the community. A good example of this is the stone wall that is located along the street line of Cheshire Street, just south of East Johnson Avenue, along the top of which is the edge of the public right-of way for East Johnson. Portions of this wall may have been constructed in the 18th century, and its importance was recognized by the Planning and Zoning Commission when the Commission protected it during their review of the Sterling Ridge Court subdivision. Other stone walls mark the edge of former boundary lines or outline the edge of pasture areas abandoned long ago. These walls can be lost during the development of properties, and it is recommended that some consideration be given to requiring an assessment of these walls during the review process and to encourage their preservation, including the use of conservation easements to ensure their protection where deemed appropriate by the Planning and Zoning Commission. This requirement can be incorporated into the Zoning and Subdivision regulations.

Cellar holes are the remnants of original home sites and may still hold artifacts that provide historical clues about the former owners and the history of the community. Consideration can be given to requiring an assessment of these facilities during the development review process before any conclusions are made as to their disposition.

Historic barns are found in many locations around town, and their protection and restoration should be considered within the Zoning regulations. Their reuse and restoration can be limited by coverage and setback requirements. These requirements can be made more flexible for these historic resources, provided that improvements are made that respect the historic nature of their appearance. It is recommended that this be done using the special permit process.

Municipal Properties

There are three properties that are municipally owned that are discussed in the Community Facilities portion of this Plan. These are: Town Hall, Humiston School, and the Hitchcock-Phillips House located on Church Drive next to the Congregational Church. These are recognized again in this chapter because they each have historic features in their design, and these features should be respected and preserved any time that improvements to these building become necessary. The Planning and Zoning Commission should review any proposed changes in the context of their review of the Capital Budget required under Section 8-24 of the Connecticut General Statutes, and in Special Permit applications required by the Cheshire Zoning Regulations.

Collaborative Efforts

The Historic District Commission has recommended various strategies and objectives to increase awareness and protection of historic resources. These include forming additional historic districts, designation of scenic roads, adopting a delay of demolition ordinance for historic properties outside of the districts, pursuing financial incentives for preservation, purchasing development rights on historic properties, and other similar efforts. Each of these strategies requires the inclusion of various parties with efforts that exceed the scope of this Plan and the specific authority given to the Commission within the Connecticut General Statutes. However, the Planning and Zoning Commission remains supportive of the preservation of historic and cultural resources town wide, and will evaluate, encourage and support those efforts within which the Commission has specific authority.

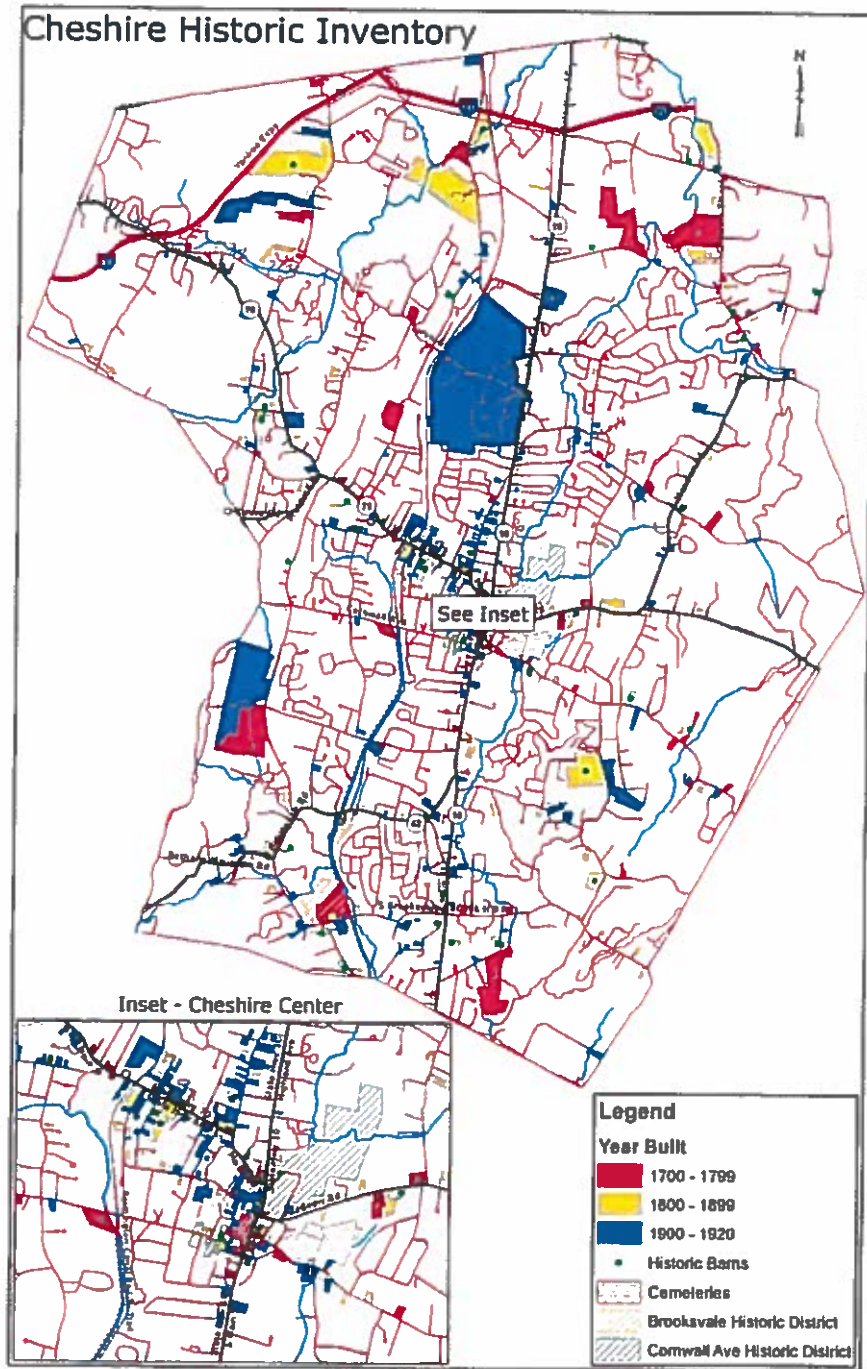
Summary of Historic and Cultural Resources Policy Recommendations

1. Retain Section 45A (Special Adaptive Reuse Development District) of the Zoning Regulations and review and amend when necessary to ensure it is consistent with its purpose to enable the reconstruction and/or rehabilitation of historic buildings for uses that are compatible with and beneficial to this community.
2. Context sensitive design should be emphasized for development projects that include historic properties that are located within or adjacent to both historic districts. Section 40.4.7 of the Zoning Regulations provides the Commission with authority

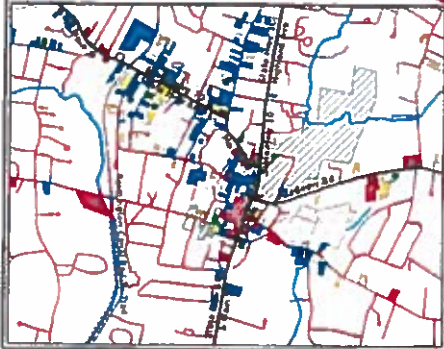
to determine if projects are in harmony with the surrounding area, and applicants should be required to demonstrate that consideration of context was given in project design.

3. Encourage preservation of historic walls, barns, and other historic features through flexible regulatory requirements including coverage.
4. Support the preservation of historic and cultural resources town wide.
5. Respect the historic features of municipal buildings, especially Town Hall, Humiston School and the Hitchcock-Phillips House when doing renovations, expansions or improvements.

Cheshire Historic Inventory



Inset - Cheshire Center



APPENDIX

TOWN OF CHESHIRE

2015 COMMUNITY SURVEY RESULTS



Town of Cheshire 2015 Community Survey Results

Executive Summary



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Introduction

The Town of Cheshire Connecticut is updating its Plan of Conservation and Development, which is a strategic policy document that provides a vision for the community's future. The Town's Plan is the principal statement of policy for Cheshire. It presents a vision of the Town's future, and defines a series of strategies for achieving that vision. The Plan guides the Town's efforts in land use planning and growth management; the provision of public facilities and services; environmental protection; economic development; and the protection of cultural and historic resources.

In 2014, a self-survey was created as part of the updating of the Plan of Conservation and Development. Through collaboration, the Planning and Zoning Commission, the city planner, and Town Council agreed upon specific goals for the Town of Cheshire Plan of Conservation and Development survey project were defined, and uses for the information were determined. The findings provide information for use in the update of the Plan and can also serve to inform the design and delivery of education and outreach programs related to planning efforts¹.

This executive summary report presents the results and conclusions from the surveys in a condensed format. Analyses of the questionnaire responses included the examination of relationships between demographic variables (age, income, residential status) and attitudinal and perceptual performance measures of the Town. Questions were open-ended, multiple choice, and scaled, and included the following topics:

- Community Identity
- Natural Resources and Open Space
- Residential Development
- Commercial and Industrial Development
- Public Facilities and Services

Methodology

The self-administered survey was posted on the Town's web site and Facebook page, copies were available in Town Hall, the Library and Senior Center. The survey was also reported in the local newspaper. A total of 235 responses were received over the course of 9 months; August 2014-May 2015. It was open to city residents, business owners, Town officials, and anyone else interested in the future of Cheshire. Based on the completion of 235 surveys, the margin of error for the survey is 6.37%. These results may be extrapolated to the Town's entire population of

¹ **Note:** The results reported can only be considered the opinions of the survey participants.

29,261 with a 95% confidence level. This means that if the survey were conducted 100 times, the data would be within 6.37 percentage points above or below the percentage reported in 95 of the 100 surveys.

Demographics

Part of the survey analysis factored in community member's perception of Cheshire. It is recognized that each person creates his or her own unique cognitive picture of their community based on their personal experiences.

The majority of survey respondents (99%) were current residents of Cheshire and homeowners. 43% of those who answered the survey have children in the Cheshire school system. Over 50% of those surveyed have a family income of \$100,000 or more and 11% were business owners. The trend of respondent's age is indicative of Cheshire's general population, with most participants falling into the 45-64 age group, followed by the 25-44 yr. olds, and then the 65+ age group.

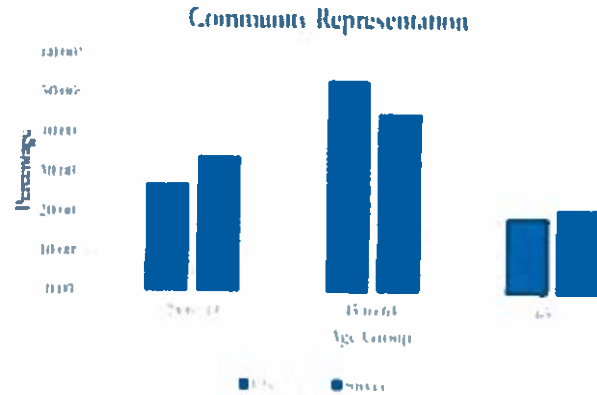


Figure 1: Population of Cheshire from 2010 Census compared to the age of survey respondents.

Community Identity

The survey asked a series of questions with the hopes of discovering perceptual patterns among survey participants. The following questions were delivered to participants in an open-ended format and then condensed based on common occurrence.

In the section of the questionnaire 1 = most popular response 5 = least.

If you could change anything to improve the quality of life in Cheshire, what would it be?

1. Decrease taxes
2. More restaurants downtown
3. The pool
4. Reduce Traffic on Route 10
5. Promote/ increase support for small local businesses

What are the most important issues now facing Cheshire?

1. High taxes
2. Deteriorating school infrastructure
3. Traffic congestion
4. Development
5. Education

What will be the most important issues for the town in the next 10 years?

1. Expanding the tax base
2. Maintaining a good school system
3. Traffic control
4. Small business development
5. Aging Population

Why did you choose to live in Cheshire?

1. School System
2. Community Reputation
3. Location (Close to work/highway)\
4. Community Amenities
5. Housing

How has the quality of life changed in Cheshire in the past 10 years?

37% responded positively, 22% negatively and 41% no change.

1. Increased Traffic

2. The Town now has a pool
3. Taxes have increased
4. Houses have increased in size and quantity
5. Loss of small local businesses

Natural Resources and Open Space

In this section of the survey the Town was graded on multiple preservation and land use efforts on a scale of no opinion, poor, fair, good, or excellent.

58% believe that the Town has done a good-excellent job of creating the historic district; 64% of survey respondents feel that the Town is doing a good-excellent job protecting its historic character.

66% feel that a good-excellent job is being done protecting its wetlands, rivers and streams, lakes, ponds, plant and animal habitat. 69% believe that the Town has done a good-excellent job acquiring undeveloped land as open space. On the other hand, 51% of people believe that the Town was doing a fair-poor job of protecting and planting trees along main roads and new developments. 48% of respondents say that the Town is doing a good-excellent job (vs 26% fair-poor) of supporting community farming. 69% of participants feel that Cheshire does a good-excellent job of maintaining existing parks, recreational facilities, and preserving open space.

47% of those who answered believed that additional funding should be allocated to acquire more open space, 33% disagreed, and 18% had no opinion. A 69% majority of people believe that the Town should require open space within new subdivisions. Of the 235 received surveys, 67 people chose to leave specific suggestions including:

- Preserve fields and add to existing green belts. Protect land along Academy Road and Meriden Road.
- Complete acquisitions along Prospect Ridge.
- Acquire any farmland that becomes available to prevent its development into subdivisions.
- Acquire land that protects wetlands and provides habitat for birds and small animals and that allows residents to visit and observe this wildlife.

Residential Development

A majority of respondents feel that Cheshire has the right amount of land zoned for residential development. 58% of people feel that Cheshire should not consider re-zoning existing undeveloped residential areas to commercial or industrial use to encourage business development. 51% of respondents would not support the re-zoning of existing undeveloped commercial and industrial areas into areas for residential use. The majority (69%) of participants feel that Cheshire should construct more sidewalks and 666% favor an effort by the Town to attract moderately-priced (affordable) housing to meet the needs of residents of moderate income (e.g. police, firefighters, teachers, young adults, senior citizens).

A majority of respondents feel that there is a "right amount" of all housing types throughout Town. However a strong minority of 42% feel that Cheshire had too much "expensive" housing and a strong minority of 47% and 40% respectively feel that there wasn't enough middle and

Survey Results

lower income affordable housing.

	Too few	Too many	About right
Single-family houses	4.16%	13.84%	81.68%
Expensive (upper income) houses	5.83%	42.14%	51.71%
More affordable (middle income) houses	47.17%	2.83%	50.00%
Affordable (lower-middle income) houses	40.38%	9.62%	50.00%
Condominiums	61.85%	23.22%	64.93%
Apartments	22.22%	19.81%	57.97%
Multi-family/duplex	19.80%	15.50%	65.50%
Active adult (55+)	17.84%	22.75%	60.14%
Assisted living housing	26.24%	8.91%	64.85%
Mixed-use	29.82%	12.44%	58.55%

Table 1. Results taken directly from Question 19 of the survey

Commercial and Industrial Development

The majority of respondents are not satisfied with Cheshire's commercial and industrial development over the past 10 years, and they want the Town to limit commercial development to areas where it is currently allowed. Approximately 47% survey respondents believe that recently added commercial development fits into the town's character but 70% would support the Town in an effort to strengthen requirements to enhance the aesthetics of commercial areas.

A majority of respondents feel that there are too many temporary signs throughout Town. There were a significant number of comments on the architecture of commercial buildings in town such as:

- The majority of those who left responses feel the Ball and Socket development fits perfectly.
- Many are opposed to the North End outlet mall development.
- The large chain stores do not fit into the Town's character.

New Business Development: 85% of people would also like to see the Town encourage new business development, and 70% would support an effort towards increasing the variety of retail and service business offered.

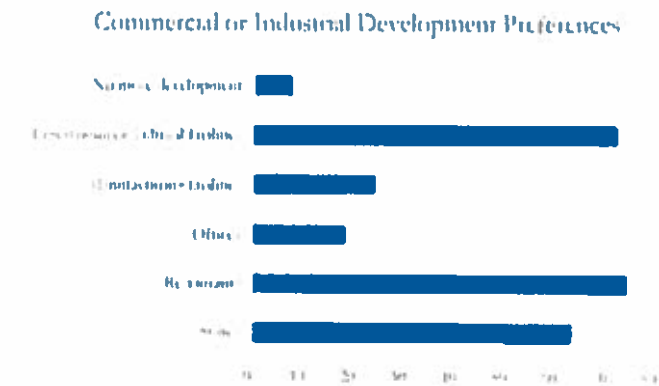


Figure 2: Response to Question 23. Respondents were allowed to pick all systems that applied to them.

Public Facilities and Services

Road Conditions: 66% of respondents believe that the conditions of town and state roads are acceptable. 77% of those surveyed feel the Town should direct additional resources to alleviate traffic congestion along major roads. 77% do not feel that the state is doing enough to alleviate congestion on major roads in Cheshire. The majority of people, 69%, would like to see the Town direct additional resources to alleviate traffic on town roads that are used as cut-through alternatives to avoid main roads. The majority of respondents do not think the major intersections in Cheshire (RT10 and RT68 at the center of town; West Main Street and Maple Avenue; and Mountain Road/RT70) are safe for pedestrians and 44% of people believe other intersections throughout town are not safe for pedestrians. A majority would like to see more and improved signs and plantings (the bedding plant capital) welcoming motorists to Cheshire at major arteries entering Town.

Parking: 55% of people believe there is sufficient parking at most Town facilities, however, Town Hall, the library and the Post Office are major exceptions.

Public Facilities: The majority of those who answered are satisfied with Town Hall, the police department facility, fire stations, ambulance station, public works facility, library, parks and recreation facilities, the senior center, youth center and the Yellow House, and bicycle/walking trails. Strong minorities of those surveyed are dissatisfied with school facilities, and the swimming pool. Over 80% of people are not content with the current state of the post office or cultural interest opportunities.

Conclusion

Identifying residents' desires for the future through self-administered surveys and understanding their concerns about critical issues is very helpful to Town officials in developing effective recommendations for the new Plan of Conservation and Development. The data clearly indicates that community members have a strong desire to ensure the beauty and economic vitality of Cheshire into the future. The Plan of Conservation and Development is an essential step in the process of the long-term planning for the well-being of Cheshire residents.

The data reported here was collected using Survey Monkey.

SECTION 2

CHESHIRE, CONNECTICUT

ZONING REGULATIONS



Adopted April 8, 1970
Effective April 24, 1970 – 12:01 a.m.

Cheshire Code of Ordinances
Chapter 12 Planning and Zoning

Section 12-7. Land use agencies' fees.

(a) The following schedule of fees shall pertain to the processing of applications by the Planning and Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands and Watercourses Commission, and the Aquifer Protection Agency:

(1) As to the Planning and Zoning Commission:

Affordable housing	\$ 175.00 Special Permit \$ 50.00 per unit fee \$ 50.00 per each 100 linear feet of road
Cluster subdivision	\$ 300.00 base fee \$ 175.00 Special Permit \$ 100.00 per lot \$ 50.00 per each 100 linear feet of road
Certificate of location approval for motor vehicle dealer or gasoline station	\$ 100.00
Earth removal, filling, and regrading	\$ 500.00
Interchange zone	\$ 300.00
Planned residential development (Sec. 43.1 - 43.7)	\$ 300.00 base fee \$ 175.00 Special Permit fee \$ 50.00 per unit fee \$ 50.00 per each 100 linear feet of road
Site plan—residential	\$ 150.00
Site plan—Commercial/Industrial	\$250.00 plus additions or new buildings of 5,000 square feet or greater shall add an additional fee of \$.05 per square foot of addition or building
Special design district (S.D.D.)	\$ 300.00
Special permit—residential	\$ 175.00
Special permit— Commercial/Industrial	\$ 300.00 plus additions or new buildings of 5,000 square feet or greater shall add an additional fee of \$.05 per square foot of addition or building
Subdivision/resubdivision	\$ 250.00 base fee \$ 100.00 per lot \$ 50.00 per each 100 linear feet of road
Temporary sign--registered	\$ 15.00
Petition to amend the Subdivision Regulations	\$ 500.00
Petition to amend the Zoning Map	\$ 500.00
Petition to amend the Zoning Regulations	\$ 500.00
Zoning permit	\$ 50.00
Public hearing	\$ 175.00
Public hearing continuance	\$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the application.	Actual amount paid by the Town

(2) As to the Zoning Board of Appeals:

Variance--Residential	\$ 75.00
Variance— Commercial/Industrial	\$ 150.00
Appeal of zoning enforcement order	\$ 100.00
Public hearing	\$ 175.00
Public hearing continuance	\$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the application.	Actual amount paid by the Town

(4) As to the Aquifer Protection Agency:

New Registration	\$ 100.00
Registration for a vacant site/inactive activity	\$ 100.00
Renewal of an existing registration	\$ 100.00
Modification of an existing registration	\$ 100.00
Add a regulated activity to a registered facility	\$ 100.00
Renewal of an existing permit	\$ 100.00
Modification of an existing permit	\$ 100.00
Public hearing	\$ 175.00
Public hearing continuance	\$ 50.00
Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the registration or permit application.	Actual amount paid by the Town

(b) Miscellaneous provisions.

Adopted April 8, 1970
Effective April 24, 1970 – 12:01 a.m.
Reprinted November 1973
Reprinted as Amended July, 1974
Reprinted as Amended November, 1974
Reprinted as Amended July, 1975
Amended September 1, 1975
Reprinted as Amended July, 1976
Effective July 30, 1976
(Section 44 was deleted in its entirety. [Sections 44.2, 44.2.1, 44.2.2, 44.2.3, entitled “Additional Planned Commercial Districts”, were deleted by Commission action of June 28, 1976; effective July 1, 1976.])
Reprinted as Amended September, 1977
(Including Cluster Section, Effective October 14, 1977)
Amended, Effective October 28, 1977
Amended, Effective through January 26, 1979
Reprinted as Amended March, 1979
Amended June 29, 1979
Amended August 31, 1979
Amended September 17, 1979
Amended November 2, 1979
Amended March 28, 1980
Reprinted as Amended May, 1980
Amended August 1, 1980 (Section 43.6, Sheltered Care Facility)
Amended September 26, 1980
Amended December 19, 1980
Amended February 27, 1981
Amended June 26, 1981
Amended October 30, 1981
Reprinted as Amended November, 1981
Amended January 28, 1983
Reprinted as Amended July, 1983
Amended October 1983 (Section 47, Aquifer Protection)
Amended December 30, 1983
Amended February 3, 1984
Amended March 2, 1984
Amended June 29, 1984
Amended August 27, 1984
Amended September 1984
Amended October 1984
Amended November 1984
Amended December 1984
Amended March 1985
Amended May 1985 (Section 48, Interchange Zone Regulation)
Amended July 1985 (Section 49, Soil Erosion & Sediment Control)
Amended August 30, 1985
Amended September 27, 1985
Amended December 6, 1985
Amended May 27, 1986
Amended August 29, 1986
Amended February 27, 1987
Amended March 27, 1987

Amended December 24, 1987

Amended January 29, 1988

Amended April 25, 1988

Amended May 27, 1988

Amended September 26, 1988

Amended January 24, 1989

Amended May 22, 1989

Amended July 24, 1989

Amended September 25, 1989

Amended October 23, 1989

Reprinted as Amended November, 1989

Amended December 13, 1989

Amended May 29, 1990

Reprinted as Amended January, 1991

Amended January 28, 1991

Amended April 22, 1991

Amended November 23, 1992

Amended February 1, 1993, Effective February 5, 1993

(Adopted Section 44, Planned Residential Subdivision Development)

Amended May 28, 1993

Amended July 2, 1993

Reprinted September 1993

Amended January 24, 1994, Effective January 28, 1994

(Section 47 – Aquifer Protection)

Reprinted January 1994

Reprinted May 1994

Amended July 25, 1994, Effective July 29, 1994

Reprinted September 1994

Amended September 26, 1994, Effective September 30, 1994

Amended February 27, 1995, Effective March 3, 1995

Amended March 27, 1995, Effective March 31, 1995

Reprinted April 1995

Reprinted July 1995

Reprinted September 1995

Amended September 25, 1995, Effective September 29, 1995 at 12:01 a.m.

(Section 48 Interchange Zone)

Amended October 23, 1995, Effective October 27, 1995 at 12:01 a.m.

(Section 46 and Section 30, Schedule A, Permitted Uses 5f., In-Law Apt. Renewals)

Amended November 27, 1995, Effective December 1, 1995 at 12:01 a.m.

(Enhanced Notice Requirements. Added Section 26.)

Reprinted December 1995

Reprinted January 1996

Amended March 11, 1996, Effective March 15, 1996 at 12:01 a.m.

(Section 44A, Omnibus Affordable Housing Regulation)

Amended April 22, 1996, Effective April 26, 1996-Sec.30, Schedule A, Permitted Uses, # 21(Convalescent homes-Added Assisted Living Residential Facilities)

Amended April 22, 1996, Effective April 26, 1996,

(Section 23,“Definitions” Assisted Living Residential Facility)

Amended April 22, 1996, Effective April 26, 1996,

(Section 30, Schedule A, Permitted Uses, #73,Added Hair and Beauty Salons, Including Barber Shops)

Amended May 28, 1996, Effective June 7, 1996,
(Section 30, Schedule A, Permitted Uses, #74, Adult Entertainment Regulation and To add to Section 23
“Definitions”)
Reprinted September 1996
Amended October 28, 1996, Effective November 1, 1996 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses: To add 19b- Municipal Buildings & Uses of the Town of Cheshire
and other governmental uses.)
Amended November 25, 1996, Effective December 6, 1996 at 12:01 a.m.
(Section 43.7.7d-Design Standards (i) square footage)
Reprinted as Amended January 1997
Amended February 3, 1997, Effective February 7, 1997 at 12:01 a.m.
(Section 44A-Omnibus affordable Housing Regulation 44A.7.6B and
Section 30, Schedule A, Permitted Uses Paragraph 14-Child Day Care Centers & Nursery Schools)
Amended March 24, 1997, Effective March 28, 1997 at 12:01 a.m.
(Section 43.7.2 and 43.7.7d) (ii)
Reprinted May 1997
Amended June 23, 1997; Effective June 27, 1997 at 12:01 a.m. (Section 24)
Reprinted August 1997
Reprinted November 1997
Amended December 15, 1997, Effective December 19, 1997 at 12:01 a.m.
(Zone Text Change Petition-Section 30 Schedule A, #2 & 3b-to delete industrial from text in #2 and delete 3b
entirely)
Reprinted January 1998
Amended March 23, 1998, Effective March 27, 1998 at 12:01 a.m.
(Zone Text Change Petition-Section 30 Schedule A, #2 & 3b) and
(Section 43.7 Subparagraph 3, Assisted Personal Care Living Units) and
(Section 43.7 Subparagraph 4, Skilled Nursing Facility)
Amended April 27, 1998, Effective May 1, 1998 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses: #75 Pet Grooming)
(Section 43.7.7, Design Standards, and Planned Community Designed Exclusively for Occupancy by Elderly
Persons: a (i) (ii) (iii) (iv))
(Section 44.4, the first paragraph of Section 44.5, and Appendix B Affordable
Housing Restrictive Covenant.)
Amended May 26, 1998, Effective May 29, 1998
(Section 44A.10.1, General Design Standards for all Affordable Housing Developments and Section
44A.10.6, Parking)
Amended and Reprinted, May, 1998
Amended June 22, 1998, Effective June 26, 1998
(Section 42.2.1, Cluster Subdivisions and Section 42.3.9, Recreational Facilities)
Reprinted October 1998
Amended November 23, 1998, Effective November 27, 1998 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses #21)
Reprinted January 1999
Amended February 22, 1999, Effective February 26, 1999 at 12:01 a.m.
Zone Map Change/Knotter Drive & Marion Road, R-40 to I-2
Reprinted September 1999
Amended December 13, 1999, Effective December 17, 1999 at 12:01 a.m.
(Section 23, Definitions and Section 33.1.12 and Section 33.4)
Reprinted January 2000
Reprinted April 2000

Amended April 24, 2000, Effective April 28, 2000 at 12:01 a.m.
(Section 42.3.6 Walkways)

Amended September 25, 2000, Effective September 29, 2000 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses 5c, [in-law apartment] and Section 35 and 36, [take out service])

Reprinted October – 2000

Amended October 23, 2000, Effective October 27, 2000 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses, to add #76 Tag Sales and its definition)

Amended October 23, 2000, Effective October 27, 2000 at 12:01 a.m.
(Zone Map Change R-40 to R-20A, 666 & 678 South Main Street)

Reprinted February 2001

Amended March 26, 2001, Effective March 30, 2001 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses, # 57 Golf Driving Ranges, add to definition)

Reprinted June 2001

Amended and adopted June 25, 2001, Effective June 29, 2001 at 12:01 a.m.
(Section 34, Signs, New Section 34 to replace existing)

Reprinted July 2001

Amended October 24, 2001, Effective November 2, 2001 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses 3B Mix of Dwelling Units & Office Units) & Zone Map Change (I-2 to R-40, 1524 Marion Road)

Amended December 12, 2001, Effective December 21, 2001 at 12:01 a.m.
(Section 40.7, As-Built Survey and Certificate of Occupancy, Special Permit)
(Section 41.4, As-Built Survey and Certificate of Occupancy, Site Plan)

Reprinted December 2001

Adopted March 25, 2002, Effective March 29, 2002 at 12:01 a.m.
(Section 43.4, Age Restricted Planned Residential Development, new definition in Section 23 and new paragraph 6C to section 30, Schedule A, Permitted Uses)

Amended March 25, 2002, Effective March 29, 2002 at 12:01 a.m.
(Section 46.1, Area of Applicability and Section 46.3, Definitions)
(Zone Map Change, R-80 to R-20, 88 Larson Avenue)

Reprinted April 2002

Reprinted June 2002

Amended June 24, 2002, Effective June 28, 2002 at 12:01 a.m.
(Zone Map Change, R-80 to R-20, 100 Larson Avenue)

Amended September 30, 2002, Effective October 4, 2002 at 12:01 a.m.
(Section 40.2.1 Site Plan, Section 40.2.2 Architectural Plans, Section 40.2.4 Fee, Section 41.2.1 Site Plan, Section 41.2.2 Architectural Plans, and Section 41.2.4 Fee)

Amended and or Adopted October 28, 2002, Effective November 1, 2002 at 12:01 a.m.
(Section 30, Schedule A Permitted Uses, 28.A, New Section Added, Section 30, Schedule A Permitted Uses, 35, Amended and new definition in Section 23, Retail, and Section 43.4.1b and c, 43.4.3 a, f, h, k and o.)

Reprinted November 2002

Amended December 16, 2002, Effective December 20, 2002 at 12:01 a.m.
(Zone Map Change, R-20 to C-3, 869 West Main Street, Map 49, Portion of Lot 72)

Amended January 27, 2003, Effective January 31, 2003 at 12:01 a.m.
(Section 34.2.C. Amended, Applicability and Permit Process-Signs)

Amended March 24, 2003, Effective March 28, 2003 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses – 39A, Commercial Recreation Facilities & 39C, Sports Training Facilities – Amended)
(Section 32.5, Visibility at Intersections – Amended, with new definitions added to Section 23 – Curb Line / Edge of Shoulder, Design Speed, Intersection, & Sight Distance)
(Section 32.6, Fences, Walls & Hedges – Amended)
(Section 47, Aquifer Regulations – Amended, New, with changes to Section 24.4, Enlargement – Amended, and Section 40.9, Extension and Expansions of Pre-Existing, Nonconforming Uses – New)

Amended and Adopted April 28, 2003, Effective May 2, 2003 at 12:01 a.m.
(Section 20.7 Moratorium of Age Restricted Planned Residential Developments)

Reprinted May 2003

Amended and Adopted May 27, 2003, Effective June 6, 2003 at 12:01 a.m.
(Section 23, Lighting Definitions), (Section 33.9 Outdoor Lighting)
(Section 40.7, As-Built Survey & Certificate of Occupancy)
(Section 41.4 As-Built Survey & Certificate of Occupancy)

Amended and Adopted June 23, 2003, Effective June 27, 2003 at 12:01 a.m.
(Section 30, Schedule A, Permitted Uses #54, Wireless Telecommunications Facilities - Amended)
(Section 80, Wireless Telecommunications Facilities – New)

Adopted July 28, 2003, Effective August 1, 2003 at 12:01 a.m.
(Zone Map Change from R-40 to R-20, Diversified Cook Hill LLC
1398 South Main Street, Map 85/Lot 97)

Reprinted October 2003

Amended and Adopted October 27, 2003, Effective October 31, 2003 at 12:01 a.m.
(Section 43.4, Age Restricted Planned Residential Development)

Amended and Adopted November 24, 2003, Effective December 5, 2003 at 12:01 a.m.
(Section 52, Zoning Permit Required)

Reprinted January 2004

Amended and Adopted March 22, 2004, (Zone Map Change from I-C to I-2,
Rapoport Ventures, LLC 1718 Highland Avenue, Map 11/Lot 46)

Amended & Adopted May 24, 2004 Effective May 28, 2004 at 12:01 a.m. (Section 43.4.1
Qualifying Standards. (Part of Section 43.4 Age Restricted Planned Residential
Development) Applicants David & Honey Florian

Amended June 28, 2004 Effective July 2, 2004 at 12:01 a.m. (section 32, Schedule B
Dimensional Requirements)Maximum Lot Coverage in R-20A zone and amend
Footnote #4

Reprinted July 2004

Amended July 26, 2004; effective July 30, 2004 at 12:01 a.m. (Section 30 Schedule A
Permitted Uses and Section 23 Definitions

Amended September 27, 2004; Effective October 1, 2004 at 12:01 a.m.
(Zone Map Change from R-20 zone to Affordable Housing Development, Albert
S. Prinz & Edith W. Prinz – 501 Maple Avenue, Map No. 50, Lot No. 200)

Reprinted December 2004

Amended January 24, 2005 effective January 28, 2005 at 12:01 a.m.
(Section 45A Special Adaptive Reuse Development District (S.A.R.D.D.)

Amended April 25, 2005, effective April 29, 2005 at 12:01 a.m.
(Zone Map Change from R-20 I-C Zone to an Age Restricted Development
Overlay Zone, David Florian and Honey Florian – Poplar Drive, Map No. 5, Lot

Amended June 27, 2005, effective July 1, 2005 at 12:01 a.m.
(Zone Map Change from R-40 to Age Restricted Overlay Zone/Section 43
Brodach Builders Inc.- 210 Wiese Road, Map 58, Lot No.60)

Amended September 26, 2005, effective September 30, 2005 at 12:01 a.m.
(Schedule 30, Schedule A Paragraph 52)

Amended October 24, 2005, effective October 28, 2005 at 12:01 a.m.
(Zone Map Change from R-20 to R-20A Zone)

Amended November 14, 2005, effective December 2, 2005 at 12:01 a.m.
(Zone Map Change from R-20 and R-80 Zone to a Special Adaptive Development Overlay Zone, Pond View of
Cheshire, LLC, 50 Hazel Drive, Map 15/Lot 52)

Amended April 24, 2006, effective April 28, 2006 at 12:01 a.m.
(Section 52.3 Sanitary Permit)

Amended May 22, 2006, effective May 26, 2006 at 12:01 a.m.
(Section 30, Schedule 30, Schedule A, Permitted Uses, Paragraph 73, Accessory Use Tent
and New Definition: Accessory Use Tent)

Amended July 24, 2006; effective July 28, 2006 at 12:01 a.m.
(Zone Map Change from R-40 to Age Restricted Planned Residential Development)
772 South Main Street Assoc.LLC, Rear of 74 Jiny Hill Road and Rear of 802 South
Main Street, Map 78, Lots No. 114,115

Amended December 18, 2006, effective December 22, 2006 at 12:01 a.m.
(Zone Text Change to add #74 to Section 30, Schedule A Permitted Uses
Display, storage, sale of landscape materials in I-1 and I-2 zones by Special Permit
Approval
Ryan Industries dba Stone Works

Amended February 13, 2007 effective February 22, 2007 at 12:01 a.m.
(Zone Text Change to Section 34.7.C, Identification Sign: Subdivision or Planned
Residential Development)

Amended February 26, 2007 effective March 2, 2007 at 12:01 a.m.
(Zone Text Change to Section 32, Schedule B, to allow for a unified site plan on separate properties for industrial
and commercial development)

Amended July 9, 2007 effective July 13, 2007 at 12:01 a.m.
Section 45 (I-C.S.D.D.) Interchange Special Development District
New Definitions – Archaeological Characteristics, Environmental Assessment, Natural
Features, Mixed-Use Development, Interchange Special Development Project

Amended January 28, 2008
(Zone Map Change from Interchange Zone to Interchange Special Development District)
Cheshire Route 10- LLC
1953 and 2037 Highland Avenue, I-691 and Dickerman Road
Assessor's Map 3, Lot No. 51 and Assessor's Map 4, Lot Nos. 6 and 13

Amended March 10, 2008, Effective March 14, 2008 at 12:01 a.m.
(Zone Map Change from R-20 to R-20A)
2298 Waterbury Road, LLC Donald J. Ciampi, Sr. and Lucille D. Ciampi
2298 and 2278 Waterbury Road
Assessor's Map No. 14, Lots No. 27 and 28

Amended May 12, 2008, Effective May 31, 2008
(Zone Map Change from R-40 to R-20)
Tam Le
1358 South Main Street
Assessor's Map No. 85, Lot No. 98

Amended July 14, 2008 Delete, in its entirety, Section 47 Aquifer Protection Regulations
from the Cheshire Zoning Regulations.

Amended July 28, 2008, Effective August 15, 2008
(Section 30, Schedule A, Permitted Uses, Paragraph 7, Assisted living, Convalescent Homes, and the like licensed by the State of Connecticut)

Amended September 22, 2008, Effective October 11, 2008
(Section 25, Earth Removal, Filling and Regrading)
(Section 49, Soil Erosion and Sediment Control)

Amended January 12, 2009, Effective January 31, 2009 at 12:01 a.m.
(Section 43.6.7 a and b Design Standards – Sheltered Care Facility Designed Exclusively For Occupancy by Elderly Persons)

Amended March 23, 2009; Effective April 10, 2009 at 12:01 a.m.
(Zone Map Change from R-20 to Affordable Housing District (AHD)
Cheshire Housing Authority – 356 and 366 West Main Street
Assessor’s Map No. 57, Lot(s) 119 and 120)

Amended July 27, 2009; Effective August 14, 2009
(Zone Map Change from R-80 to R-40)
Elim Park Baptist Home to rezone from R-80 to R-40 a portion of 140
Cook Hill Road

Amended April 26, 2010; Effective May 14, 2010
(Sec. 30, Sch. A. Para 24B, 24C (Regulating Poultry)
(Technical Zone Text Changes : 24.4, Enlargement ref. to aquifer protection regulations,
Section 34.10, 34.11 (Numbering) Section 40.2.1 and Section 41.2.1 (copies to be submitted),
Section 46 Flood Plain Management Regulation; Section 33 – Off-Street Parking and Loading;
Section 23 Definitions (Finished Space and Personal Service Businesses)

Amended May 10, 2010; Effective May 28, 2010
Section 31 Prohibited Uses with New Section 31.3 Outdoor Wood Burning Furnaces

Amended May 24, 2010; Effective June 11, 2010
Section 45B.9.1 Procedure A and B

Amended June 14, 2010; Effective July 2, 2010
Section 45B.7.2 Time Limitation

Amended September 27, 2010; Effective October 16, 2010
Section 41.5 Revisions and Section 41.6 Conditions of Approval and Extensions of
Expiration Date

Amended November 22, 2010; Effective December 17, 2010
Section 46 Flood Plain Management: Section 46.1 Area of Applicability and
Section 46.3 Definitions

Amended September 10, 2012; Effective September 28, 2012
Section 30, Sch. A Permitted Uses To Add Para 1B (Accessory Second Dwelling)

Amended December 10, 2012; Effective December 28, 2012.
Section 30, Sch. A Permitted Uses Para 7. Assisted living, convalescent homes and the like...to
Add f.

Amended July 8, 2013, Effective July 26, 2013 Section 43.8 Planned Residential Infull
Development

Amended July 8, 2013, Effective July 26, 2013 Section 30, Schedule A, Permitted Uses
To add Paragraph 6G

Amended July 22, 2013, Effective August 9, 2013 Section 30, Schedule A, Permitted
Uses to add Paragraph 59B, Warehousing (heights)

Amended December 9, 2013; Effective December 27, 2013 at 12:01 a.m. Section 45A.1.2 Special Adaptive Reuse
Development District (S.A.R.D.D.) AND Section 45A.4 Prohibited Uses

Amended July 14, 2014; Effective August 1, 2014 at 12:01 a.m. – Section 23, (Recreation, Active, Passive)
Section 30, Sch. A Item 29A and new Section 32, Schedule B, Item 7.

Amended September 8, 2014; Effective 9.26.14 at 12:01 a.m. – Section 30, Sch. A Para 36A Commercial
Recreation Facilities

Amended October 26, 2015; Effective November 13, 2015 at 12:01 a.m. – To add Subsection 23C to Section 30, Sch. A Permitted Uses to allow outdoor events and activities on a working farm

Amended November 9, 2015; Effective November 27, 2015 at 12:01 a.m. – To add Section 32.7.2 to Outside Storage

Amended May 9, 2016; Effective May 27, 2016 at 12:01 a.m. – To amend Section 30, Sch. A Permitted Uses Para 40a and to add 40B. (Restaurants and other food service establishments...)

Amended April 24, 2017; Effective May 12, 2017 at 12:01 a.m. – Section 32 Building coverage in Industrial Zones, lot size in the I-2 Zone, Section 23 Definitions Low Impact Development (LID) Creation of Section 35 to regulate Building Coverage and Storm Water Management and Access Management in Industrial Zones.

Amended May 8, 2017; Effective May 8, 2017 . Section 46.1 Flood Plain Management – Area of Applicability

Amended May 22, 2017; Effective June 9, 2017 - Section 33.1.7(a) Medical offices and medical clinics, and the like; And Section 23 Finished Space

Amended July 10, 2017; Effective July 28, 2017, Section 45.7.2 Time Limitation (SDD)

Amended December 11, 2017; Effective December 29, 2017, Section 24 Nonconformities Section 24.2 Discontinuance and Section 24.7 Casualty

Amended May 14, 2018; Effective June 1, 2018 at 12:01 a.m. – Section 32, Schedule B Dimensional Requirements I-2 zone: Minimum Lot Width, Street Line Setback, Side and Rear Line Setbacks

Amended June 11, 2018; Effective June 29, 2018 at 12:01 a.m. – Section 48 and Section 45B

Amended January 14, 2019; Effective February 1, 2019 – Section 30, Schedule A Para 5 – Accessory apartment (regulation changed from In-Law apartment) and Section 23: Definitions: Add New: Barrier Free Design

Amended May 29, 2019; Effective June 21, 2019 – Section 44A Affordable Housing Development

Amended May 29, 2019; Effective June 21, 2019 – Section 45B. I-C.S.D.D.

Section 23 Definitions approved text: Interchange Special development Project: Effective June 21, 2019

Amended July 8, 2019 to add new Section 36 Highland Avenue Design District Regulations: and Section 23 Definitions: Context Sensitive Design and Narrative Approved July 8, 2019; effective July 26, 2019 at 12:01

Amended July 22, 2019; Effective August 9, 2019 – Special regulations for I-C-S.D.D. (follows Section 45B)

Amended July 22, 2019; Effective August 9, 2019 – To amend Section 43.8.2.c (Planned Infill Residential Development) Distance and height of accessory structures

Amended July 22, 2019; Effective August 9, 2019 – Section 30, Schedule A Permitted Uses Para 33.b Parking setback

Amended May 11, 2020; Effective June 5, 2020-Section 30, Schedule A Permitted Uses (NEW) 58(a) Breweries, Wineries, distilleries and alcoholic manufacturing facilities...

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ARTICLE I AUTHORITY AND INTENT

SECTION 10 AUTHORITY.

In accordance with the provisions of Chapter 124 of the 1958 Revision of the Connecticut General Statutes, as amended, the Planning and Zoning Commission of the Town of Cheshire hereby adopts and enacts these regulations as the Zoning Regulations of the Town of Cheshire.

SECTION 11 INTENT.

It is the Intent of these Regulations to aid in the implementation of the adopted Comprehensive Plan of Development for the Town of Cheshire. These Regulations and said plan are designed to further the purposes set forth in Chapter 124 of the Connecticut General Statutes, Revision of 1958, as amended, and for the promotion with the greatest efficiency and economy of the coordinated development of the Town and the general welfare and prosperity of its people, particularly in the following ways:

11.1 To guide the future development of the Town in accordance with a comprehensive plan, so that the Town may realize its potentialities as a desirable place in which to live and work with the best possible relationships among residential, commercial, and industrial areas within the Town, and with due consideration to (a) the particular suitability of each of these areas for various uses, and (b) existing conditions and trends in population, economic activity, land use, and building development.

11.2 To encourage an orderly pattern of residential development in the Town, in order to facilitate the adequate provision of schools and other public services on an economical basis, and to avoid the disorderly and blighting pattern of unguided development.

11.3 To provide suitable areas for desirable commercial and industrial development within the Town, and to reserve the best industrial land for industrial use, in order to promote the growth of employment conveniently located for residents of the Town, and to facilitate the adequate provision of public services on an economical basis, and to avoid the disorderly and blighting pattern of unguided development.

11.4 To help bring about the most beneficial relationship between the uses of buildings and land and the circulation of traffic through and within the Town, with particular emphasis on providing adequate, safe, and convenient access for traffic to the various uses of buildings and land throughout the Town, and on avoiding congestion in the streets and highways in the Town.

11.5 To protect the value of land and the value of buildings appropriate to the various districts established by these Regulations and to protect and improve the general visual appearance of the Town.

ARTICLE II GENERAL PROVISIONS

SECTION 20 APPLICATION OF REGULATIONS.

The regulations set by these Regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided, and particularly:

20.1 No building, structure, or land shall hereafter be used or occupied and no building or structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

20.2 No building or other structure shall hereafter be erected or altered: (a) to exceed the height or bulk; (b) to accommodate or house a greater number of families; (c) to occupy a greater percentage of lot area; (d) to have less setback than herein required; or in any other manner contrary to the provisions of these Regulations.

20.3 No setback, or off-street parking or loading space required around or in connection with any building for the purpose of complying with these Regulations shall be included as part of a setback or off-street parking or loading space similarly required for any other building.

20.4 No setback or lot existing at the time of passage of these Regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks and lots created after the effective date of these Regulations shall meet at least the minimum requirements established by these Regulations.

20.5 The Water Pollution Control Authority has determined that public sanitary sewers will not be extended into existing R-80 zones. Therefore, any use contained in these regulations in R-80 zones, requiring public sanitary sewers, cannot be approved. It is the opinion of the Cheshire Planning & Zoning Commission that sewerage should take place in Primary Aquifer Recharge areas wherever possible.¹

20.6 If an application for site plan review, for a special permit or special exception, or for subdivision or resubdivision approval involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended, the applicant shall submit an application for a permit to the Cheshire Inland Wetlands and Watercourses Commission not later than the day such application is filed with the Planning & Zoning Commission. The decision of the Planning & Zoning Commission shall not be rendered on the site plan application until the Inland Wetlands and Watercourses Commission has submitted a report with its final decision. In making its decision, the Planning & Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission.

(20-1)

¹ Amendment effective March 27, 1987.

20.6 cont'd.

If the time for a decision by the Planning & Zoning Commission established pursuant to the Connecticut General Statutes, as amended, would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands and Watercourses Commission, the time period for a decision of the Planning & Zoning Commission shall be extended to thirty-five (35) days after the decision of the Inland Wetlands and Watercourses Commission. The provisions of this section shall not be construed to apply to any extension consented to by an applicant or petitioner.¹

20.7 Moratorium of Age Restricted Planned Residential Developments – No Special Permit shall be accepted for consideration by the Planning and Zoning Commission in any zone for an Age Restricted Planned Residential Development under Section 43.4 of the Cheshire Zoning Regulations from the effective date of this regulation until November 2, 2003.²

(20-2)

¹ Amendment effective September 30, 1988.

² Amendment adopted April 28, 2003, effective May 2, 2003 at 12:01 a.m.

SECTION 21 PERFORMANCE STANDARDS.

The following performance standards shall apply to all uses of land, buildings and other structures wherever located:

21.1 Dust, Dirt, Fly Ash and Smoke: No dust, dirt, fly ash and smoke shall be emitted into the air so as to endanger the public health and safety, to impair the safety, value, and enjoyment of other property or to constitute a critical source of air pollution.

21.2 Odors, Gases and Fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air except for the odors connected with the spreading of manure or fertilizer.

21.3 Noise: With the exception of farm implements and farm animals, time signals, fire, police or ambulance sirens and the noise customarily involved in the construction or demolition of buildings and other structures, no noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.

21.4 Wastes: No offensive wastes shall be discharged into any river, stream or storm drainage.

21.5 Vibration: With the exception of vibration necessarily involved in the construction or demolition of buildings and other structures, no vibration shall be transmitted outside the property where it originates.

21.6 Danger: No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured or disposed of except in accordance with applicable codes and regulations of the Town, the State of Connecticut, and the Federal Government.

21.7 Interference: No radio frequency interference shall be transmitted outside the property where it originates.

21.8 Outside Lighting: All external illumination shall be directed or shielded in such a manner that the source (bulb, tube, etc.) of light will not be visible from any street or from any adjoining property and that the illuminated areas shall be confined essentially to the property where the illumination originates.

21.9 Drainage: No structure shall be used, erected or expanded and no land shall be graded or hard surfaced unless provisions have been made 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 water.

SECTION 22 ESTABLISHMENT OF DISTRICTS.

For purposes of these Regulations, the Town of Cheshire is hereby divided into the following zoning districts:

<u>DISTRICT</u>			<u>CODE</u>	<u>FORMER DESIGNATION</u>
Residential	R-80	District	R-80	R-3
Residential	R-40	District	R-40	R-2
Residential	R-20	District	R-20	R-1
Residential	R-20A	District	R-20A	
Commercial	C-1	District	C-1	
Commercial	C-2	District	C-2	
Commercial	C-3	District	C-3	
Industrial	I-1	District	I-1	
Industrial	I-2	District	I-2	

22.1 Zoning Map. The boundaries of the zoning districts indicated in Section 22 are shown on the maps entitled, “Official Zoning Map, Town of Cheshire, Connecticut”. Plate numbers 101 through 139 inclusive, dated April 8, 1970, effective 12:01 A.M. April 24, 1970 and on file at the office of the Cheshire Town Clerk. The above maps and any amendments thereto are hereby made a part of these Regulations.

22.2 Interpretation of District Boundaries. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

22.2.1 Boundaries indicated as approximately following the center lines of rights-of-way shall be construed to follow such center lines;

22.2.2 Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines;

22.2.3 Boundaries indicated as approximately following Town Limits shall be construed as following such limits;

22.2.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

22.2.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of the natural change in the shore line be construed as moving with the natural actual movement of the shore line; boundaries indicated as approximately following center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such natural center lines;

22.2.6 Boundaries indicated as parallel to or extensions of features indicated in paragraphs 22.2.1 through 22.2.5 above shall be so constructed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

22.2.7 Where physical or other features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs 22.2.1 through 22.2.7 above, the Planning and Zoning Commission shall interpret the district boundaries.

22.2.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of these Regulations, the Planning and Zoning Commission may permit, as a special permit, the extension of the Regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remaining portion of the lot.

22.2.9 Such lines, limits, etc. mentioned above, shall be those of record as of the effective date of these Regulations.

SECTION 23 DEFINITIONS

For the purpose of these Regulations, certain words and terms shall have the meanings as listed below. Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and Webster's Third New International Dictionary, respectively. Words in the present tense include the future, the singular includes the plural and vice-versa, and the word "person" includes a partnership or corporation.

Accessory Use Tent: A folding or similar type structure with a canvas or similar material cover.⁶

Acre: 43,560 square feet.

Adult Entertainment: ^{3,5}

Any exhibition of any adult-oriented motion picture, live performance, display, of dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities", exhibition and viewing of "specified anatomical areas", appearing unclothed, the removal of articles of clothing, or any other personal services which involve "Specified Sexual Activities" which are offered to customers.¹

Age Restricted Planned Residential Development:

A Planned Residential Development designed to meet the needs and requirements of an active adult community, where at least one adult occupant of each dwelling unit is 55 years of age or older, and there is no permanent resident under the age of 21 years.⁴

Ambulance:

A motor vehicle specifically designed to carry patients.²

Ambulance Service:

An organization the purpose of which is transporting patients in ambulances for hire.

Archaeological Characteristics:

Material evidence of human activity of special historic value and/or ancient peoples found below, at, or above the surface of the ground water.⁷

Assisted Living Residential Facility:

A residential facility which provides assisted living services by a Connecticut licensed assisted living services agency in a managed residential community, as defined under regulations of the State of Connecticut Department of Public Health, including the provision of supportive services to assist those in need of assistance in the activities of daily living.²

Barrier Free Design: Design for those with physical or other disabilities, requiring the provision of Alternative means of access including ramps and/or lifts (elevators), or other structural modifications needed to provide equal access for those with disabilities.⁸

Base Flood Elevation:

The elevation of the 100-year flood.⁵

¹ Amendment eff. 6/7/79, ^{2,3} Amendment eff. 6/29/79, ⁴ Amendment eff. 3/29/02; ⁵ Amendment 4/26/81;

⁶ Amendment eff. 5/26/06, ⁷ Amendment eff. 7/13/07; ⁸ Amendment eff. 2/1/19

Building:

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials.

Building Height:

The distance measured from the mean level of ground surrounding the building to the highest point of the roof.

Building Line:

A line parallel to the street line at a distance equal to the required setback or a greater distance.

Camping Trailer:

Any structure, mounted on wheels, and designed for travel, recreational and vacation uses, and registered as a camp trailer with the Motor Vehicle Department.¹

Campground:

Any parcel of 50 acres or more on which may be located two or more tents, camp trailers, pickup coaches, self-propelled recreational homes of a design or character suitable for seasonal or other recreational living purposes, including a day camp but not a mobile home park, boarding or rooming house, tourist home, hotel or motel. ¹

Context Sensitive Design:

Design which emphasizes the physical characteristics of a development that shows consideration and compatibility within the unique setting within which the project is to be set including consideration of the following:

1. Physical elements shall include the relationships between the buildings and proposed and existing streets, pedestrians and vehicles, and public and private spaces.
2. Transitional areas between existing neighborhoods and the proposed project area, including yards, existing or proposed buffer areas, topographic changes, and pedestrian and street linkages.
3. Site design and building forms which create a place that establishes a continuous neighborhood.
4. Includes architectural characteristics that fit and enhance the character of the local neighborhood within which they are set.
5. The design should include meaningful connections between elements within the planned community.
6. Landscaping elements that provide screening, visual contrast, protect scenic views and to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation.

(23-2)

¹Amendment effective February 27, 1975

²Amendment effective October 14, 1977

^{3,4} Amendment effective July 30, 2004

⁵ Amendment effective 7/26/19

Cluster Subdivision Definitions:¹

(1) **“An Undivided Interest”**: shall mean a fee interest in land which is free of any encumbrances whatsoever, except drainage easements and easements to regulated public and private utilities.⁴

(2) **“Homeowners Association”**: shall mean all those persons who have purchased a lot or lots in the subdivision and who have joined together for the purpose of implementing the provisions of an agreement to own, maintain and use the open space designated in the subdivision for their joint and mutual benefit in accordance with Articles of Incorporation and deed restrictions approved by the Commission.⁴

(3) **“Agricultural”**: shall mean the cultivation of ground and/or the harvesting of crops.⁴

(4) **“Outdoor Recreation”**: shall mean the normal playground activities, including swimming pool and bath house, golf courses and other similar permitted uses.

Curb Line / Edge of Shoulder: The edge of the paved portion of the roadway.²

Customary Home Enterprise: One or more of the following:

- a) The preparation and sale of those products customarily produced in the home, garden or farm, including home baking, needlework, fruits, produce and home preserves, provided such products are created entirely on the premises.
- b) The preparation and sale of the products of arts and crafts, including painting and illustrating, woodcarving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, provided that such products are created entirely on the premises.
- c) A private workshop accessory to the skilled trade of a resident of the dwelling, including the workshop of a plumber, electrician, carpenter, heating contractor, painter, paperhanger, watchmaker, radio and television repairman, provided that there is no sale of goods on the premises.

Design Narrative: A statement that describes the process by which the specific design choices for a particular project were arrived at, including the context of the neighborhood within which the project is proposed. The narrative should include discussion of the layout and the design of the various structures including material choices, colors, rooflines, fenestration (windows), doorway locations, elevations, and buffering choices. The narrative should also include discussion on access management, parking, and utility choices.³

Design Speed:

The maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern.¹

(23-3)

¹ Amendment effective October 14, 1977

² Amendment effective March 28, 2003

³ Amendment effective July 26, 2019

Dwelling:

A building containing one or more “dwelling units”. One or more buildings may be considered to be a “dwelling” if designed for occupancy, and so occupied by one “family”.

Dwelling Unit:

A building or a part of a building designed for occupancy, and so occupied, by one “family”. Accommodations for transient lodging, and so occupied, in a motel or hotel shall not be considered to a “dwelling unit”.

Environmental Assessment:

A report that describes the Natural Features of the site, the changes that will occur as a result of proposed activities on the site, the anticipated environmental impacts and consequences of the proposed activities, and the proposed mitigation measures to minimize undesirable impacts to the environment.³

Family:

One or more individuals related by blood, marriage or adoption, or not more than 3 individuals who are not so related, living together as a single housekeeping unit and using certain rooms and housekeeping unit and using certain rooms and housekeeping facilities in common.

**Deletion of Definitions of Earth Filling, Earth Regrading, and Earth Removal
Effective February 27, 1975.

Finished Space:

Gross floor area minus storage space, halls, lobbies, elevator shafts, stairs and stairwells,⁵ mechanical and maintenance rooms, and lavatories.⁴

Flood or Flooding:¹

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.²

Flood Insurance Rate Maps (FIRM):

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Flood Insurance Study:¹

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodproofed: Watertight with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(23-4)

¹ Amendment effective June 26, 1981

² Amendment effective March 28, 2003

³ Amendment effective July 13, 2007

⁴ Amendment May 14m 2010

⁵ Amendment June 9, 2017

Floodway:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Hotel: A place of lodging, providing sleeping accommodations and which may also include, as an incident thereto, restaurants, cocktail lounges, recreational facilities, meeting and banquet rooms, convention facilities, and other retail and service shops.^{1&3}

Interchange Special Development Project:

A Mixed-Use Development proposed pursuant to Section 45B of these regulations.⁴

A development proposed pursuant to Section 45B of these regulations.⁸

Intersection:

A general area where two or more highways join or cross including the roadway and roadside facilities for traffic movements within the area.²

Lot: A parcel of land.

Lot of Record: A lot which was legal at the time of the adoption of these Regulations or any amendment hereto and was owned separately from any adjoining lot as evidenced by map on file with the Town Clerk and/or by the land records of the Town of Cheshire.

Lot Coverage:

The ground area enclosed by the walls of a building together with the areas of all covered porches and other roofed building

Lot Frontage:

The total distance a lot abuts a street line.

Lot Line:

A boundary line of a lot.

Lot Line, Front:

A lot line which abuts a street line or the lot line nearest a street line.

Lot Line, Rear:

The lot line which is farthest from the street.

Lot Line, Side:

A lot line not a front lot line or a rear lot line.

Lot Width:

The distance measured in a straight line, connecting the points of intersection of the building line with the side lot lines.

Low Impact Development (LID) “Low Impact Development” or “LID” means a site design strategy that maintains, mimics, or replicates pre-development hydrology through the use of numerous site design principles and small scale treatment practices distributed throughout a site to manage runoff volume and water quality at the source.⁷

Mixed-Use Development:

A development that is planned and managed as a single property with off-street parking, landscaped areas, and pedestrian plazas provided on the property as an integral part of the development, and which has two or more different uses such as but not limited to, office, retail, food service establishments, service businesses, banks, public and entertainment and, in limited and appropriate circumstances, residential, in a compact form.⁵

Motor Home:

A self-propelled vehicle which is intended or designed primarily for office work or living quarters.

Municipal Building and Uses:

Municipal office buildings, administrative headquarters, public recreation facilities, public schools, libraries, and other uses normally engaged in by municipalities.⁴

Natural Features:

Physical characteristics of the site that are not manmade including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, floodplains, wildlife, and habitat features.²

Patient:

An injured or ill person requiring assistance and transportation.³

Personal Services Businesses:

Businesses providing nonmedical related services, including beauty and barber shops, clothing rental, dry cleaning stores, self-service laundries, psychic readers, shoe repair shops, tanning salons, health and exercise facilities, pet grooming establishments, and similar uses. These uses may also include accessory retail sales of products related to the services provided.⁴

Pickup Coach:

A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.²

Planned Residential Development:

A residential development controlled by a single person or corporation, of a single tract of land or a number of contiguous lots, for five or more dwelling unit.

Planned Residential Development Designed Exclusively for Occupancy by the Elderly:

Shall mean developments of dwelling units

- 1) designed exclusively to be occupied by and to meet the specific requirements and design standards suitable for occupancy by one or more elderly persons at least one of whom is sixty-two (62) years of age or over, and

¹ Amendment effective March 16, 1973

² Amendment effective February 27, 1975

³ Amendment effective June 29, 1979

⁴ Amendment effective September 17, 1979

⁵ Amendment effective July 13, 2007

⁶ Amendment effective May 14, 2010

⁷ Amendment effective May 12, 2017

- 2) which conform to the requirements of State and/or Federal programs providing for housing for the elderly and shall include a signed and sealed certified statement from the owner, his architect, and engineers that such housing conforms to the State and/or Federal Agencies' program requirements for elderly housing whether or not such housing is constructed under such program.

Private Usable Outdoor Space:

Outdoor space directly accessible by the occupants of a dwelling unit, adequately screened from adjacent spaces and common land so as to provide privacy for the users thereof.

Professional and Business Offices:

Offices of doctors, dentists, attorneys, real estate agents, insurance agents, accountants, brokers, engineers, architects, landscape architects, studios of artists, photographers, musicians, offices for data processing, telephone answering services, and the like.

Public Service Corporation Buildings and Facilities:

Privately owned buildings and facilities intended to serve the public interest but are proprietary in nature. Such uses may include, but are not limited to, community water supply wells and reservoirs, well houses, water towers, telephone and power stations.²

Recreation, Active: Recreational activities usually performed with others, often requiring equipment and taking place at developed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, court games, baseball, soccer and other field sports, and playground activities.⁴

Recreation, Passive: Recreational activities that do not require a developed site, generally including such activities as hiking, horseback riding, picnicking, and similar activities.⁵

Retail: Sales of goods or services (other than professional services) to the general public. This definition shall include 'wholesale membership clubs' whose membership exceeds one hundred (100) members.³

Self-Propelled Recreational Home:

A portable dwelling designed and constructed as an integral part of self-propelled vehicle.¹

(23-7)

¹ Amendment effective February 27, 1975

² Amendment effective September 17, 1979

³ Amendment effective June 29, 2001

⁴ Amendment effective May 14, 2010

⁵ Amendment effective August 1, 2014

Sight Distance:

The length of the roadway ahead that is visible to the driver. The available sight distance on a roadway should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.⁴

Sign: In this section, signs shall mean any billboard, illustration, insignia, lettering, picture, display banner, pennant, flag, logo, neon or electrical sign or other device however made, displayed, painted, supported or attached, intended for the purpose of advertisement, attraction of attention, identification, publicity or notice whether located outside of any building or located inside any building and designed primarily for the purpose of being visible to the public outside of the building.^{1,3}

Soil Erosion and Sediment Control Regulations-Definitions:²

(In addition to applying to Section 49, these Definitions may also apply to other sections of the Zoning Regulations.)

Certification:

Means a signed, written approval by the Planning & Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of this regulation.

Development:

Means any construction or grading activities to improved or unimproved real estate.

Disturbed Area:

Means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion: Means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Grading:

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

Inspection:

Means the periodic review of sediment and erosion control measures shown on the certified plan.

Sediment:

Means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Soil: Means any unconsolidated mineral and organic material of any origin.

¹ Amendment effective July 1, 1977

² Amendment effective July 27, 1985

³ Amendment effective June 29, 2001

⁴ Amendment effective March 28, 2003

Soil Erosion and Sediment Control Plan:

Means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Specified Anatomical Areas:

The following portions of the human body if less than completely and opaquely covered: Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola. "Specified anatomical areas" also includes human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

Activities which show human genital in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.^{1,3}

Street: A public or private road or right-of-way giving access to a lot.

Street, accepted public:

A street which has been accepted by the Town Council.

Street, proposed public:

A street with design approval by the Planning and Zoning Commission which is to be offered to the Town as a public street and which is either complete to Town of Cheshire Road Specifications or bonded to insure such completion.

Street, approved private:

A street with design approval by the Planning and Zoning Commission which is to remain in private or corporate ownership and which is either complete to Town of Cheshire Road Specifications or bonded to insure such completion, and further which is approved by the Town Council subject to a legal agreement concerning the owners' responsibility for maintenance of such street.

Street Line:

The right-of- way easement line or taking line of any public or private street.

Structure:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including storage trailers, greenhouses, pool, carports, membrane houses,²

Substantial Improvement:

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) before the improvement or repair is started, or
- 2) if the structure has been damaged and is being restored, before the damage occurred

(23-9)

¹ Amendment effective June 7, 1996

² Amendment effective June 26, 1981

³ Amendment effective July 30, 2004

For the purpose of this definition, “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.²

Tag Sale:

The sale of personal property, including household items, clothing and the like, held at a “Dwelling Unit.” The term shall include garage sale, yard sale, estate sale, and the like. For the purpose of this definition, personal property shall include items previously used by the person or persons of the “Dwelling Unit or the person or persons holding the “Tag Sale.” Items acquired for resale are specifically excluded from this definition.³

Temporary Parking:

Means a permanent parking area designated for seasonal, overflow and emergency conditions for a temporary period of time not to exceed one hundred twenty (120) days in a calendar year and intended to accommodate occasional or emergency parking requirements. The term is not intended to include other non-permanent parking, which is permitted or prohibited by the Cheshire Zoning Regulations.²

Tent: A canvas, or other similar type material constructed folding structure that is, in some cases, small enough to be carried on a person’s back yet not so large that it could not be transported in the trunk of an average automobile. It is designed for travel, recreational and vacation use.¹

Trailer or Mobile Home: Any vehicle which is intended or designed or primarily for office work or living quarter and which is, has been, or may be mounted or moved on wheels.

(23-10)

1Amendment effective February 27, 1975

2Amendment effective June 26, 1981

3 Amendment effective October 27, 2000

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SECTION 24 NONCONFORMITIES:

Within the districts established by these Regulations or amendments that may later be adopted, there exist uses, structures or lots, which were lawful before these Regulations were passed or amended, but which would be noncomplying under the terms of these Regulations. Such uses, structures and lots are termed nonconformities. It is the intent of these Regulations to permit these nonconformities to continue until they are removed.

24.1 Change in Plans. To avoid undue hardship, nothing in these Regulations shall be deemed to require a change in the plans, construction or designated use of any structure for which a required building permit has been issued prior to the effective date of adoption or amendment of those Regulations provided actual construction, which is defined as the placing of construction materials in a permanent position and fastening in a permanent manner, was begun no later than 6 months after such effective date and diligently prosecuted to completion within one year following such effective date. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such activity shall be deemed actual construction provided that work shall be carried on diligently.

24.2 Discontinuance. A nonconforming use, building or structure shall not terminate or be deemed abandoned unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure.^{1,3}

24.3 Repair and Maintenance. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by decree of any official charged with protecting the public safety, provided that such work does not increase the nonconformity of the structure or the nonconforming use which the structure houses. Nothing in this Section shall be deemed to prohibit work or ordinary repair and maintenance of a nonconforming structure or a structure which houses a nonconforming use or replacement of existing materials provided that such work does not increase the nonconformity of the structure or the nonconforming use which the structure houses.²

24.4 Enlargement. Building and uses permitted in Section 30, Schedule A, when nonconforming, may be extended or expanded on the lot occupied by such use, subject to compliance with all other applicable Regulations and particularly the maximum lot coverage, yard and height requirements, provided no such building or use existing upon the adoption of these Regulations, and any Amendment thereto, shall be expanded by more than 25% of the nonconforming floor and/or ground area. The total of all such expansions shall not exceed 25%. Such expansion shall be by Special Permit as provided in Section 40. Persons seeking the *Cheshire Aquifer Protection Regulations* must have a valid Aquifer Protection Area Registration, and shall apply for an Aquifer Protection Area permit, or modify the Aquifer Protection Area Registration in accordance with the *Cheshire Aquifer Protection Regulations*.²

(24-1)

¹ Amendment effective June 27, 1997

² Amendment effective May 14, 2010

³ Amendment effective December 29, 2017

24.5 Moving. No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a structure shall be moved or extended to any other part of the structure not expressly arranged and designed for such use at the time the use became nonconforming, and no structure containing a nonconforming use shall be moved, unless the result of any such move is to end the nonconformity. No nonconforming structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity.

24.6 Change. No nonconforming use of land or a structure or a nonconforming structure shall be changed except to a conforming use or structure, but may as a Special Permit as provided in Section 40, be changed to another nonconforming use or structure provided such use or structure is found to be more nearly conforming to these Regulations. No nonconforming use of land or a structure or nonconforming structures if once changed to conform or to more nearly conform to these Regulations as provided above, shall thereafter be changed so as to be less conforming again.

24.7 Casualty. If any nonconforming structure or any structure containing a nonconforming use shall be destroyed by fire or other casualty, such structure may be reconstructed or repaired and such use may be resumed, unless the property owner of such use or structure voluntarily terminates, abandons or discontinues such use or structure and such termination, abandonment, or discontinuance is accompanied by an intent to not reestablish such use or structure.^{1,2}

24.8 Lots of Record. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these Regulations, notwithstanding limitations imposed by other provisions of these Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that setback dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided lot for the purposes of these Regulations, and no portion of said lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these Regulations, nor shall any division of any lot be made which creates a lot with width or area below the requirement stated in these regulations.

(24-2)

¹ Amendment effective June 27, 1997

² Amendment effective December 29, 2017

24.9 Special Permit Provision. Any use existing at the time these Regulations are adopted and is permitted as a Special Permit as provided in Section 40 of these Regulations shall not be deemed a nonconforming use. This shall not apply to Section 24.4.

24.10 Municipal Uses. Any municipal use of the Town of Cheshire which arose during the period of the Town's exemption from its zoning regulations (ending with the adoption of this sub-section) and which was permitted as a special permit, as provided in Section 40 of these Regulations, shall not be deemed a nonconforming use. This shall not apply to Section 24.4.*¹

*Section 24.4 limits expansion of nonconforming uses to 25%.

¹ Amendment effective September 17, 1979.

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SECTION 25 EARTH REMOVAL, FILLING AND REGRADING.¹

25.1 Purpose. The purposes of this regulation among others, in excluding all earth removal, filling and regrading operations from all single family residential districts in the Town of Cheshire and regulating such operations in the commercial and industrial districts, are:

- a) To protect areas against fire, explosives, toxic and noxious matter, and other hazards and against offensive noise, vibration, dust, smoke and other particulate matter, odorous matter, glare and other objectionable influence;
- b) To discourage truck traffic and other traffic associated with earth removal, filling and regrading operations from proceeding through residential areas;
- c) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of residential districts and to conserve the value of land and buildings.

25.2 General. No earth, including loam, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be excavated and removed from any lot located in a single-family residential district, or graded or filled or dumped on any lot in a single-family residential district, except as authorized herein.

No earth, including loam, sand, gravel, clay, peat, quarry stone, inorganic or organic matter, shall be excavated and removed from any lot located in a commercial or industrial district, or graded or dumped or filled on any lot located in a commercial or industrial district, except as authorized herein or as authorized under an application for a permit granted by the Commission under the provisions of this section.

25.3 Exemptions. The provisions of this section and the requirements to obtain a permit shall not apply to the following cases:

- a) Necessary filling, excavation, grading or removal in direct connection with construction or alteration of a structure or septic system or other utility on a lot for which a building permit has been issued, and which involves the movement of less than one thousand (1,000) cubic yards of earthen material.²
- b) Necessary filling, excavation, grading or removal in connection with construction or alteration on a lot in accordance with an approved subdivision or resubdivision plan.

(25-1)

¹ Amendment effective in its entirety on February 27, 1975.

² Amendment effective September 1, 1975.

25.3 Exemptions, cont'd.

- c) Necessary filling, excavation, regrading or removal on a lot in any zone for bona fide agriculture, nursery or bedding plant production purposes shall be allowed in Special Permit. The movement of not more than 2,000 cubic yards of earthen material per year shall be allowed as a matter of right.
- d) Necessary filling, excavation, grading or removal in connection with resurfacing of an existing roadway or parking lot.
- e) Any filling, excavation, grading or removal involving the movement on any lot of no more than one hundred (100) cubic yards of earthen material.

Necessary filling, excavation, grading or removal in connection with activities of the Town of Cheshire shall be subject to a Special Permit.⁵

25.3.1 Conditional Exemption. In the case of regrading or filling as part of landscaping project on an individual residential lot when such operation is not for commercial purposes, the Planning and Zoning Commission may issue a permit to allow the regrading or filling in excess of the amount presently allowed, but not to exceed 5,000 cubic yards, provided the applicant apply to the Planning and Zoning Commission with the information customarily necessary for an Earth Filling or Regrading Permit. A public hearing will be required, as per Section 25.7, if the request is for 2,000 cubic yards or more.⁶

25.3.2 Approved Special Permits and Site Plans. When an application for necessary filling, excavation, grading or removal is made in connection with a development proposal that requires the approval of a Special Permit pursuant to Section 40 or a Site Plan pursuant to Section 41, the applicant may request, and the Commission may grant, a modification or waiver of the provisions of subsections of (3), (9) and/or (11) of Section 25.5, provided the Commission finds that such modification or waiver will not pose any unreasonable risks to public health or safety.

Except for necessary removal in connection with the installation of utilities no removal in connection with a Special Permit or Site Plan approval by the Planning & Zoning Commission shall be commenced until a building permit has been obtained for any proposed building within the proposed area of development.

Each application shall contain, in addition to the requirements of the remaining sections of this Earth Removal Regulation, a written report, by a licensed professional engineer describing in adequate detail for the Commission's proper evaluation the proposed earth removal, filling, and excavation and describing in detail the sequence and containing details of generally accepted best management practices to be followed by the applicant to provide for public safety and welfare and protection of environmentally sensitive areas of the site. The proposed earth removal, filling, regrading, and excavation shall be completed in accordance with this report.⁷

(25-2)

⁵Amendment effective September 17, 1979

⁶Amendment effective September 1, 1975

⁷Amended 9/22/08; effective 10/11/08

A copy of the application, all plans and surveys submitted with the application including the report of the licensed professional engineer shall be submitted to the South Central Connecticut Regional Water Authority by certified mail, return receipt requested, within two (2) business days after the applicant submits the application to the Cheshire Planning Department.

Periodic inspections of the site shall be performed by an independent licensed professional engineer and written reports of such inspections shall be submitted to the Planning Department describing compliance with the engineer's report approved by the Planning and Zoning Commission as well as the status, maintenance, condition, integrity, and adequacy of the sedimentation and erosion controls approved by the Planning and Zoning Commission. The written reports of the licensed professional engineer shall be submitted every thirty (30) days or within two (2) days of every rainfall event of one-half (½) inch or greater within twenty-four (24) hours. Such inspections and reports shall be at the applicant's expense and a copy of each report shall be submitted to the South Central Connecticut Regional Water Authority by certified mail, return receipt requested, within two (2) business days after the applicant submits the report to the Cheshire Planning Department.

Importing and stockpiling of material and storage of equipment which is not necessary for the completion of the project which is the subject of an approved Special Permit or Site Plan is prohibited.

In addition to any bond required for erosion and sedimentation controls, the applicant shall post, or cause to be posted, a bond, or other approved form of surety in an amount determined by the Planning Department assuring that the earth removal, filling, grading and excavation are completed in accordance with the maps and plans as well as the sequence and completion dates approved by the Commission.¹

25.4 Application Requirements. Application for a permit under this section shall be submitted in duplicate in writing to the Commission with an application fee for Five Hundred Dollars (\$500.00). The application shall be accompanied by maps and plans prepared by and bearing the seal of a land surveyor or civil engineer licensed by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut, showing the following:

- 1) The location and exterior limits of the area to be filled excavated or graded;
- 2) Property lines and streets adjoining the lot, location of buildings and structures on adjoining parcels and the names and addresses of owners of property adjoining the lot, *as well as a separate sheet listing names and addresses of adjoining property owners;*¹
- 3) Existing and proposed contour lines on the lot to be filled, excavated or graded, coordinated to a permanent monument, drawn to a scale of not more than one hundred (100) feet to the inch and with a contour interval not exceeding two (2) feet;

(25-3)

¹Amended 9/22/08; effective 10/11/08.

25.4 Application Requirements cont'd.

- 4) Existing and proposed drainage on the lot and existing rivers, streams, water courses, ponds, swamps on and within two hundred (200) feet of the lot. If off-site information is not readily obtainable by survey, such information may be supplied from U.S.G.S. datum;
- 5) The location of the lot of any wooded area, rock outcrops and existing and proposed buildings and structures;
- 6) An estimate of the number of cubic yards of material to be filled, excavated, graded or removed and an estimate of the time necessary to complete the operation;
- 7) Proposed vehicular access to and from the site to the closest major state highway.¹
- 8) An estimate of the number, types and hours of operation of trucks and other machinery to be used on the site, and the locations and types of any buildings, including temporary buildings to be erected;
- 9) Details of proposed blasting and storing of explosives;
- 10) Details of final grading and planting of the site to prevent erosion on the site both during the operation and at its conclusion.

25.5 Standards and Conditions. The filling, excavation, grading or removal authorized by a permit under this section shall conform to the following standards and conditions:

- 1) The filling, excavation, grading or removal shall be carried out in accordance with the maps and plans as approved by the Commission and within the exterior limit shown thereon;
- 2) No processing machinery shall be erected or maintained on the lot within two hundred (200) feet of any property or street line, and any such machinery shall be removed from the lot upon termination of the permit. No materials shall be stockpiled outside the permit area and no equipment or structures covered by the permit shall be operated or located outside the permit area. Except in an industrial district, including the Interchange Zone, no screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises. No other machinery not required for the operation shall be stored on the site;²
- 3) At no time shall more than one undivided area exceeding five (5) acres in size be opened within the lot, it being the intent of these Regulations that the remainder of the lot shall either be undisturbed land or shall have been restored pursuant to subsection "Restoration" below;

(25-4)

¹ Amendment effective December 24, 1987

Amended 9/22/08; effective 10/11/08

25.5 Standards and Conditions cont'd.

- 4) The filling, excavation, grading or removal shall not result in sharp declivities, pits or depressions, soil erosion, improper drainage or other conditions which would impair the reasonable reuse and development of the lot or which would impair or damage the use of adjacent or neighboring lots or would cause health or sanitary hazards;
- 5) The work shall be limited to the hours of 8 a.m. to 5 p.m. Monday through Friday. No work shall be permitted on legal holidays. The Commission may allow additional hours of operation.⁷
- 6) Proper measures shall be taken to minimize nuisance from noise and dust. The access road shall be oiled in such manner as the Zoning Enforcement Officer may direct to insure compliance with this section;
- 7) At all stages of the work, proper drainage shall be so arranged as to minimize traffic hazards on street and to avoid nuisance to residents of the neighborhood. In addition, the traffic pattern to and from the operation shall not create a safety or traffic hazard;
- 8) Such barricades or fences shall be erected as are necessary for the protection of pedestrians, vehicles, abutting properties and streets.⁸
- 9) No filling, excavation, grading or removal which is below the elevation of any abutting street or property line shall occur within fifty (50) feet of such line unless permitted by the Commission after a Public Hearing has been held on the application and the Commission has determined that such activity would not involve or create a substantial risk of damage to the abutting property. Where two or more adjoining lots are to be considered, the Planning and Zoning Commission may treat a joint application as one application;
- 10) It shall be the responsibility of the permit holder to insure that vehicles removing earthen material from the lot have their loads secured so that there will be no spillage of such material within the Town of Cheshire;
- 11) At all stages of the work where any excavation or fill will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal distance, there shall be a substantial fence enclosing the fill or excavation, at least six (6) feet in height with suitable gates. Such fence shall be located fifty (50) feet or more from the edge of the excavation or fill.

(25-5)

⁷ Amendment effective September 30, 1994.

⁸ Amended 9/22/08; effective 10/11/08

25.6 Restoration. Upon completion of the work authorized, the area of excavated or otherwise disturbed ground shall be prepared or restored in accordance with plans approved under Section 40 and/or 41 of these regulations, or as follows:1

- 1) Such area shall be evenly graded to slopes not exceeding one (1) foot of vertical rise to three (3) feet of horizontal distance. The required slope may be modified by the Commission where ledge rock makes steeper slopes unavoidable or to such lesser slope necessary for soil stability, safety and reasonable reuse and development of the lot; in addition, the area shall be evenly graded with sufficient slopes, dikes, berms and waterways to assure adequate drainage of the area, so that stagnant pools of water will be avoided and so that the adjacent area will not be damaged;
- 2) All debris and all loose boulders not incorporated into the improvement of the lot shall be buried or removed from the lot;
- 3) A top layer of any arable soil, which shall be free of any large stones, shall be spread to a depth of not less than six (6) inches over the entire area, and the area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger from erosion, but this provision shall not apply to the area of ponds, nor to exposed areas of ledge rock existing prior to excavation.

25.7 Procedure. Hearings by the Commission for Permits. The Commission shall, within sixty-five (65) days of receipt of a completed application for a permit for any operation involving the excavation, filling, grading or removal of two thousand (2,000) cubic yards or more of earthen material, hold a Public Hearing on such application in accordance with the provisions of the General Statutes of the State of Connecticut.

Except as specified in subsection 9 of "Standards and Conditions", a Public Hearing is not required for operations involving the excavation, filling, grading or removal of less than two thousand (2,000) cubic yards of material.

Failure to submit additional information requested by the Commission shall be grounds for disapproval of the application.

All communications between the Commission and the applicant shall be in writing, and a copy of such shall be kept on file in the Town Hall.

25.8 Regulations Regarding Permit. Any permit issued hereunder shall expire one year from the date of publication of notice of approval unless renewed by the Commission.

25.8.1 Permit Renewal. The Planning and Zoning Commission may renew its permission to carry out excavation and removal, stockpiling, regrading or filling for periods of one year without a public hearing provided the applicant submits an updated map showing existing conditions, and shows through the report of a Registered Professional Engineer or a Registered Land Surveyor, that the operation as approved and that the other applicable requirements of this section have been carried out. Notice of any application for renewal of permit shall be published as a legal notice in a newspaper having general circulation in the Town of Cheshire.

(25-6)

25.8.1A Extensions. The Commission may extend the one year time period for not more than thirty (30) days provided the applicant can show to the Commission that the work already completed conforms with the plan of operation *as* approved, and provided that the other applicable requirements of this section have been carried out.

25.8.1B Any Deviation from the plan or from these Regulations shall be cause for the Commission to revoke the permit.

25.8.2 Inspection. The Commission, or its authorized agents, shall, at all times, have access to the premises for the purpose of inspection and determination of compliance with this section; the Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or civil engineer, showing the status and progress of the work.

25.8.3 Posting of Bond. Before a permit is granted under this section, the applicant shall file with the Commission a cash or surety bond, or savings account, in form acceptable to the Commission and in such amount as the Commission deems sufficient to insure the faithful performance and completion of the work in accordance with the provisions of this section.

25.8.4 Release of Bond. Upon completion of the work authorized by a permit and the restoration of the premises pursuant to subsection "Restoration" above, the applicant may apply to the Commission for release of the cash or surety bond, or savings account filed, and if the Commission is satisfied that the work and restoration have been completed as required by the permit and these Regulations, the cash or surety bond, or savings account shall be released to the permit holder, but otherwise the cash or surety bond, or savings account shall remain in full force and effect.

25.8.5 Existing Operations. Any operation involving the filling, excavation, grading or removal of earthen material which is in existence and has an overall approval on the effective date of these Regulations or any amendment or amendments thereof shall be allowed to complete all operation in accordance with the overall approval within a reasonable period of time as determined by the Planning and Zoning Commission.

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SECTION 26 ENHANCED NOTICE REQUIREMENTS.¹

26.1 In addition to statutory notice requirements, enhanced notice shall be provided by the applicant for public hearings to be held concerning the following applications:

- a) Applications for Special Permits pursuant to Section 40 of these Regulations which propose to conduct nonresidential uses in residential districts.
- b) Applications for variances pursuant to Section 60 of these Regulations.
- c) Petitions for Zoning Map changes pursuant to Section 70 of these Regulations.

26.2 Enhanced notice shall be given to the following persons or entities:

- a) All owners of property which abuts any portion of the property, which is the subject of the application; and
- b) All owners of property across any public or private street of the property, which is the subject of the application petition.

26.3 This enhanced notice shall be mailed to the property owners at least fifteen (15) days prior to the first date of the hearing.

26.4 The applicant or its agent shall be responsible for complying with these enhanced notice requirements and for the cost of such compliance and shall file with the Commission or Board, as applicable, at least ten (10) days before the hearing, an affidavit confirming that the notice was mailed and to whom, listing names, property addresses, and mailing addresses, if different from property addresses.

26.5 For purposes of this Section, the following terms are defined as follows:

- a) **“Owner”**: The owner of the real estate as set forth in the most current Assessor records or the actual owner of record if otherwise known to the applicant.
- b) **“Enhanced Notice”**: Enhanced notice shall be in the form of a postage prepaid letter or postcard which is addressed to the current owner. The letter or postcard shall contain (as provided by the Commission or Board) the text of the public hearing notice for the application or petition at issue and **shall specify the date, time, and place of the public hearing.**

(26-1)

¹ Amendment adopted November 27, 1995; effective December 1, 1995 at 12:01 a.m.

26.6 No error in the mailing of these notices and no failure of owners to receive the enhanced notice shall invalidate any action taken by the Planning and Zoning Commission or the Zoning Board of Appeals. However, the applicant's failure to comply with these enhanced notice requirements shall constitute, in the sole discretion of the Board or Commission, good and sufficient reason to deny the application or petition without prejudice to its resubmission.

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SECTION 30, SCHEDULE A. PERMITTED USES

ARTICLE III DISTRICT REGULATIONS

SECTION 30 Permitted Uses. “Schedule A, Permitted Uses”, is hereby declared to be part of these Regulations. Land and structures in a district shall be used only for one or more of the uses which are specified in Schedule A as being permitted in the district. Uses listed in Schedule A are permitted or prohibited in accordance with the following procedures:

“Y” means a use permitted as a matter of right.

“P” means a use permitted subject to obtaining a Special Permit from the Planning and Zoning Commission as provided in Section 40.

“S” means a use permitted subject to the administrative Site Plan approval by the Planning and Zoning Commission as provided in Section 41.

“N” means a use not permitted.

When located on the same lot as a dwelling unit or units and when conducted by a resident of the property, certain uses are considered accessory to the residential use and the minimum lot size shall be determined only by the residential use(s) as specified by Section 32, Schedule B, or the lot size specified in Section 30, Schedule A, whichever is greater. These uses are as follows: Section 30, Schedule A, Permitted Uses #2,#3B,#5,#9,#10,#11,#12,#13,#14,#15,#16,#17(A&B),#18(A,B&C)#19,#22,#23(A&B),#24(A,B&C),#26,#31,#32,#46,#48,#49,#50.

Section 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
1.	Dwellings containing one dwelling unit and not more than two such dwellings per lot provided all requirements of these Regulations shall be met for each dwelling unit as though each were on an individual lot. ²	Y	Y	Y	Y	N	N	N	N	N
1A.	Dwellings containing one (1) dwelling unit and not more than two (2) such dwellings per rear lot (as regulated by Section 5.5 of the Subdivision Regulations) providing all requirements of the regulations shall be met for each dwelling unit as though each were on an individual rear lot. ²	P	P	P	P	N	N	N	N	N
1B. ³	<p>Accessory second dwelling on lots containing one (1) dwelling unit and not more than two (2) dwellings per lot, provided each dwelling meets the requirements of Section 32, Schedule B for Minimum Lot Area Square Footage Per Dwelling Unit and Minimum Setbacks from Street Line, Side Line and Rear Line for the zone in which the lot is located, and subject to the following conditions:</p> <p>1. The existing lot shall not be subdivided or re-subdivided in the future without complying with all requirements of these regulations, including but not limited to the separate requirements for each dwelling relating to Minimum Lot Frontage, Minimum Lot Width and Minimum Lot Setbacks for the zone in which the lot is located.</p> <p>2. Unless the requirements of Item 1 above are met, the lot and dwellings are to be held in the same ownership.</p> <p>3. The accessory second dwelling shall be located to the rear or the side of the primary dwelling so as to be subordinate to the primary dwelling, and shall not exceed fifty percent (50%) of the Lot Coverage of the main dwelling and shall not exceed the height of the primary dwelling. It shall be located no less than twenty (20) feet from the primary dwelling. The applicant will demonstrate to the satisfaction of the Commission that the accessory dwelling is designed and located to be architecturally compatible with the primary dwelling and the character of the neighborhood in which it is located.</p> <p>4. At least one (1) principal owner of the property shall reside in either the primary dwelling unit or the accessory dwelling unit. Said owner shall certify such residence by affidavit at the time of the initial application or change in the residency of the accessory dwelling unit and every five (5) years after the initial application</p>	P	P	N	N	N	N	N	N	N
(30-2)										

1 Amendment effective December 23, 1075.

2 Amendment effective October 30, 1981

3 Amendment approved September 10, 2012 eff: September 28, 2012.

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
1 B cont'd	The other dwelling shall be occupied by family members (including in-laws) of the owner(s), guests, caretakers and other domestic help employed by the owner(s). The multiple dwelling units and occupancy arrangements permitted under this section are intended to provide flexibility in living arrangements to the owner(s) of the property and their families, and are not intended to nor do they permit the renting for income purposes or other use of either dwelling unit by person(s) other than family, guests and caretakers or other domestic help employed by the owner(s). Permitted occupancy of the residences is also subject to the definition of "Family" contained in Section 23 of these Regulations. 5. All dwellings shall be in compliance with Section 52.3 requiring that each dwelling have a proper permit for sanitation. ⁵									
2.	Dwellings containing one dwelling unit, and not more than one such dwelling per lot, occupied by a person, together with said person's family, who is the owner, corporate officer, manager, caretaker, or janitor of a permitted commercial ⁴ use on the same lot. ^{2,4}	Y	Y	Y	Y	Y	Y	Y	N	N ³
3A.	Dwellings containing one or two dwelling units and not more than two dwellings per lot may be permitted in commercial zones subject to the following conditions: That the areas to be used for residential purposes shall meet all the requirements of a residence in an R-20 zone and each dwelling unit shall require 20,000 square feet exclusive from any other use or dwelling unit on the lot. ¹	N	N	N	N	P	P	P	N	N
3B. ⁵	A mix of dwelling units and office units, provided that the lot size shall exceed the minimum Section 32, Schedule B, Dimensional Requirements for the office use by at least 10,000 square feet for each dwelling unit. Further, that the structure(s) on the lot shall meet the lot coverage requirements for the zone, and that the parking requirements of Section 33 of these Regulations are satisfied for each use ³ 1,2 Amendment eff. 12/23/1975 3 Amendment eff. 11/2/2001 4 Amendment eff. 7/30/2004 5 Amendment eff 9/28/2012	N	N	N	P ⁴	N	N	N	N	N

PERMITTED USES		ZONING DISTRICTS							
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1
5. ^{1,6}	<p>One additional dwelling to be used as an accessory⁷ apartment including kitchen facilities may be located in the dwelling even if the size of the lot is not large enough to fulfill the minimum lot area requirements for an additional dwelling unit, and subject to the following conditions:</p> <p>a. The additional dwelling unit is only to be occupied by family members (related by blood, marriage, or adoption to a resident of the main dwelling unit), and is not to be rented or used for income purposes.</p> <p>b. The accessory⁷ apartment shall be directly attached to the existing dwelling or attached to the dwelling via an enclosed structure. In addition, the in-law apartment shall not exceed a maximum floor area of 950 square feet (net) excluding ramps and any other structural alterations needed to achieve barrier free design where necessary as defined within these regulations.</p> <p>c. The accessory⁷ apartment shall have an internal access to the main dwelling unit via a connecting door.⁵</p> <p>d. The accessory⁷ apartment shall utilize the dwelling's existing driveway and utility meters.</p> <p>e. Wherever possible the entrance to the accessory apartment shall be located to the side or rear of the existing dwelling and/or the proposed addition. The Commission shall consider whatever exceptions are to this requirement needed to achieve barrier free design.</p> <p>f. ⁷Special Permits for accessory apartments shall remain valid provided that the owners of the property submit a notarized statement to the Zoning Enforcement officer once every five (5) years verifying that the accessory apartment complies with the requirements of this section. Said permit shall also remain valid when a property is transferred from one owner to another provided that the new owner also verifies to the Zoning Enforcement officer by way of an affidavit that the property remains in conformance with these regulations.</p> <p>g. If the Special Permit expires, the property owner shall at their own expense, remove the kitchen facilities within sixty (60) days of the expiration of the Special Permit.</p>	P	P	P	P	P	P	P	P

(30-5)

1 Original Para. 5 deleted 4/29/76.

2 Amendment eff: September 26, 1980

3 Amendment effective 8/27/1984

4 Amendment eff. 12/22/89 & 10/27/95. ⁷ Amendment effective 2/1/2019.

5 Amendment eff. 9/29/2000.

6 Amendment eff 7/30/2004.

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SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
6A.	Planned Residential Developments provided such development is served by a public sanitary sewerage system and a public water supply system or a state-approved community water supply system, and subject to the provisions of Section 43.	P ¹	P	P	P	N	N	N	N	N
6B. ⁴	Planned Residential Developments provided such development is served by a public water supply system or a state-approved community water supply system and subject to the provisions of Section 43. (was #7.)	P ²	P	N	N	N	N	N	N	N
6C. ⁴	Age Restricted Planned Residential Development provided such development is served by a public sanitary sewerage system and a public water supply system and, except as modified by Section 43.4.1, subject to the provisions of Section 43. ³	P	P	P	P	N	N	N	N	N
6D. ⁴	Planned Residential Developments designed exclusively for occupancy by elderly persons provided such development is served by a public sanitary sewerage system and a public water supply system and subject to the provisions of Section 43. (6B.)	N	N	N	P	N	N	N	N	N
6E. ⁴	Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons - - in accordance with the provisions of Section 43.6. (67A.)	N	P	P	P	N	N	N	N	N
6F. ⁴	Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services – in accordance with the provisions of Section 43.7. (67B.)	N	P	P	P	N	N	N	N	N
6G. ⁵	Planned Residential Infill Development in accordance with the provisions of Section 43.8.*	N	N	N	P*	N	N	N	N	N

*Not permitted in the Special Development District (SDD)

1,2 Amendment effective July 1, 1983.

3 Amendment Adopted 3/25/02, effective 3/29/02.

4 Amendment effective July 30, 2004.

5 Amendment effective July 26, 2013

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS																		
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2										
7.	<p>Assisted living, convalescent homes, and the like licensed by the State of Connecticut subject to the following conditions:^{1 2}</p> <p>a. The facility shall be the only building on a lot of no less than 10 acres in area. When located on a state highway the facility may be located on a lot of five (5) acres or more.³</p> <p>b. The facility shall meet the following dimensional requirements:</p> <table border="0"> <tr> <td>Minimum setback from street line</td> <td>150 ft.</td> </tr> <tr> <td>Minimum setback from side line</td> <td>50 ft.</td> </tr> <tr> <td>Minimum setback from rear line</td> <td>100 ft.</td> </tr> <tr> <td>Maximum height of structure</td> <td>40 ft.</td> </tr> <tr> <td>Maximum lot coverage</td> <td>10 %</td> </tr> </table> <p>c. In addition to the above requirements, a minimum of 50% of the total area shall be landscaped or designated as open space.</p> <p>d. Parking in assisted living residential facilities shall be a minimum of one (1) per every three (3) dwelling units and one (1) for every employee on the largest shift.</p> <p>e. As part of the filing requirements for the special permit, the applicant shall submit a profile drawing to scale showing the proposed facility and its relationship to the buildings on both sides for a distance of 500'. The commission may require additional information necessary to assist them in determining the scale of the proposed structure(s) in relation to the surrounding area. This additional information may include visual representations of the project such as, but not limited to, architectural models made to scale, additional renderings, etc.</p> <p>f. If an existing assisted living, convalescent home or other similar use was legally established prior to April of 1996 and is located on a lot that no longer conforms to the area, setback, landscaping or open space, and coverage requirements set forth in this subsection, the Commission may, in its discretion, grant a waiver or modification of those requirements provided it finds that:</p> <ol style="list-style-type: none"> 1. A planned renovation and/or expansion of said existing use cannot be reasonably developed without such waiver(s) or modification(s); and 2. The granting of such waivers or modifications will not unreasonably impact the general health, safety and welfare of the community. <p>In no event, shall the dimensional requirements set forth within Section 32 of these regulations be waived or modified.⁴</p>	Minimum setback from street line	150 ft.	Minimum setback from side line	50 ft.	Minimum setback from rear line	100 ft.	Maximum height of structure	40 ft.	Maximum lot coverage	10 %	P	P	P	P	N	N	N	N	N
Minimum setback from street line	150 ft.																			
Minimum setback from side line	50 ft.																			
Minimum setback from rear line	100 ft.																			
Maximum height of structure	40 ft.																			
Maximum lot coverage	10 %																			

¹ Amendment effective April 26, 1996.

² Amendment effective November 27, 1988

³ Amendment effective August 31, 1984

⁴ Amendment effective December 28, 2012

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
8. ²	<p>Facilities for the mentally disabled and/or autistic, licensed by the State of Connecticut, and subject to the following conditions:</p> <p>a. The facility shall be located on a lot not less than ten (10) acres in area.</p> <p>b. There shall not be more than thirty-six (36) individual residents on the premises at any one time. Residential dwellings shall be separate buildings containing six (6) or less residents plus the appropriate staff personnel.</p> <p>c. If the facility provides educational services, no more than twenty (20) additional students shall be allowed. Classrooms, recreation, administration and other similar activities may be housed in a separate building.</p> <p>d. All structures shall be located at least 100' from all property lines.¹</p>	P	P	P	P	N	N	N	N	N
9.	<p>Trailers, motor homes, or mobile homes on the same lot with a dwelling containing one dwelling unit and subject to the following conditions: There shall be no more than one trailer, motor home, or mobile home per lot.</p> <p>If the trailer, motor home or mobile home is to be occupied, its sanitary facilities shall have the approval of the Town Health Officer, and it shall be occupied by only one family, at least one of whom shall be either the owner of the lot or related by blood, marriage, or legal adoption to a member of the family occupying the dwelling unit. Such dwelling unit may be one for which a building permit has been issued.</p> <p>The trailer, motor home, or mobile home shall be located within the applicable setbacks of that zone and shall be adequately screened from adjacent properties.</p> <p>d. Any approval shall be limited to a period of one year and not renewable.</p> <p>e. In the event of a fire or other casualty making the dwelling uninhabitable, and where immediate occupancy is necessary, a temporary permit may be issued by the Zoning Enforcement Officer until a Special Permit can be issued</p>	P	P	P	P	P	P	P	P	P

(30-8)

1 Amendment effective 8/31/1984.

2 Amendment effective 11/27/1998

3 Amendment effective 7/30/2004

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
10. ³	Camp trailer, motor homes, boats and pickup coaches, placement not more than 28 feet in length and subject to the following conditions: a. There shall be no permanent connections to utility service including electrical, heat, water, sanitary service and the like. b. Storage shall be to the rear of the dwelling or other major building, in a neat and orderly manner, adequately screened and where collapsible, in a collapsed state or stored in a garage. Storage shall be not less than 10' from any property line. c. Storage shall be limited to camp trailers, motor homes, boats and pickup coaches in a residential zone, but no more than two of the above listed items shall be stored per dwelling unit. In addition, such vehicles shall be registered in the name of and be the legal property of an occupant of the dwelling unit. ²	Y	Y	Y	Y	Y	Y	Y	Y	Y
11.	Accessory uses customarily associated with or incidental to any permitted use in any residential zone subject to the following conditions: a. Accessory uses may include private garages for the use of the occupants of the lot. One garage space may be rented to a non-resident of the lot provided the garage space is not one of the spaces required in Section 33.1.1 and the use of the rented space meets all other requirements of the Zoning Regulations. b. Buildings and structures for recreational and homeowner association use in approved Planned Residential Developments and Cluster Subdivisions shall be considered accessory uses. c. All accessory buildings shall meet the requirements of Section 32.2.5. d. Except as provided elsewhere in these Regulations, such uses shall not include the sale of articles not made on the premises, nor a restaurant, or other food service establishment, beauty parlor or other hairdressing establishment, and the like. e. No accessory use shall change the residential character of the area. ¹	Y	Y	Y	Y	N	N	N	N	N

(30-9)

¹ Amendment effective September 25, 1975.

² Amendment effective January 26, 1979.

³ Amendment effective July 30, 2004..

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
12. ⁴	A temporary real estate office located on the site of a Planned Residential Development, Cluster Subdivision, Resubdivision or Rental Apartment development approved by the Planning and Zoning Commission provided: a. The temporary real estate office is exclusively for the sale or rental of units or homes on the site on which said office is located. b. The temporary real estate office shall be located in one of the homes or units in the development. c. The temporary real estate office shall be permanently removed when 90 percent of the units or homes are initially sold or rented. ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y
13.	A temporary construction office provided: a. The temporary construction office shall be used exclusively for construction on the site on which it is located. b. The temporary construction office shall be located either in a model home or unit or in a movable trailer or trailers and must comply with appropriate setbacks for the zone. c. The temporary construction office shall be permanently removed upon completion of all structures on the approved section of the site of the Planned Residential Development, Cluster Subdivision, Subdivision, Resubdivision, Site Plan, Special Permit, Planned Commercial Development, approved lot or lots of record. ¹	Y	Y	Y	Y	Y	Y	Y	Y	Y
14. ⁴	Tag Sales are permitted at a Dwelling Unit ²	Y	Y	Y	Y	Y	Y	Y	Y	Y
15. ⁴	The Sale and Display of Antiques. ³ “Antique” for the purpose of these regulations is defined as any work of art, piece of furniture, decorative object, and the like, created and produced at least 25 years prior to the date of sale. The sale and display of antiques are subject to the following conditions:	P	P	P	P	S	S	S	N	N

(30-10)

¹ Amendment effective September 1, 1975.

² Amendment effective October 27, 2000 at 12:02 a.m.

³ Amendment effective March 31, 1995.

⁴ Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS							
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1
15 CONT'D	<p>1. Additional storage is permitted in an ancillary building provided it is entirely enclosed within another building.</p> <p>2. There shall be no external evidence of such use other than permitted signage as provided in Section 34.</p> <p>3. There shall be a minimum of five (5) parking spaces provided on the site.</p> <p>4. In Residential Zones:</p> <p>a. Property must have frontage onto a State Highway.</p> <p>b. Such use must be secondary to the residential use of the entire premises and shall not occupy more than 50% of the floor area in the residence wherein located.</p>								
16.	<p>The sale of registered motor vehicles on a residential lot and subject to the following conditions:</p> <p>a. The motor vehicle for sale shall not exceed a rated capacity of two and one-half (2 ½) tons. In addition, such vehicles shall be registered in the name of and/or be the legal property of a resident of the dwelling unit.</p> <p>b. No more than two (2) motor vehicles shall be offered for sale or sold from any one lot in the period of one calendar year.¹</p>	Y	Y	Y	Y	Y	Y	Y	Y
17A. ⁴	Child day care center and/or nursery school which offer or provide a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week, provided the facility meets all statutes and regulations of the State of Connecticut for licensing of child day care centers.	N	N	N	P	P	P	P	P
17B. ²	Group day care homes which offer or provide a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days of the week, provided the facility meets all statutes and regulations of the State of Connecticut for licensing of group day care homes. ³	P	P	P	P	P	P	P	P

(30-11)

1 Amendment effective September 30, 1988.
 2 Amendment effective May 26, 1989.
 3 Amendment effective February 7, 1997.
 4 Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-	C-1	C-2	C-3	I-1	I-2
18A.	<p>A business or professional office when conducted on the premises entirely by mail and/or telephone and when there is no pedestrian, automobile or other vehicular traffic necessary for its conduct with the exception of normal residential traffic activity by the residents, provided the use meets all the requirements as follows:</p> <p>a. No persons other than family members residing on the premises, shall be engaged in the conduct of the office or enterprise .</p> <p>b. The office or enterprise shall not impair the residential character of the premises and neighborhood, and shall have no outside storage or display windows, nor shall there be any evidence of the operation outside the dwelling unit.</p> <p>c. The floor area used for the conduct of the office or enterprise shall not exceed 25 per cent of the floor area of the dwelling unit.</p> <p>d. The use shall not create interference with radio and television reception in the vicinity.</p> <p>e. No industrial manufacturing or processing equipment of any type shall be allowed.¹</p>	Y	Y	Y	Y	Y	Y	Y	Y	Y
18B. ³	<p>A professional or business office or customary home enterprise, in a dwelling unit and not in an accessory building and subject to the following conditions:</p> <p>a. The person or persons conducting the office or enterprise shall reside in the dwelling unit, and there shall be no more than two non-resident persons engaged in the conduct of the office or enterprise.</p> <p>b. The office or enterprise shall not impair the residential character of the premises and there shall be no evidence of the operation outside the dwelling unit except permitted signs. The use shall be completely enclosed in the building and shall have no outside storage or display windows.</p> <p>c. The floor area used for the conduct of the office or enterprise shall not exceed 25 per cent of the finished space area of the dwelling unit.</p> <p>d. The use shall not create interference with radio and television reception in the vicinity.²</p>	P 3	P 3	P 3	S 3	S 3	S 3	S 3	S 3	S 3

(30-12)

^{1,2} Amendment effective May 27, 1976.
³ Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
18B.	<p>18 B. Continued.</p> <p>e. All trash generated by the business shall be disposed of separately from normal household trash by an independent hauler. No dumpster or trash receptacle for the business shall be visible from the street or abutting property owners.</p> <p>f. Adequate off-street parking for the residential and business use shall be provided. No business related parking is permitted on the street or lawn area.</p>	P 1	P 1	P 1	S	S	S	S	S	S
18C. ¹	<p>In-home business for instructional classes and lessons such as, but not limited to music, arts and crafts, tutoring, dance, training and the like, in a dwelling unit and not in an accessory building, subject to the following conditions:</p> <p>a. The person or persons conducting the enterprise shall reside in the dwelling unit, and there shall be no more than two non-resident persons engaged in the conduct of the enterprise.</p> <p>b. The business shall not impair the residential character of the premises and there shall be no evidence of the operation outside the dwelling unit except permitted signs. The use shall be completely enclosed in the building and shall have no outside storage or display windows.</p> <p>c. The business shall not generate traffic which is substantially greater than normal traffic usage for that area.</p> <p>d. The business shall not create offensive noise, odors, or other objectionable conditions which might adversely affect the residential character of the surrounding area.</p> <p>e. The floor area used for the conduct of the business shall not exceed 25 per cent of the finished space area of the dwelling unit.</p> <p>f. The use shall not create interference with radio and television reception in the vicinity.</p> <p>g. All trash generated by the business shall be disposed of separately from normal household trash by an independent hauler. No dumpster or trash receptacle for the business shall be visible from the street or abutting property owners.</p> <p>h. Adequate off-street parking for the residential and business use shall be provided. No business related parking is permitted on the street or lawn area.</p>	P 1	P 1	P 1	S 1	S 1	S 1	S 1	S 1	S 1

¹ Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
19.	<p>Bed and Breakfast.³</p> <p>²The letting of rooms and/or furnishing of board in a dwelling unit to a total of not more than ten persons, subject to the following conditions:</p> <ul style="list-style-type: none"> a. The person or persons letting the rooms shall reside in the dwelling unit. b. The letting of rooms shall not include the provision of cooking facilities for such rooms but may include sharing of the cooking facilities of the dwelling unit. c. No accessory building shall be used for letting of rooms or furnishing of board. d. Such use shall not be combined with a commercial or industrial use on a lot except as provided in paragraph 2 of this section. 	P	P	P	P	P	P	P	P	P
20.	<p>Campgrounds operated and owned privately subject to the Following conditions:</p> <ul style="list-style-type: none"> a. The site shall have a minimum of 50 acres. b. No campground shall exceed 100 campsites maximum. c. Access shall be directly from a state highway within the Town of Cheshire and there shall be two separate access points, one for entrance and one for exit, separated by a minimum of 500 feet for the purposes of safety. d. Access roads at the entrance shall be paved to Town Standards for quality and shall be minimum of 22 feet wide. e. The check-in station or office shall be at least 500 feet from the entrance intersection and shall have adequate paved parking to avoid congestion. (1 space for each employee and a minimum of 5 visitor's spaces.) f. Interior circulation shall be by one-way system where feasible. Such one-way roads shall be 12 feet wide and shall be oiled. g. No campsite shall be closer to the state highway than 500 feet nor closer than 300 feet from any other property line. h. There shall be no more than four campsites per acre. For each such developed acre, 2 undeveloped acres shall be required.¹ i. All campsites devoted to tenting shall be on well-drained gravel sites. 	P	P	N	N	N	N	N	N	P

¹ Amendment effective 2/27/1975.

² Amendment effective 1/29/1988.

³ Amendment effective 7/30/2004.

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
20. Cont'd	<p>j. Tenting areas shall be protected from vehicular traffic.</p> <p>k. Rubbish shall be collected daily from all campsites.</p> <p>l. Potable water supply and sanitary facilities shall meet State Health requirements. In addition, all toilets shall be flush-type.</p> <p>m. Water retention ponds and other precautions for fire protection shall be developed as per request of Town of Cheshire Fire marshal.</p> <p>n. There shall be a 14-day maximum occupancy limit during any 90-day period.</p>	P	P	N	N	N	N	N	N	P
21.	Housing subject to state and local provisions for migrant (temporary) farm labor, on the farm where they are primarily employed.	Y	Y	Y	Y	Y	Y	Y	Y	Y
22.	<p>Farms, Truck Gardens, Nurseries.</p> <p>a. All structures in excess of 144 square feet (including greenhouses) are subject to Section 32 Schedule B Dimensional Requirements and must obtain a zoning permit.</p>	Y	Y	Y	Y	Y	Y	Y	Y	Y
23A. 3	Temporary stands for the display and sale of farm and truck garden and forestry produce grown exclusively on the premises provided there is only one such stand on the premises and that such stand does not exceed 100 square feet in area.	Y	Y	Y	Y	Y	Y	Y	Y	Y
23b.	Stands for the display and sale of farm and truck garden and Forestry produce, of which a major portion thereof was raised or Produced on that bona fide farm, or orchard, provided it is on an Active farm and there is only one such stand on that farm. ¹ Related Agricultural products may be sold provided the sale of such Products is secondary to the operation of the business. ²	S	S	S	S	S	S	S	S	S
23c. 4	Outdoor events and activities that are part of a working farm operation's total offerings and are subject to the following conditions and standards. Working Farms shall be classified for property tax assessment as farm or forest use by the Tax Assessor, and shall have been classified as such for five years, and shall currently engage in agricultural activities. The working farm hosting events shall be a minimum of 25 contiguous acres in	P	P	N	N	N	N	N	P	P

1. Amendment effective 5/1/1975.

2. Amendment effective 5/27/1976.

3. Amendment effective 7/30/2004.

4. Amendment effective 11/13/2015.

	SECTION 30, SCHEDULE A, PERMITTED USES	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
	PERMITTED USES									
23C Cont'd	<p>common ownership or leasehold, and have access from an arterial or collector street as defined by the CT Department of Transportation's Functional Road Classification.</p> <p>Such uses are limited to fee-based outdoor recreation and event hosting, such as banquets, weddings, private parties, horse shows, farm-to-table, or similar events. These events may take place outdoors; in a temporary enclosure, such as a tent. If temporary structures are used for event hosting, they shall be removed during the off-season. Event hosting season shall begin on May 1 and end on October 30.</p> <p>Event Standards</p> <ol style="list-style-type: none"> 1. The outdoor event area shall be a minimum of two hundred (200) feet from any off-site residence and seventy-five (75) feet from any property boundary. 2. The maximum number of attendees permitted for any event shall be 400 if it can be demonstrated that site conditions, parking availability, impacts on Town infrastructure and neighborhood properties, and public health and safety considerations can be accommodated. There shall be no more than three events per week. Large gatherings may require the presence of an onsite representative of the Fire Department at the cost of the property owner or event sponsor. 3. The site plan shall show adequate emergency vehicle access to all assembly areas. 4. The site plan must be approved by the Police and Fire Departments. 5. Tents and membrane structures shall comply with the State of Connecticut tent and membrane structures codes and all related regulations. 6. All electrical wiring will need to be approved by the Building Department. 7. Site inspections will be conducted at the discretion of the Fire Chief/Marshal to ensure public safety and code compliance. 8. Adequate off-street parking must be provided for each event. The parking area does not have to be paved or improved, but must be accessible to and useable in all weather conditions for visiting vehicles. 	P	P	N	N	N	N	N	P	P

	SECTION 30, SCHEDULE A, PERMITTED USES	R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
	PERMITTED USES									
23C Cont'd	<p>9. Adequate sanitary facilities for the size of the event must be provided and removed from the site in a timely manner, and must comply with state and local health codes.</p> <p>10. Food services must comply with State and local health codes.</p> <p>11. Outside lighting shall comply with Section 21 of the Zoning Regulations.</p> <p>12. Music/entertainment is permitted subject to State sound regulations. No outdoor music shall be played before 10:00 A.M. or after 10:00 P.M. Monday through Saturday or before 11:00 A.M and after 9:30 P.M. on Sunday.</p> <p>13. Per Section 41 of these Regulations, a site plan of the areas of the farm to be used to host events shall be provided with the site plan approval application. The site plan shall display sufficient information to determine compliance with all the standards of this section, and therefore, may include only a reasonable portion of the property that will be used for event hosting. The site plan shall demonstrate adequate distance from property boundaries, the general event location, event site access and egress, parking, sanitary facilities, lighting, and pedestrian paths between these areas.</p> <p>A Special Permit issued pursuant to Section 40 of these regulations is required for a working farm to offer events and activities pursuant to this subsection. When acting on the application for a Special Permit, the Planning and Zoning Commission may vary the event standards in this subsection, including, but not limited to, the required setbacks, maximum number of attendees, hours when music may be played, and number of events per week, and limit the type of event or activity permitted, if the Planning and Zoning Commission determines that such variance or limitation is reasonably necessary to ensure public safety or welfare.</p> <p>Following Special Permit approval under this Section, each working farm shall annually provide the Planning and Zoning Department with a list of scheduled events including the dates, number of persons expected, and nature of the event, for the event season prior to May 1st. The applicant shall not have to receive annual Special Permit approval, provided the approved site plan for event hosting remains in effect.</p> <p>Special Permits granted under this section shall be for two years initially. Multiple extensions may also be granted for a period of five years each. Approvals for these extensions may be applied for in the second year of the initial permit and the fourth year of any extension. In the case that an extension is not granted, owners of the permit shall be able to complete all of the events shown on the list through October 30 of the calendar year within which the permit will expire.</p>	P	P	N	N	N	N	N	P	P

SECTION 30, SCHEDULE A		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
24A. ¹	Horses, Ponies, and Other Equine Animals, subject to the following: a. The lot shall contain a minimum of two (2) acres for the first animal and an additional ½ acre for each animal thereafter. b. A stall or other space in a suitable weather tight permanent shelter shall be provided for each animal. c. Any building used for housing of animals, feed or water trough, or storage area for manure shall be located not less than 100 feet from any property line.	Y	Y	Y	Y	Y	Y	Y	Y	Y
24B. ¹	Livestock, Cattle, and Other Farm Animals, (excluding equine and poultry), subject to the following: a. The lot shall contain a minimum of three (3) acres. b. Shelter must be provided to adequately house all animals kept on the lot. c. Any building used for the housing of animals, feed or water trough or storage area for manure shall be located not less than 100 feet from each property line.	Y	Y	Y	Y	Y	Y	Y	Y	Y
24C. ²	Chickens, subject to the following: a. The lot shall contain a minimum of 80,000 sq. feet. b. No more than 12 chickens shall be kept on the lot. c. Roosters are prohibited on lots less than three (3) acres. d. More than 12 chickens requires three (3) acres. e. All chickens must be kept in a building or enclosure located in a rear yard and no less than 50 feet from any lot line.	Y	Y	Y	Y	Y	Y	Y	Y	Y
24D. ¹	Horses or ponies for hire, riding academies or boarding stables for five or more animals located on a lot or not less than 15 acres provided that any building (other than a dwelling) and riding ring shall be located at least 300 feet from any lot line.	P	P	P	N 1	N	N	N	P	S

¹ Amendment effective July 30, 2004.

² Amendment effective May 14, 2010

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
25.	<p>Commercial and Boarding Kennels and Veterinary Hospitals subject to the following conditions:</p> <ul style="list-style-type: none"> a. No dogs shall be housed or exercised in outside kennels or runs. b. All buildings in which dogs are housed or exercised shall be of solid construction of either masonry or framed with insulation and shall have finished interior walls. c. Exercise runs shall have finished masonry floor with covered drains, and shall be separated by solid partitions of at least 4 feet in height. d. All external doors shall be of solid core construction. e. Kennel rooms and exercise runs shall be provided with forced air ventilation and shall have no open windows. f. All ceilings shall be insulated and finished with sound absorbent materials. g. In residential zones, the facility shall be on a lot with a minimum area of 5 acres and any building housing animals shall be at least 150 feet from any property line. <p>In industrial zones, the facility shall be on a lot with a minimum area of 100,000 square feet, a minimum lot width of 250 feet and subject to the frontage setback, height and lot width of 250 feet and subject to the frontage setback, height and lot coverage requirements of the I-2 zone.</p>	P	P	P	N	N	N	N	P	S
26.	<p>Pet Grooming¹</p> <ul style="list-style-type: none"> * When in industrial zones shall not be constructed or located within 1,000' of an existing or proposed pet groomer. a. Distance shall be measured between the nearest adjacent sides of the existing and proposed pet groomers. b. No dogs shall be housed outside. c. Parking requirements shall be according to Section 33.1.7 Standards. 	N	N	N	P	P	P	P	P	P

¹ Amendment effective May 1, 1998 at 12:01 a.m.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
27.	Buildings and facilities used primarily for the following uses: Churches and places of worship; parish halls, schools, colleges, universities, museums; general hospitals (excluding correctional institutions and hospitals for the insane); cemeteries, educational, religious, philanthropic, scientific, literary, historical, and charitable institutions, agricultural and horticultural societies, if such uses are conducted by a non-profit organization and not as a business or for profit, provided that accessory use of such buildings and facilities for profit or not for profit shall be allowed if such use is in connection with a federally, State or municipally funded program for the elderly intended to promote the public health, welfare, safety or education. ¹	P	P	P	P	P	P	P	P	P
28A.	Public Service Corporation buildings and facilities, all with no outside service yard or outside storage of supplies.	P	P	P	P	P	P	P	Y ₄	Y ₄
28B.	Public Service Corporation buildings and facilities with outside service yard or outside storage of supplies. ²	N	N	N	N	N	N	N	S	P ₄
28C.	Public Service Corporation buildings and facilities of which the above ground portion does not exceed 100 square feet in area or 10 feet in height: a. The facility shall be located on a lot or easement of not less than 400 sq. ft. b. Minimum setback from street line shall be 10 feet. c. Minimum setback from side line and rear line shall be 5 feet. d. Sufficient landscaping and screening shall be provided to insure that the facility is in harmony with the zone and the surrounding neighborhood. e. All utility wires from adjacent poles to the facility shall be underground. ^{3,4}	P	P	P	P	S	S	S	S	P

(30-20)

1 Amendment effective October 30, 1975.

2 Amendment effective September 17, 1979.

3 Amendment effective August 30, 1985.

4 Amendment effective July 30, 2004.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-	C-1	C-2	C-3	I-1	I-2
29A.	Municipal Buildings and Uses of the Town of Cheshire and other governmental uses. All such uses shall be subject to the Dimensional Requirements set forth in Section 32 of these regulations, except as may be noted therein. ^{1,4}	P	P	P	P	P	P	P	P	P
29B.	Uses otherwise permitted in Section 30, Schedule A., <u>PERMITTED USES</u> , the operation of which is conducted by private enterprise or a non-profit entity, is directly related to a municipal, governmental, or educational use, and is to be operated on property owned by the Town of Cheshire subject to approval by the Town Council of the Town of Cheshire. Nothing contained herein shall preclude the utilization of the facility for the approved use by private or non-profit entities in conjunction with or in addition to the utilization of the approved facility by the Town of Cheshire. ²	P	P	P	P	P	P	P	P	P
30.	Parks and playgrounds, historic landmarks, and the like, operated by a private or governmental unit or a community association.	P	P	P	P	P	P	P	P	P
31.	Carnivals or fairs sponsored by a local nonprofit organization, subject to the following conditions: a. The facility shall be on a lot having a minimum area of 3 acres. b. There shall be provision for adequate parking within 500 feet of the facility. c. All structures shall be a minimum of 150 feet from any lot line. d. Direct access shall be on lands adjacent to State Highway Routes 10 or 70. e. Signage must comply with Section 34, Signs. f. There shall be no more than one special permit issued to an organization during any one calendar year. The duration shall be for no more than 10 consecutive calendar days. g. Subsequent yearly events sponsored by the same organization and located on the same site may be approved administratively by the Planning Staff.	N	P	P	P	P	P	P	P	P

1 Amendment effective September 17, 1979.

2 Amendment effective November 1, 1996.

3 Amendment effective July 30, 2004.

4. Amendment effective August 1, 2014.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-	R-40	R-20	R-	C-1	C-2	C-3	I-1	I-2
32 ² .	<p>Temporary fairs, bazaars and sales conducted by local non-profit organizations held on the premises, (the majority of which are owned by the sponsoring organization), subject to the following conditions:</p> <p>a. Duration shall not be more than 10 consecutive calendar days during any one calendar year.</p> <p>b. There shall be provision for adequate parking within 500 feet of the facility.</p> <p>c. Signage must comply with Section 34, Signs.</p>	Y	Y	Y	Y	Y	Y	Y	Y	Y
33. ²	<p>Clubs for golf, tennis, swimming and similar facilities.</p> <p>a. Golf facilities shall be located on a lot of not less than 50 acres or, if in combination with tennis, swimming, or similar facilities, not less than 60 acres. Tennis, swimming and similar facilities alone shall be located on a lot of not less than 10 acres.</p> <p>b. Unless located in an I-1, or I-2 zone, all club facilities, including club house, pro shop, restaurant, bar, locker rooms, or recreation hall shall be located not less than 200 feet from any property line and parking area and accessory buildings shall be located not less than 20³ feet with adequate screening to include fencing and densely planted vegetation to obscure the parking and automobile lights from any property line. If any of the above are located in an I-1 or I-2 zone, the normal dimensional requirements set forth in Section 32, Schedule B, shall apply, as well as the normal parking setback requirements for Industrial zones as set forth in Section 33.1 and parking requirements set forth in Section 33.1.7.¹</p> <p>c. The furnishing of meals, refreshments, beverages and entertainment shall be incidental to the conduct of the facility, and provided that three-quarters of the customers' seats are located within an enclosed building of the facility. There shall be no living accommodations except for employees of the club.</p> <p>d. Golf facilities shall be so designated and located that there is no hazard to persons or property off the premises. All tees shall be located no less than 50 feet from any property line. There shall be no artificial lighting on the course itself and no play permitted after darkness.</p>	P	P	P	N	N	N	N	P	P

1 Amendment effective April 17, 1972.

2 Amendment effective July 30, 2004.

³ Amendment effective August 9, 2019.

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
38.	<p>a. Businesses where goods are sold or service is rendered primarily at retail and that have not more than 50,000 sq. ft. of gross floor area per building. The gross floor area of the total of all retail buildings sharing a common parking area shall not exceed 120,000 sq. ft., but not more than one building in excess of 30,000 sq. ft.²</p> <p>b. Such uses may include a take-out service incidental to the primary permitted use where customers are served in motor vehicles.</p>	N	N	N	N	N	S	S	N	N
39.	Businesses where goods are sold or service is rendered which have a maximum of 2000 square feet of gross floor area per whole structure.	N	N	N	N	S	S	S	N	N
40.	<p>a. Restaurants and other food service establishments, with or without a liquor permit, provided at least three quarters of the customer seats are located within an enclosed building. <u>Except as set forth below in Paragraph 40.b⁴</u>, restaurants and other food service establishments when in industrial zones shall not be constructed or located within 2,000 feet of any existing or approved restaurants. Distances shall be measured between the nearest point of the nearest adjacent sides of the existing and proposed restaurants.^{1 3 4}</p> <p>Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles.³</p> <p>b. Restaurants and other food service establishments, with or without a liquor permit, provided at least three quarters of the customer seats are located within an enclosed building. Restaurants and other food service establishments when in industrial zones and located on a Lot having access to and frontage on Highland Avenue (Connecticut Route 10) at an intersection or driveway controlled by a traffic control signal as defined in Connecticut General Statutes Section 14-297(8).⁴</p> <p>There may be no more than one (1) such restaurant at each intersection or driveway controlled by a traffic control signal.⁴</p> <p>Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles.^{3 4}</p>	N	N	N	N	S	S	S	P	P
	Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles. ³	N	N	N	N	P	P	P	P	P
	Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles. ^{3 4}	N	N	N	N	S	S	S	P	P
	Such uses may include a food take-out service incidental to the primary permitted use where customers are served in motor vehicles. ^{3 4}	N	N	N	N	P	P	P	P	P

1 Amendment effective March 2, 1979; ² Amendment effective November 1, 2002

³ Amendment effective September 30, 2004. ⁴ Amendment effective May 27, 2016

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
41.	Ice cream parlors, where ice cream, soda and related products are the only items sold provided customers are served only when inside the building, provided there are a minimum of ten seats located inside the building for use by customers. Parking shall conform to Paragraph 33.1.7 of these Regulations. ²	N	N	N	N	S	S	S	N	N
42.	Gasoline stations and/or Motor Vehicle Repairers subject to the following conditions and certifications as required by the <u>Connecticut General Statutes</u> as amended. <ul style="list-style-type: none"> a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 30,000 square feet. b. Gas stations with full repairer's license shall be permitted provided such use be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 40,000 square feet. b. All gasoline pump islands shall be located at least 25 feet from all lot lines. c. No curb-cut shall be greater than 30 feet in width and no part of any curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing. d. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275-gallon tank. g. Any above ground tanks or bulk storage of chemicals shall be covered and have a minimum of 110% containment. Weekly inspections shall be made and reports maintained on site. h. All accessory equipment or merchandise displayed outside shall be no more than 10 feet from the building with the exception that such merchandise and accessory equipment shall be permitted to be displayed on the pump island. i. After the effective date of this amendment to this section and these regulations, no retail or wholesale gasoline station shall be constructed or located within fifteen hundred feet (1,500) of an existing gasoline filling station (retail or wholesale).¹ 	N	N	N	N	N	P*	P*	P+	N
(30-25)										

¹ Amendment effective March 12, 1971.

² Amendment effective July 22, 1976

*Amendment effective June 8, 1990.

+Amendment effective December 30, 1983

SECTION 30, SCHEDULE A, PERMITTED USES
PERMITTED USES

		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
42A.	Gasoline Stations with Convenience Store. ³ Gasoline stations may include not more than a total of 1,500 sq. ft. of gross floor area, the use of which is for the sale of goods (excluding beer and alcohol), primarily at retail, provided the site includes the required parking for both uses (pursuant to Sec. 33). No consumption of food on site is permitted under this section.	N	N	N	N	N	P	P	N	N
43.	Motor vehicle dealers (which can have repairer's licenses by State Statutes) subject to the following conditions and certification as required by the <u>Connecticut General Statutes</u> as amended. ¹ a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of 40,000 square feet. b. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275 gallon tank. c. Any above ground tanks or bulk storage of chemicals shall be covered and have a minimum of 110% containment. Weekly inspections shall be made and reports maintained on site. d. Outside accessory equipment or structures shall be located at least 25 feet from all lot lines. e. No curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing.	N	N	N	N	N	N	P *	P +	P *
44.	Automatic Car Washing and Cleaning Establishments. An establishment equipped to wash automobiles, pick-up trucks, and small vans. The car wash shall be fully automatic enabling the driver to remain in the vehicle as it is washed. It shall be in a completely enclosed building. ²	N	N	N	N	N	P ₂	P	P +	N
	(30-26)									

¹ Amendment eff. March 12, 1971, ² Amendment eff. February 27, 1987, ³ Amendment eff. Nov. 1, 2002.

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
45.	Boat dealers, to include sales and service of boats, motors, boat trailers and related accessories, subject to the following conditions: a. Any petroleum or other inflammable products stored above ground shall be contained in drums or containers of not more than 55 gallons, except that fuel oils to be consumed on the premises may be stored in a 275 gallon tank. b. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of 40,000 square feet. c. No curb-cut shall be within 25 feet of any side or rear line or street intersection. All curb-cuts shall be clearly defined by curbing. ³	N	N	N	N	N	N	P	P	P
46.	Hair and Beauty Salons ² (including barber shops) * Parking requirements shall be according to Section 33.1.7 standards.	N	N	N	P	P	P	P	P	P
47.	Hotels, motels, tourist court and the like, designed primarily for transient guests and subject to the following conditions: a. The Facility shall be located on a lot of not less than 120,000 s.f. in area and there shall be not less than 4,000 s.f. of land area for each guest unit on the premises and not less than 20,000 s.f. of land area for each guest unit equipped with kitchen facilities. b. The facility shall be served by a public water supply system or a state-approved community water supply system. c. The front and rear setbacks shall not be less than 100 feet and side line setbacks not less than 50 feet. d. No more than 20 percent of the units shall have kitchen facilities. e. This section shall not be held to permit trailer parks or camps.	N	N	N	N	N	N	P	N	P
48.	Banks and Other Financial Institutions.	N	N	N	P	S	S	S	P	S
49.	Professional Offices.	N	N	N	P	S	S	S	P	S
50.	Medical and/or dental clinics and laboratories.	N	N	N	P	S	S	S	P	S

+ Amendment effective December 30, 1983.
3 Amendment effective December 19, 1986.

*Amendment effective June 8, 1990.

¹Amendment effective May 2, 1980. ² Amendment effective April 26, 1996. ³ Amendment eff. 12/19/86.

SECTION 30, SCHEDULE A, PERMITTED USES		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
PERMITTED USES										
51.	Privately owned and managed ambulance services certified as required by the Connecticut General Statutes as amended. ³¹ (Original Paragraph 25 Restaurants, deleted by Commission Action on 2/26/79)									
52.	Undertaker's establishments on a lot of at least 40,000 sq. ft. in area subject to the following conditions: ³ a. The lot shall have at least 150 feet of frontage on the street. b. Parking shall be in the rear of the principal building. c. Vehicular access shall be at least 20 feet from any side or rear line.	N	N	N	P	S	S	S	N	N
53.	Research Laboratories.	N	N	N	N	N	N	N	P*	S
54.	Wireless Telecommunications Facilities – In accordance with Section 80; Permitted in all zones by Special Permit except in the Interchange Zone (IC) where it would be permitted on an existing structure by Special Permit approval. ⁴	P	P	P	P	P	P	P	P	P
55.	Radio and television-broadcasting studios excluding transmitting and receiving towers in excess of 35 feet above the ground.	N	N	N	N	N	S	S	P*	S
56.	Printing and publishing establishments occupying not more than 2,500 square feet of floor area.	N	N	N	N	N	S ⁵	S	P*	S
57.	Printing and publishing establishments.	N	N	N	N	N	N	N	P*	S
58.	The manufacture, processing, assembling of goods and storage incidental to the primary use. ¹	N	N	N	N	N	N	N	P*	S
58(a) ²	Breweries, wineries, and distilleries and other alcoholic manufacturing facilities as licensed by the State of Connecticut. Such facilities may have tasting rooms with food service, full service restaurants, food trucks, delivery services and/or retail sales, and may also be designed to hold events or provide entertainment to their guests. The distance requirements of Section 40 (a) of Section 30 shall not apply to such facilities.	N	N	N	N	N	S	S	P	S

(30-28)

*Amendment effective Dec. 30, 1983.

¹ Amendment effective September 1, 1975.

² Amendment effective June 5, 2020.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
59.	A. Warehousing, wholesale business and wholesale business warehousing.	N	N	N	N	N	N	P	P *	S
	B. ³ Warehousing, wholesale business and wholesale business warehousing with building heights that may be increased to a maximum of one hundred (100) feet, where due to industry developments and advancements, operations require greater building heights than otherwise allowed and the applicant demonstrates, pursuant to Section 40, <u>Special Permits</u> of these Regulations, that the proposed building height, design and building materials are appropriate in relation to the neighboring areas in which it is located. All setback requirements shall be increased by two (2) feet for each one (1) foot of height over fifty (50) feet for that portion of the structure that exceeds fifty (50) feet in height up to sixty-five (65) feet of structure height and shall be increased by one (1) foot for each one (1) foot of height over sixty-five (65) feet for that portion of the structure that exceeds sixty-five (65) feet in height. Additionally, the following restrictions shall apply: 1. There shall be no facilities or spaces designated for human occupancy above sixty-five (65) feet in height. 2. There shall be no roof-mounted equipment other than that needed for maintenance of the building and life-safety codes. 3. There shall be no third-party antennae or telecommunications equipment extending above the top of the roofline. 4. There shall be no exterior lighting above sixty-five (65) feet other than that which may be required for maintenance. All lighting shall have full cutoff fixtures. 5. Building exteriors shall avoid reflective surfaces and shall include textured materials and color changes to provide visual variety and eliminate glare. 6. There shall be two (2) means of escape from all areas that may require maintenance above sixty-five (65) feet. 7. At least one means of fire department aerial access meeting the approval of the Fire Chief will be required.	N	N	N	N	N	N	N	P *	P
60A	Contractor's warehousing and storage yards. ¹	N	N	N	N	N	N	N	P	S
60B.	Excavation and paving contractors and associated equipment storage yards. ²	N	N	N	N	N	N	N	P *	S

(30-29)

1 46 renumbered to 46A, effective September 1, 1975

2 Amendment effective September 1, 1975

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
61.	Lumber and building materials business and storage yards.	N	N	N	N	N	N	N	P*	S
62.	Freight and materials trucking businesses, and freight trans-shipment facilities. ¹	N	N	N	N	N	N	N	P*	S
63.	Machine shops, painting, woodworking, sheet metal, blacksmiths, welding, and tire recapping.	N	N	N	N	N	N	N	P*	S
64A.	Commercial storage and sale of fuel and bottled gas. Total above ground tank capacity shall not be more than 50,000 gallons and no above ground tank shall be closer than 40 feet to any building.	N	N	N	N	N	N	P	P*	S
64B.	Commercial storage and sale of bulk liquid oxygen for home health care and similar uses shall require administrative approval by the Cheshire Fire Marshall. ³	N	N	N	N	N	N	N	Y	Y
65A.	Bulk storage of cement and concrete mixing plants.	N	N	N	N	N	N	N	N	S
65B.	Bulk storage of petroleum and petroleum products and bituminous paving mixing plants. ⁴	N	N	N	N	N	N	N	N	P
66.	Laundry, cleaning and dyeing plants.	N	N	N	N	N	N	N	P	P
67.	Plants, other than bona fide farms, for the processing and distribution of milk and edible dairy products and/or the packaging and distribution of beverages.	N	N	N	N	N	N	N	P*	S
68.	Heliports and storage facilities for helicopters, subject to the following: Heliports must be located on lots of at least 10 acres and no portion of the landing area may be closer than 300 feet from the nearest property line. All heliports shall meet the standards and conditions set by the State of Connecticut, Department of Aeronautics. ²	N	N	N	N	N	N	N	P	P

(30-30)

¹ Amendment effective 9/1/1975.

⁴ Amendment eff. Sept. 1, 1975.

² Amendment effective December 24, 1987.

* Amendment effective 12/30/1983.

³ Amendment effective May 28, 1993.

SECTION 30, SCHEDULE A, PERMITTED USES

PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
69.	Earth removal and filling in accordance with Section 25.2	N	N	N	N	P	P	P	P	P
70.	Screening, sifting, washing, crushing bulk storage of, and other forms of processing of sand, stone, gravel, and the like. ¹	N	N	N	N	N	N	N	P	P
71.	Refuse Transfer and Recycling Centers. Refuse contractors within enclosed buildings which shall include facilities for the transfer and sorting of refuse for the recycling of same providing that adequate buffer areas are provided between the structure and adjoining properties, and adequate on site measures shall be taken to prevent the activity from in any way affecting the adjoining properties. Nothing herein shall be construed to prevent on site storage in no more than two covered roll off containers which shall be located immediately adjacent to the facility subject, however, to the provisions relating to outside storage as set forth in Sections 32.7 and 32.7.1 of these regulations. ³	N	N	N	N	N	N	N	N	P
72.	ADULT ENTERTAINMENT ⁴ Businesses providing adult entertainment shall not be located within 500 feet of any other such business nor within 2,000 feet of any public or private school or day care center, church, synagogue, or other similar place of worship: public park, playground, or other recreational facility where large numbers of minors regularly congregate: library: funeral home: or residentially zoned or residentially used property. The distance shall be measured in a straight line from the nearest edge of the building or zoning district boundary line, as applicable.	N	N	N	N	N	N	N	P	P

(30-31)

¹ Amendment effective September 1, 1975.

³ Amendment effective August 31, 1979.

² Amendment effective February 27, 1975.

⁴ Amendment effective June 7, 1996.

SECTION 30, SCHEDULE A, PERMITTED USES		ZONING DISTRICTS								
		R-80	R-40	R-20	R-20A	C-1	C-2	C-3	I-1	I-2
73.	<p>¹Accessory Use Tent on properties having a validly existing use permitted pursuant to Section 30, Schedule A, PERMITTED USES, paragraphs 58 and 59 of these Regulations, subject to the following conditions:</p> <p>a) The Accessory Use Tent shall be limited to functions for employees of the occupant of the properties upon which it is to be placed and demonstration of the products or services of the occupant of the properties upon which it is to be placed;</p> <p>b) The Accessory Use Tent shall not remain standing for any period in excess of one hundred eighty (180) days in the period from April through November 30. The accessory use tent shall not be permitted from December 1 through March 31.</p> <p>c) There shall be no retail sales or retail sales promotions in the Accessory Use Tent.</p> <p>d) Except in conjunction with the uses in paragraph (a) above, there shall be no warehousing or storage of goods or equipment in the Accessory Use Tent; and</p> <p>e) The Accessory Use Tent shall comply with all the requirements of Section 32, Schedule B Dimensional Requirements, and Section 33, Parking, for the Zone in which it is located, and shall not exceed 25,000 square feet.</p>	N	N	N	N	N	N	N	P	P
74. ²	<p>Display, storage and sale of landscape materials including but not limited to stone, mulch, topsoil, retaining wall systems, sheds, gazebos and other such decorative landscape structures and/or lawn ornaments subject to the following conditions:</p> <p>a) All parking of heavy equipment and machinery not registered for daily use shall be stored inside or screened from view from the street.</p> <p>b) There shall be no fuel storage or maintenance of heavy equipment, machinery or vehicles on site.</p>	N	N	N	N	N	N	N	P	P

(30-32)

¹ Amendment effective May 26, 2006 at 12:01 a.m.

² Amendment adopted December 18, 2006, effective December 22, 2006 at 12:01 a.m.

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SECTION 31 PROHIBITED USES.

It is intended that any use not included in Schedule A as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be complete, are specifically prohibited.

31.1 Amusement parks, motor vehicle race tracks, drive-in theaters, junk yards, motor vehicle junk yards, motor vehicle junk businesses and mobile home parks.

31.2 Ammonia, chlorine or bleaching powder manufacture; industrial processes utilizing the combustion of soft coal; blast furnaces; board, steam and drop hammers; creosote treatment and manufacture; petrochemical manufacture; distillation of coal, petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatin manufacture; grain drying; commercial incineration; reduction, storage or dumping* of slaughter house refuse, garbage, dead animals or offal, radioactive materials or wastes; raw hides or skin storage, cleaning, curing or tanning; soap manufacture from animal fats; sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric acid manufacture or any similar use.

31.3 Outdoor wood burning furnaces. These are defined as a free-standing outdoor structure that houses a wood-burning furnace that contains a smoke stack and is used to provide heat or hot water to a building, structure, swimming pool or hot tub through liquid or other means. Outdoor wood-burning furnace does not include a fire pit, wood-fired barbecue, or similar outdoor recreational uses.¹

*Shall not apply to municipal dumping.

(31-1)

¹ Amendment approved 5/10/10; effective 5/28/10 at 12:01 a.m.

SECTION 32 DIMENSIONAL REQUIREMENTS.

“Schedule B, Dimensional Requirements” are hereby declared to be part of these Regulations.

32.1 Lot Area, Width and Frontage. Except as provided elsewhere in these regulations, each lot shall have the minimum area, width and frontage as specified in Schedule B.

32.2 Setbacks. No structure shall extend within less than the minimum distances of any street line, side line, rear line or residential district boundary line as specified in Schedule B, or in Section 42 in the case of cluster subdivision, except as follows:

32.2.1 Signs. As specified in Section 34.2, permitted signs may extend within lesser distances of a street or other line.¹

32.2.2 Projections. Belt courses, canopies, cornices, eaves, marquees, pilasters and similar architectural features may project three feet into the area required for setback from a street or other line.

32.2.3 Narrow Streets. In residential and commercial districts, the required setback from a street line of a street located in a right-of-way of less than 50 feet in width shall be increased by one-half the difference between 50 feet and the actual traveled portion of the street. In industrial districts, the required setback from a street line of a street located in a right-of-way of less than 60 feet in width shall be increased by one-half the difference between 60 feet and the actual traveled portion of the street.

32.2.4 Farm Stands. Permitted farm stands as specified in Section 30 may extend to within 25 feet of any street line, but shall not extend to within 40 feet of any side line.

32.2.5 Accessory Building. Detached accessory buildings may extend to within five (5) feet of any side or rear property line but must comply with the following: they shall not exceed twelve (12) feet in height and must not exceed 144 sq. feet. They may not be used for human habitation, or for the sheltering of motor vehicles, or for the housing of animals or poultry. Bus shelters may abut any front or street line. All other accessory buildings larger than the above said dimensions must comply with building setback regulations.^{2 3}

32.2.6 Lots Adjacent to a Railroad. In the case of that portion of lot in a commercial or industrial district where contiguous to a railroad right-of-way, no setback from such a contiguous side or rear lot line shall be required.

(32-1)

¹ Amendment effective September 26, 1974.

² Amendment effective July 28, 1989.

³ Amendment effective December 4, 1992.

32.2.7 Satellite Dishes. The setback from the rear or side property lines shall be no less than the overall height of the satellite dish but in no case shall be less than 15 feet from the side or rear property lines. No satellite dish shall be located in the front yard.¹

32.2.8 Outdoor Lighting. Outdoor lighting facilities may extend to within ten (10) feet of any street line.

32.2.8.1 Outdoor lighting facilities intended for the illumination of athletic playing fields shall not exceed a maximum height of ninety (90) feet. Such lighting shall not extend to within thirty (30) feet of any property line. Light poles exceeding sixty (60) feet in height shall not be operative Sunday through Thursday after 9:15 p.m. and shall not be operative after 11:30 p.m. on Friday and Saturday.²

32.2.9 Swimming Pools. A swimming pool is a structure and shall comply with all setback requirements. Such setbacks shall be measured from its water retaining wall in the case of in-ground pools or from the outer edge of the above-ground structure.³

32.2.10 Other. Athletic equipment and flagpoles, not greater than fourteen (14) feet in height, may extend to within five (5) feet of any side or rear line, or twenty-five (25) feet of the front line.

32.3 Height. No structure shall exceed the maximum height as specified in Schedule B except that such regulations shall not apply to spires, belfries, cupolas, flagpoles, water tanks, ventilators, farm silos, elevator penthouses, chimneys or other appurtenances usually required to be above the roof level and not intended for human occupancy provided such structures are incidental to a permitted use located on the same property.

32.4 Coverage. The aggregate lot coverage of all structures on any lot shall not exceed the percentage of the lot area as specified in Schedule B.

32.5 Visibility at Intersections.⁴

On a corner lot, nothing shall be erected, placed, planted, sloped, bermed or allowed to grow in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. In addition, on all corner lots, a sight line easement shall be granted to the Town of Cheshire and shall stipulate that nothing shall be erected, placed, planted or allowed to grow or overhang in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. The curb line/edge of shoulder of said corner lot and a line connecting a point on the curb line/edge of shoulder of the side street shall bind the easement. The distances shall be determined with reference to the State of Connecticut Department of Transportation Guidelines for Highway Design. (See Table 32.5.A, Intersection

¹ Amendment effective December 4, 1992.

² Amendment effective September 29, 1989.

³ Amendment effective March 5, 1971.

⁴ Amendment effective March 8, 1985. Amendment Amended March 24, 2003; effective March 28, 2003 at 12:01 a.m.

INTERSECTION SIGHT DISTANCE CRITERIA

Application	Design Speed (mph)	X= Width of Opposing Lanes				
		≤ 22'	34'	46'	58'	70'
Desirable ISD (To the Left & Right)	15	120	170	200	230	250
	20	170	230	265	295	320
	25	235	305	350	385	415
	30	310	390	440	480	515
	35	405	500	555	600	640
	40	505	615	670	720	765
	45	635	755	820	875	925
	50	770	900	970	1030	1080
	55	935	1080	1155	1220	1275
	60	1100	1255	1340	1405	1465
Minimum ISD (To the Right)	15	115	140	160	175	190
	20	155	185	210	235	255
	25	195	230	265	290	320
	30	230	280	320	350	375
	35	285	380	425	460	490
	40	365	470	525	565	600
	45	455	575	635	680	720
	50	565	700	765	815	860
	55	690	835	910	965	1015
	60	835	995	1075	1135	1190
Minimum ISD (To the Left)	15	105	120	130	140	150
	20	140	160	170	190	200
	25	175	200	215	235	250
	30	210	240	255	285	300
	35	285	285	300	330	350

	40	365	365	365	375	400
	45	455	455	455	455	455
	50	565	565	565	565	565
	55	690	690	690	690	690
	60	835	835	835	835	835

(32-3)

Insert Figure 32.5.B

INTERSECTION SIGHT DISTANCE

32.5 Visibility at Intersections cont'd.

Sight Distance Criteria, and Figure 32.5.B Intersection Sight Distance “ISD”). Unless existing conditions create a hardship, the desirable ISD shall be used, and in no case shall the ISD be less than the minimum in the table.

Should the easement area not be entirely on the property of the landowner, he/she shall grant said easement on that portion that he/she controls. In addition, lots shall be sloped and graded to comply with the foregoing. The foregoing shall also apply to Section 40, 41, 42, 43 and 45 of these regulations.

32.6 Fences, Walls and Hedges. Nothing shall be erected, placed, planted, sloped, bermed or allowed to grow in such a manner as to materially impede pedestrian, bicycle or vehicle traffic visibility. Visibility shall be determined with reference to the State of Connecticut Department of Transportation Guidelines for Highway Design. (See Table 32.5.A, Intersection Sight Distance Criteria, and Figure 32.5.B Intersection Sight Distance “ISD”). Unless existing conditions create a hardship, the desirable ISD shall be used, and in no case shall the ISD be less than the minimum in the table. Fences shall not be over eight (8) feet in height anywhere on the property.¹

32.7 Outside Storage. Outside storage (including storage of merchandise, supplies, machinery and other materials and the outside manufacture, processing or assembling of good but excluding areas for parking of registered motor vehicles in daily use) shall be limited as follows:

¹ Amendment effective December 4, 1992. Amendment Amended March 24, 2003; effective March 28, 2003 at 12:01 a.m.

² Amendment amended 11.9.15; effective 11.27.15.

32.7.1 In commercial and industrial districts, outside storage areas shall not extend into the area required for setback from a street line or residential district boundary line and shall not extend to within 20 feet of any other line and shall be enclosed by buildings, fences, walls, embankments, or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from any street.

32.7.2 Provided the outside storage area meets the other requirements of this Section 32.7, by Special Permit an outside storage area may extend to within ten (10) feet of a property line other than a street line or residential district boundary line where the Commission determines that the location of the outside storage area is appropriate and does not pose a threat to the public health, welfare or safety.²

32.8 Site Development. Site development in other than residential districts shall be as follows:

32.8.1 Off-Street Parking and Loading. All off-street parking and loading shall conform to the standards specified in Section 33.

32.8.2 Driveways. There shall be no more than one driveway entering any lot from any one street if such has a frontage of less than 100 feet. For other lots, there shall be no more than two driveways entering from any one street except that there may be one additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall not exceed 35 feet in width at the street line unless greater width is required by the State of Connecticut. Driveways shall intersect with the street line at an angle of about 90 degrees.

(32-4)

32.8.2 Driveways cont'd.

Prior to the issuance of Certificate of Occupancy, all driveways shall have curb cuts and depressed curbs where curbing exists and shall have paved

aprons in all cases. The use of concrete and/or bituminous concrete shall be as stipulated in any Planning and Zoning Commission approval. If such approval does not exist, it shall be determined by the Town Engineer.

All construction shall conform to the Town of Cheshire Construction Specifications.¹

All sidewalk and driveway repairs and replacements shall be of the same material as approved by the Planning and Zoning Commission on the original subdivision approval. Sidewalks and driveways which were not approved as part of an original subdivision shall be as determined by the Town Engineer.²

32.8.3 Landscaping. All areas not used for structures, off-street parking and loading, outside storage and vehicular and pedestrian ways, shall be suitably landscaped with trees and/or shrubs, lawns or other suitable landscape development features and suitably maintained. Landscaping shall be in accordance with Section 33.8, Landscaping Design Standards. Along and adjacent to any residential district boundary line, there shall be a screen consisting of existing vegetation, evergreen plantings, or wooden fencing

^{1,2} Amendment effective September 27, 1985.

depending on the uniqueness of the property, of sufficient density and height to effectively screen the commercial or industrial use from the adjacent residential district.³

32.9 Access Restrictions. Access restrictions shall be as follows:⁴

32.9.1 Structures To Have Access. Every building hereafter erected or moved shall be on a lot with frontage on an accepted public street, a proposed public street or an approved private street or shall have an unobstructed easement of access not less than 50 feet in width to an accepted public street provided no more than three principal buildings shall use such easements.⁵

32.9.2 Access Restrictions in Residential Zones. No residentially zoned land shall be used for access to a use permitted only in a commercial or industrial zone.⁶

32.9.3 Handicapped Access Ramps. Handicapped access ramps shall conform to the following:

32.9.3a Private Sector Handicapped Access Ramps. Private sector handicapped access ramps may extend to within five feet of the property line, and may be covered.

32.9.3b Public Sector Handicapped Access Ramps. Public sector handicapped access ramps may extend to within five feet of the property line, may be covered, and must conform to the guidelines of the American National Standard Institute, (ANSI), 1986 edition.¹

(32-5)

32.10 Restoration of Public Improvements.² No Certificate of Occupancy shall be issued for any lot or site on an accepted Town road or for any lot in a subdivision where the Performance Bond and Maintenance Bond have been released, or is in litigation, until it has been certified by the Town Engineer that all public improvements have been restored to his satisfaction. Such public improvements shall include, but not be limited to, pavement, curbing, storm drainage facilities, sidewalks, driveway aprons and lawn areas. In those cases where seasonal conditions prevent immediate repair or installation of public facilities, prior to the issuance of a Certificate of Occupancy, the owner shall be required to post a Performance or Maintenance Bond. The amount of such bond shall be set by the Town Engineer. If, after due notice, the improvements which the bond covers have not been fully completed within the time limit established by the Town Engineer, or if there are deficiencies in the quality of the work, the Town will proceed with completion of the bonded improvements. The bond shall be satisfactory to the Town Attorney, and shall be in the form of the pledge of a passbook savings account, of an irrevocable letter of credit, or a cash deposit with the Town of Cheshire.

³ Amendment effective March 2, 1984.

^{4,5} Amendment effective September 1, 1975.

⁶ Amendment effective September 1, 1975.

¹ Amendment effective October 2, 1992.

² Amendment effective August 31, 1984.

(32-6)

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SECTION 32, SCHEDULE B

DIMENSIONAL REQUIREMENTS

ZONE	R-80	R-40	R-20	R-20A**	C-1	C-2	C-3	I-1	I-2
Minimum Lot Area-Sq. Ft.	80,000	40,000	20,000	20,000	20,000	20,000	20,000	40,000 ⁶	40,000 ⁶
Minimum Lot Width	200'	200'	100'	100'	100'	100'	100'	200'	200' ⁷
Minimum Lot Frontage	50'	50'	50'	50'	50'	50'	50'	60'	60'
Minimum Setback From Street Line	40'	40'	40'	40'	40'	50'	50'	50'	50' ⁷
Minimum Setback From Side Line	40'	30'	12'	12'	15'	15'	15'	30'	30' ⁷
Minimum Setback From Rear Line	40'	40'	30'	30'	40'	40'	40'	40'	40' ⁷
Minimum Setback From Res. Dist. Boundary Line	-----	-----	-----	-----	40'	40'	40'	50'	50'
Maximum Height Of Structure	40'	40'	40'	40'	40'	40'	40'	50'*	50'*
Maximum Lot Coverage	10%	10%	15%	35%*	20%	20%	20%	35% ⁶	35% ⁶
Minimum Lot Area Per dwelling Unit	80,000	40,000	20,000	20,000	20,000	20,000	20,000	20,000	40,000

See additional information on next page

SECTION 32 SCHEDULE B DIMENSIONAL REQUIREMENTS

FOOTNOTES

1. Dwelling constructed after the effective date of these Regulations under paragraphs 1 through 4 of Section 30, Schedule A, containing less than two garage spaces per unit, shall increase the appropriate setback requirement, as determined by the Zoning Enforcement Officer, by a minimum of 11 feet for each garage space less than 2 per unit.

*2. Maximum height of structure may be up to 65 feet but only if all setback requirements are increased by 2 feet for each 1 foot of structure height over 50 feet.

3.¹ On a corner lot, or a lot fronting on more than one street, setback requirements from both street lines shall be maintained. The owner shall designate one line, not a street line, to be the rear line. This line shall be the line opposite the front door, if practical. Once such line is designated, it shall thereafter be the rear line and shall not be changed. The remaining line shall be considered a side line, and shall meet the applicable side line setback requirements for that zone.

**4.² Parking shall be located in the rear of the building wherever possible and the building shall be residential in character.

Single family residences in the R-20A zone shall not exceed 15% lot coverage.

5.³ The easement line of an “unobstructed easement of access” shall not be considered a “street line” for purposes of this section.

6.⁴ The Planning and Zoning Commission may modify the requirements of Section 32, Schedule B and Section 33 in whole or in part where a proposed industrial or commercial development involves multiple properties and is to be maintained as a single project. Any such modification shall only be granted by Special Permit in accordance with Section 40 of these regulations. The modifications under this paragraph may include the following:

- a. Waiving the setback requirements *between* the properties;
- b. Treating the entire site as a unit in determining minimum lot area, width or frontage, maximum lot coverage and the parking requirements of Section 33.

This paragraph does not permit the waiving of maximum structure heights or maximum lot coverage, nor the setback requirements for the entire perimeter of the site treated as a unit.

In considering such change, the Commission shall be guided by the following:

- a. Traffic circulation and access management including the location amount and access to parking, traffic load or possible circulation problems on existing streets.
- b. The height and floor area of buildings in relation to other structures in the vicinity.
- c. The location of main and accessory buildings in relation to one another.
- d. Location of signs and lighting, loading zones, and landscaping.
- e. Safeguards to protect adjacent property and the neighborhood in general from detriment.

7.⁵ The height for active municipal recreational facilities may be increased to a maximum of 60 feet, provided there are 2 feet of additional setback for every 1 foot of additional height. Any such modification shall only be granted by Special Permit in accordance with Section 40 of these regulations.

8.⁶ Minimum Lot Area-Sq. I-2 zone and Maximum lot coverage in Industrial I-1 and I-2 zones.

9.⁷ Minimum Lot Width, Street Line Setback and Side and Rear Line Setbacks in I-2 zone.

¹ Amendment effective August 31, 1979.

² Amendment effective September 27, 1985.

³ Amendment effective January 27, 1989.

⁴ Amendment effective March 2, 2007

⁵ Amendment effective August 1, 2014.

⁶ Amendment effective May 12, 2017.

⁷ Amendment effective June 1, 2018

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SECTION 33 OFF-STREET PARKING AND LOADING.

It is the intent of this Section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with the standards hereinafter specified. Any off-street parking and loading provision existing shall conform to these standards to the extent that they conform at the time of adoptions of these Regulations. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.

33.1 Parking Space Standards. Notwithstanding other requirements of these Regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Except for one and two-family dwellings, no parking or access thereto shall be located less than twenty feet from any street line or residential district boundary line, and ten feet from any other property line.

33.1.1 Dwellings: two spaces for each dwelling unit and located on the same lot with the dwelling.

33.1.2 Churches, places of worship, theaters, assembly halls or stadia and the like: one space for each three legal occupants and located on the same lot with the facility or on another lot any part of which is within 500 feet in a direct line from the facility. If the facility is located in a residential zone, such spaces shall be on the same lot as the facility or on a contiguous lot.

33.1.3 Hospitals and convalescent homes: for hospitals, 2 spaces per bed and for convalescent homes, 1 space for 3 beds all located on the same lot with the facility.

33.1.4 Hotels, motels, tourist courts, rooms to let in a dwelling, and the like: one space for each guest unit plus one space for each two persons regularly employed; and located on the same lot with the facility. One additional space shall be provided for each guest unit having kitchen facilities.

33.1.5 Restaurants and food service establishments: one space for each 75 square feet of customer space plus one space for each 100 square feet of other floor area and located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.

33.1.6 Gasoline stations, boat dealers and motor vehicle dealers and repairers, establishments for auto washing and cleaning and the like: ten spaces, and located on the same lot as the facility.¹

(33-1)

¹ Amendment effective May 27, 1988.

33.1.7 Business and professional offices, financial institutions: one space per 200 square feet of finished space.

33.1.7 (a) Medical offices and medical clinics, and the like: one space per 200³ square feet of finished space.

33.1.7 (b) Retail uses: one space per 250 square feet of finished space.

33.1.7 (c) Personal services businesses and commercial recreational: one space per 150 square feet of finished space.

Parking for all of the above shall be located on the same lot with the facility or on another lot, any part of which is within 300 feet in a direct line from the facility.²

33.1.8 Farm stands as permitted under Section 30, Paragraph 23A: one space for each five linear feet of frontage of such stand and located on the same lot with the stand. Farm stands as permitted under Section 30, paragraph 23B: one space for each three linear feet of frontage of such stand and located on the same lot with the stand.

33.1.9 Undertaker's establishments: 40 spaces plus ten spaces for each chapel or parlor in excess of one, all located on the same lot with the building or on another lot, any part of which is within 300 feet in a direct line from the building.

33.1.10 Warehouses, wholesale businesses, trucking terminals, contractor's businesses, research laboratories, establishments for the manufacture, processing or assembling of goods; printing and publishing establishment; painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops; laundry, cleaning and dyeing plants and the like: one space for each one and one-half employees during the largest daily work shift period, and located on the same lot with the facility or on another lot, any part of which is within 500 feet in a direct line from the facility.

33.1.11 Customary Home Enterprises: one space per non-resident employee and located to the side or rear of the principal building.

33.1.12 Temporary Parking: Temporary parking is authorized in connection with any use listed in Paragraphs 33.1.1 through 33.1.11 above and for other uses not listed above as may be approved by the Planning and Zoning Commission under 33.1.13, subject to obtaining a Special Permit pursuant to Section 40 Special Permits of the Cheshire Zoning Regulations.¹

33.1.13 Parking. Other Uses: Sufficient off-street parking spaces shall be provided in connection with any use not listed in Paragraphs 33.1.1 through 33.1.11 and shall be approved as adequate by the Planning and Zoning Commission to preserve the purpose and intent of this Section.

(33-2)

¹ Amendment effective December 17, 1999.

²Amendment April 26, 2010; effective May 14, 2010 at 12:01 a.m. ³ Amendment effective June 9, 2017

33.2 Loading Space Standards. Each hospital, hotel, motel, retail store, restaurant, warehouse, wholesale business, trucking terminal, contractor's business, research laboratories and establishment for the manufacture, processing or assembling of goods, printing and publishing establishments, painting, woodworking, sheet metal, blacksmith, welding, tire recapping, and machine shops, and laundry cleaning and dyeing plants, having a ground floor area in excess of 4,000 square feet, shall have one off-street loading space for each 20,000 square feet of gross floor area or fraction thereof, excluding basements. No loading space or access thereto shall be located less than 20 feet from any property line, street line, or residential boundary line.

33.3 Design Standards. All off-street parking and loading areas shall meet the following minimum design standards:

33.3.1 Each parking space shall constitute an area with a minimum width of nine (9) and a minimum length of eighteen (18) feet. Parking spaces located in underground garages, buildings, or above ground garages may be reduced where necessary to allow for column spacing to a width of no less than eight (8) feet when adjacent to a structural column.⁴ Each loading space shall constitute an area with a minimum length of fifty (50) feet and a minimum vertical clearance of fifteen (15) feet. Where a parking lot contains more than twenty (20) car spaces, the applicant may provide up to 40% of his total parking in small car spaces, subject to the approval by the Planning and Zoning Commission. A small car space shall not be less than nine (9) feet in width and sixteen (16) feet in length. The small car spaces shall be laid out in a group and marked on site. Travel aisles between all⁴ parking spaces shall have a minimum width of twenty-four (24) feet. The applicant shall be encouraged to utilize the difference in area between each small car space and standard parking space for additional landscaping on the site.^{1 2}

33.3.1.1 For those uses with low vehicle turnover rates, such as Office Parks and certain Professional Businesses, the Commission may allow the construction of all or a portion of parking areas with parking spaces constituting a minimum width of nine (9) feet and minimum length of eighteen (18) feet.³

33.3.2 Each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of up to twenty (20) feet without need to use any part of a public street right-of-way. Each loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrians and vehicular traffic. No off-street loading space shall be designed or arranged in a manner that vehicles must use any part of a public street right-of-way to back into such space, nor shall it be designed in such a way to necessitate backing into a public street right-of-way.

¹ Amendment effective March 2, 1984.

^{2, 3} Amendment effective June 8, 1990.

⁴ Amendment April 26, 2010; effective May 14, 2010

33.3.3 Parking areas shall be divided into areas containing not more than sixty (60) automobiles, by permanent barriers, landscaped strips or raised walks.

33.3.4 Any lighting used to illuminate any required off-street parking or

loading shall be confined essentially to the property where it originates. The maximum height of such lighting shall be fourteen (14) feet in residential districts and twenty-five (25) feet in all other districts.

33.3.5 Except when in connection with those uses permitted under Paragraph 22, 24A and 24B, Section 30, Schedule A, there shall not be more than one commercial vehicle parked or stored on any lot in a residential zone. Such vehicle shall not exceed a rated capacity of two and one half tons.¹

33.3.6 Handicapped Parking. Parking shall be provided for the physically handicapped in accordance with Article 21 of the Basic Building Code of the State of Connecticut.²

33.3.7 Dead end parking bays shall be avoided, but where it is demonstrated to the satisfaction of the Commission that they are necessary shall be provided with a back around or backup area at least 9 feet in depth and 18 feet in width. Said area shall be striped to indicate that no parking is permitted therein.⁴

33.4 Construction and Maintenance.⁴ Except as provided below for temporary parking, all off-street parking and loading areas shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent or greater than 3 percent. Except as provided below for temporary parking, all parking areas for more than ten automobiles and access hereto shall be surfaced with asphalt, asphaltic concrete or portland cement concrete and shall be defined by portland cement concrete, granite or bituminous concrete (asphalt) curbs and all parking spaces shall be defined with lines.

Temporary parking may be surfaced with permeable paving blocks capable of supporting the weight of motor vehicles for which the temporary parking is intended. Except to the extent required by the Planning and Zoning Commission, temporary parking is not required to meet the requirements for design standards, Paragraph 33.3 or landscaping design standards, Paragraph 33.8.³

Parking lots proposed for more than twenty cars (20) shall include a maintenance plan describing how the lot and landscaping will be maintained including snow plowing and stockpiling, irrigation, and the cleaning and maintenance of the storm water management system.⁴

33.5 Joint and Shared Use.⁴ Joint parking areas and loading spaces may be established by the owners of separate contiguous lots and/or projects with mixed uses in order to provide the total number of off-street parking and loading required. In such case, the 10-foot requirement specified in Section 33.1 may be waived for the common property line. The interconnection of adjoining parking areas shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts, and/or signalized access. Shared parking shall also be permitted when:

¹ Amendment effective August 28, 1975.

² Amendment effective March 2, 1984.

³ Amendment effective December 17, 1999.

⁴Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

- a. the parking facilities provided on the site(s) are interconnected with adjacent facilities to create a functional parking arrangement,
- b. appropriate access and parking easements are executed between the adjacent properties providing for joint access and parking in perpetuity, or the site is developed as a unified site plan in accordance with Section 32, Schedule B, 6 of these regulations, and
- c. it has been demonstrated to the satisfaction of the Commission that the parking needs of the joint users on the site(s) occur at different hours of the day or that adequate parking will be available.³

33.6 Delayed Construction of Parking Spaces.²

33.6.1 The Commission may allow the delayed construction of parking spaces if it determines that:

- 1) The particular use and intensity of use will probably not require all of the required parking spaces, and/or
- 2) The delayed construction will not cause substantial inconvenience to the patrons or impair the safety of the public.

33.6.2 The Commission may allow for the delayed construction of up to 50% of the parking spaces required by these regulations provided:

- 1) All required parking must be shown on the plans and be in conformance with these regulations.
- 2) The spaces for which delayed installation is desired and/or approved shall be so specified.
- 3) The applicant/owner/developer of the project must agree to install the required parking spaces at such time as the Commission determines that the installation is appropriate.
- 4) If the Commission determines that installation of all of the parking spaces is appropriate, then the applicant/owner/developer must complete the installation within 90 days of notification. Failure to install said spaces shall be considered a violation of the Zoning Regulations.

33.7 Large Parking Areas.¹ In situations where more than 200 parking spaces are required for a single use or more than 300 parking spaces are required for a combination of uses on one property, then the total number of required parking spaces as specified by Section 33.1 of these regulations shall be reduced by 10%.

¹ Amendment effective August 28, 1975.

² Amendment effective June 26, 1981

³ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

33.8 Landscaping Design Standards.¹ The following standards are intended to enhance the appearance of the Town, to reduce air pollution and excessive heat produced by large expanses of paving. Landscaping plans should fulfill specific functions including, but not limited to creating shade around buildings and in parking areas, visual and auditory screening, and site beauty and enhancement:²

33.8.1 Parking lots shall be designed to avoid creating large expanses of paving. Parking areas must be landscaped in the interior and perimeter areas of the site. End of row parking shall be protected from turning movements of other vehicles by the provision of landscaped areas^{1,2}

33.8.2 Parking lots for more than twenty (20) cars shall contain interior landscaped areas equal to at least 10 % of the gross parking lot area. One (1) shade tree not less than two (2) inches in caliper shall be planted within the interior landscaped areas for each five (5) parking spaces or fraction thereof. For parking lots over 100 parking spaces, the following standard shall apply: One (1) shade tree not less than two (2) inches in caliper shall be planted within the landscaped areas for each ten (10) parking spaces or fraction thereof. Trees shall be planted to increase shade coverage over paved surfaces and pedestrian areas and adjacent to structures to shield them from direct sun in the summer. Trees should be planted in groups wherever possible according to specific site conditions.^{1,2}

33.8.3 All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles and snow plowing.

33.8.4 Trees used in parking lots shall be selected from the preferred planting list prepared by the Town Beautification Committee or similar species. Existing native and non-native trees with significant aesthetic or scenic value should be preserved where said preservation does not impair the orderly development of the site.^{1,2}

33.8.5 The landscaped areas shall be designed and located to minimize unattractiveness and to reduce the dominance of parking lots as site features.²

(33-6)

1Amendment effective March 2, 1984

2Amendment effective May 14, 2010

33.8.6 Landscaping elements shall not restrict vehicle sightline or block site lighting in a manner that creates unsafe lighting levels in vehicle and pedestrian spaces.²

33.8.7 Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in condition that does not fulfill the intent of these regulations shall be replaced by the proper property owner during the next planting season for the particular plant material.

33.8.8 Parking lots should be designed with landscape elements capable of storm water absorption, infiltration, and treatment including, but not limited to depressed island, elimination of curbing where appropriate, and similar design features.²

33.8.9 Wherever possible, there shall be a spatial separation or landscape barrier between parking areas and buildings. Parking areas adjacent to residential uses shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night by the movement of vehicles.²

33.9 Outdoor Lighting.¹ The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward and adjacent illumination and to reduce glare. The use of luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private. Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of Cheshire.

A. Lighting Plan.

Outside lighting plan shall be submitted as part of any retail, commercial or industrial site plan or residential, retail, commercial or industrial special permit application, unless waived by the Planning and Zoning Commission, and shall be accompanied by a lighting plan showing:

1. The location, height and type of outdoor lighting luminaries, including building mounted;
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The type of lamp (metal halide, compact fluorescent, high pressure sodium);
4. A written summary detailing the impact of lighting upon both the designated area(s) and adjacent properties.
5. The Commission may require an isodiagram showing the intensity of illumination expressed in footcandles at ground level.

(33-7)

¹ Amendment Adopted May 27, 2003; effective June 6, 2003 at 12:01 a.m.

²Amendment effective May 14, 2010

B. General Requirements:

1. All exterior lights shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed. (see Appendix A & B)
2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.
3. Lighting for display, building and aesthetics shall be from the top and shine downward, not uplighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.
4. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.
5. Floodlighting is prohibited except as permitted in the zoning regulations, Section 34, Signs.
6. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
7. Gasoline Stations shall observe and not exceed the maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix B). All area lighting will be full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface.
8. All parking area lighting shall be full cut-off fixtures.
9. Soft, transitional light levels shall be consistent from area to area. A minimal contrast between light sources shall be observed, i.e. lit areas and dark surroundings.
10. Lighting designed to highlight flagpoles shall be low level and targeted directly at the flag.
11. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination. As outlined in Section 33.3.4, the maximum height of such lighting shall be fourteen (14) feet in a residential districts and twenty-five (25) feet in all other districts.
12. Exemptions: Traditional seasonal lighting (i.e. holiday lights and decorations) and temporary lighting used by police, fire, emergency and repair services are exempt from these regulations.

C. Considerations:

Upon application review by the Planning and Zoning Commission, the following exceptions may be considered:

1. Where a proposed change to an existing non-conforming lighting installation is less than 25% of the current use.
2. Where special lighting is indicated for historic buildings.
3. Where ornamental uplighting of sculpture, buildings or landscape features will enhance the character of the area and will not create burden onto adjoining properties.

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

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

Source – IESNA RP 20-98

Appendix B

Service Station or Gas Pump Area Average Illuminance Levels

Area Description	Average Illuminance of Described Area (lux / footcandles)
Approach with Dark Surroundings	15/1.5
Driveway with Dark Surroundings	15.1/1.5
Pump Island Area with Dark Surroundings,	50/5
Building Facades with Dark Surroundings	20/2
Service Areas with Dark Surroundings	20/2
Landscape Highlights with Dark Surroundings	10/1
Approach with Light Surroundings	20/2
Driveway with Light Surroundings	20/2
Pump Island Area with Light Surroundings	100/10
Building Facades with Light Surroundings	30/3
Service Areas with Light Surroundings	30/3
Landscape Highlights with Light Surroundings	20/2

Source - IESNA RP-33-99

The following Diagrams A&B are examples of recommended lighting fixture styles are to be used with Section 33.9 Outdoor Lighting Regulations and Appendices A & B for specific lighting levels.

ATTENTION: SEE PRINT COPY FOR DIAGRAMS A & B

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SECTION 34 SIGNS¹

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¹ Amendment Adopted June 25, 2001; Effective June 29, 2001 at 12:01 a.m.

34.1 **Purposes and Intent** The purposes of these sign regulations are:

1. To encourage the effective use of signs as a means of communication in the Town.
2. To maintain and enhance the aesthetic environment and historical character within the Town by encouraging a level of visual quality and professional sign design compatible with the architecture and the surroundings.
3. To enhance the economy and the business and industry of the Town by promoting reasonable, orderly and effective display of signs.
4. To improve pedestrian and traffic safety by avoiding signs that impair sight lines and distract motorists.
5. To maintain property values and prevent visual clutter.

Anyone planning a sign shall consider:

1. The character and design of the proposed sign itself, as well as its effects on the character of the surrounding area.
2. How the sign will be read and whether the size, location, configuration and character are appropriate to its intended audience.
3. Whether the sign structure, that is the physical means of supporting the sign, could be made an integral part of the sign rather than a separate and distracting element.
4. The advantages of coordinated signage. See Section 34.15 of these regulations.
5. Contacting the Zoning office for further information regarding these regulations. Applicants may also wish to contact a private firm or organization engaged in sign/graphic design for advice or assistance.

34.2 **Applicability and Permit Process**

- A. Signs may be erected, placed, established, painted, created, or maintained in the Town only in conformance with these regulations.
- B. No sign requiring a permit under the provisions of these regulations shall be placed, constructed, erected or modified unless a sign permit is obtained. Sign permit applications are available at the Zoning Office. Completed applications shall be submitted to the Zoning Office and shall be accompanied by such fee as is set forth in the Land Use Agencies Fee Schedules in Code of Ordinances of Town of Cheshire.

- C. The Zoning Office shall forward a sign permit application, including applications for Master Signage or Coordinated Signage Plans as specified in Sections 34.14 and 34.15, to the Beautification Committee or a subcommittee thereof for an advisory opinion. The Beautification Committee or its subcommittee shall consider the following standards in rendering its opinion: ¹
1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 2. Signs should display simple and clear messages and symbols which should be legible by pedestrians and slow moving vehicles within a reasonable distance. Except as otherwise provided hereunder, a sign shall be limited to not more than the display of the name of the business establishment, a symbol, logo or drawing, and the service provided by the business.
 3. To maintain simplicity and clarity of signs no sign should feature more than 3 different colors including trim, framing, supports and braces. Sign colors should harmonize with the exterior colors, including trim, of the building to which the sign is attached. In the case of a freestanding sign, the colors on such sign should be compatible with the colors of the building to which the sign principally relates. The letter faces of an individual letter sign should be kept in one single color.
 4. Lettering on a sign should be limited to a maximum of two different type styles. The lettering and the design of a sign should complement the architecture of the building to which the sign is attached. In the case of a freestanding sign its design should be compatible to the building to which the sign principally relates.
- D. Routine maintenance or changing the parts or copy of a sign does not require a permit provided that the maintenance or change of parts or copy do not alter the surface area or otherwise render the sign nonconforming.

34.3 Definitions and Interpretations

Signs shall be classified by their function or purpose, or by their structural type. Within either of these categories, signs may be classified as either permanent, i.e. intended to remain for an indefinite period of time or temporary, i.e. intended for a short, usually fixed duration.

- A. **Functional Types of Signs.** The definitions below define signs by their purpose or function.

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¹ Amendment Amended January 27, 2003, effective January 31, 2003 at 12:01 a.m.

Advertising Sign - A sign identifying a special, unique, or limited activity, service, product or sale.

2. **Agricultural Sign (Temporary)** - A temporary sign advertising seasonally grown products, which is displayed only during the season when such sale is occurring.
3. **Area Identification Sign** - A sign used to identify a common area containing a group of structures, or a single structure on a minimum site of two (2) acres, such as a residential subdivision, apartment complex, industrial park, or shopping center, located at the entrance or entrances of the area.
4. **Billboard** - An off-site advertising sign, not including permitted agricultural signs.
5. **Business Sign** - A sign which directs attention to a business, profession, activity, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.
6. **Construction/Home Improvement Sign** - A temporary sign identifying the parties involved in the permitted construction or home improvement activity on that site.
7. **Development Sign** - A temporary sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential use. Such sign may identify the parties involved in the development or construction.
8. **Directory Sign** - A sign which indicates names and/or location of the occupants of the premises on which the sign is located but containing no advertising material of any kind.
9. **Directory/Directional Sign** - A freestanding sign listing the names of businesses and a directional indication of their location on properties with two (2) or more businesses or professional buildings. No advertising material is allowed.
10. **Grand Opening Sign** - A temporary sign announcing a new business or change of ownership.
11. **Identification Sign** - A sign of an identification or informational nature located on the premises showing one of the following: the name of a subdivision; the name of a school park, church or other public or quasi public facility; a professional or firm name plate; or the name of a farm; the name of the person, firm or corporation occupying the premises; or the name and address of a building or the management thereof.

12. **Incidental Sign** - A sign, generally informational, that has a purpose secondary to the use of the building lot on which it is located, such as “No Trespassing”, “No Dumping”, “No Parking”, “Entrance”, “Loading Only”, “Telephone”, and other similar directives, but containing no advertising.
13. **Off Site Directional Sign** - A permanent or temporary sign which directs attention to a public service, business, or seasonally grown agricultural products existing elsewhere than upon the same lot where the sign is displayed.
14. **Open House Real Estate Sign** - A temporary sign designating directions to an open house, and/or the name of the real estate agency or individual holding the open house.
15. **Political/Public Issue Sign** - A temporary sign announcing political parties, political candidates seeking public office and/or expressing an opinion on political or public issues.
16. **Real Estate Sign** - A temporary sign indicating the offering for sale, rental, or lease of the premises on which the sign is located.
17. **Special Event Sign** - A temporary sign announcing a campaign, drive, activity or event of a civic, philanthropic, educational, not-for-profit or religious organization.

B. Structural Types of Signs. The definitions below define signs by their type of style or construction. See Exhibit B for examples of such signs.

1. **Attached Sign** - See Wall Sign.
2. **Awning or Canopy Sign** - Any sign that is painted on or applied to an awning or canopy. An awning is a structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building. A canopy is a structure other than an awning which is designed to provide protective cover over a door, entrance, window or outdoor service area and may be made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.
3. **Banner** - A sign consisting of light weight, flexible material which is supported by a frame, rope, wires, or other anchoring devices which may or may not include copy, logo, or graphic material. Flags, as defined below shall not be considered banners.
4. **Beacon** - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same building lot as the light source; also any light with one or more beams that rotate or move.

5. **Bulletin Board** - A sign of permanent character, including a freestanding sign, but with removable letters, words, logo or numerals.
6. **Changeable Copy Sign** - A sign or a portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the configuration of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be not considered either a changeable copy or flashing sign for purposes of these regulations.
7. **Double Faced Sign** - A sign with two (2) faces which are back to back.
8. **Flag** - A piece of fabric or other material of distinct design that is used as a symbol of a nation, state, town, agency, school, or business and which is displayed by hanging free from a staff or halyard.
9. **Flashing Sign** - Any moving illuminated sign affected by intermittent lighting. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be not considered a flashing sign.
10. **Freestanding Sign** - A sign and supporting structure which is secured in the ground and independent of any building, or other support.
11. **Illuminated Sign** - A sign in which an artificial source of light is used either internally or externally in connection with the display of such sign.
12. **Multi-faced Sign** - A sign with two (2) or more faces, including a double-faced sign.
13. **Pennant** - Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
14. **Portable Sign** - Any sign not permanently attached to the ground or to another fixed or unmovable structure. Examples include signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

15. **Projecting Sign** - A sign which is affixed to a building or wall and extends beyond the line of such building or wall by more than twelve inches.
16. **Roof Sign** - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
17. **Sandwich Board Sign** - A freestanding transportable A-frame double-faced sign.
18. **Wall Sign** - Any sign attached parallel to, but within twelve (12) inches of a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which sign displays only one sign surface. For the purposes of these regulations any sign display surface that is affixed against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or building canopy shall be considered a wall sign.
19. **Window Sign** - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

34.4 General Requirements

34.4.1 Measurement of Sign Area

- A. The area of a sign face is the area of the smallest rectangle, triangle, or circle that encompasses all lettering, wording, design or symbols together with any background if such background is designed as an integral part of and obviously related to the display surface of the sign. Such area shall include any framed or outlined area, but shall not include (1) any structural elements lying outside the limits of such sign and (2) in the case of individual letters mounted on a wall surface, that part of the wall surface beyond the limits of all the letters defined by the smallest rectangle, triangle or circle.
- B. The sign area for a sign with more than one face shall equal the total of the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, the sign area shall equal the area of one of the faces.

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34.4.2 Height

A. Freestanding Signs

In residential districts, no freestanding sign shall exceed a height of six (6) feet as measured from the natural grade to the highest point of the structure. In a nonresidential district, no freestanding sign shall exceed a height of ten (10) feet from natural grade except as described in sections 34.11A and 34.13.

B. Attached Signs

Attached signs shall not project above the high point of the roof of the building or more than four feet above the wall of the building, whichever is higher.

34.4.3 Setbacks

All signs must be set back no less than ten (10) feet from the street line or property line. If the configuration of the road subsequently changes, the sign shall be moved to conform with these setback requirements. This distance may be increased if the Cheshire Traffic Authority determines that a sign's placement presents a sight line or traffic safety problem.

34.4.4 Obstructions

No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system, or fire escape exit or to cause any other hazard to public health and safety.

34.5 Design, Construction and Maintenance

Signs shall be designed to harmonize with existing building and development and the design shall take account of any recommendations of the Beautification Committee. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure. All signs shall be maintained in good structural condition and in compliance with all building and electrical codes.

34.6 Signs Allowed in All Districts*

A. The following signs are allowed without a permit:

1. Construction/home improvement sign: One (1) non-illuminated sign on the lot where the work is being performed, not to exceed

(34-7)

* A chart summarizing allowed sign types, maximum area, permit and illumination requirements for all zoning districts is set forth at Exhibit A. In the case of any conflict between the chart contained at Exhibit A and the text of these regulations, the text shall control.

8.5 square feet. Construction/home improvement signs may be erected and maintained for a period not to exceed fourteen (14) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development. The sign may be either a freestanding or a sandwich board style. Sandwich board signs shall be properly secured, i.e. weighted or anchored.

2. Incidental Signs: One or more non-illuminated signs, not to exceed two (2) square feet per sign. These signs may be attached or freestanding.
3. Real estate signs: One freestanding sign per lot. Where a lot abuts two (2) or more streets, an additional sign oriented to each abutting street shall be allowed. No sign shall exceed 8.5 square feet in Residential Districts, 32 square feet in Commercial and Industrial Districts, or 40 square feet in the Interchange zone.
4. Open house real estate signs: Up to eight non-illuminated signs, each sign limited to four (4) square feet. The signs shall be installed no earlier than 10:00 a.m. and removed immediately after the open house is terminated. Sign(s) may be either freestanding or of a sandwich board style. Sandwich board signs must be properly secured, i.e. weighted down or anchored.
5. Political/Public issue signs:
 - a. One (1) or more signs per lot, the total aggregate signage per lot not to exceed 8.5 square feet in R-80, R-40, R-20 and R-20A Districts, and 32 square feet in C-1, C-2, C-3, I-1, and I-2 and Interchange Districts.
 - b. Regardless of district one thirty-two (32) square foot freestanding sign and wall signs covering the front or entrance wall shall be allowed for one (1) town-wide headquarters per political party.
 - c. The responsibility for removal of signs shall lie with the individual or individuals posting said sign or signs.
 - d. Signs concerning an election shall be removed within seven (7) days after the election.
 - e. Political/public issue signs may not be illuminated.
 - f. Signs must be set back at least 10 feet from the street line.

6. Special event signs:
 - a. One freestanding sign not to exceed thirty-two (32) square feet or two freestanding signs each not to exceed sixteen (16) square feet.
 - b. The sign(s) shall be erected and displayed for a period not to exceed twenty-one (21) days prior to the date of the campaign, drive, activity or event advertised is scheduled to occur and shall be removed within three days after the conclusion of such campaign, drive activity or event
 - c. The sign(s) may be illuminated.
 - d. Organizations may also display a banner at the site of the event for the duration of the event but in no event shall a banner be displayed for more than twenty-one (21) days prior to the event and shall be removed within three (3) days following the event.
 - e. Special event signs must be registered with the Zoning Office prior to the event.
7. Agricultural Business Signs: See Section 34.12.

B. The following signs are allowed subject to obtaining a sign permit:

1. Development sign: One (1) freestanding sign not exceed thirty-two (32) square feet. The permit for such sign must be renewed annually. The sign shall be removed prior to the issuance of the last certificate of occupancy or within seven (7) years of the issuance of the initial building permit, whichever comes first. This sign shall not be illuminated.
2. Off Site Directional signs: For municipal and non profit institutions as enumerated in Section 30, Schedule A, No. 17 and 19, up to two (2) non-illuminated signs per institution, each sign not to exceed six (6) inches by thirty-six (36) inches in size. The Zoning Enforcement Officer in collaboration with the Cheshire Traffic Authority may limit this number or alter the location because of public safety concerns.

34.7 Signs Allowed in Residential Districts

The following signs are permitted in residential districts R-80, R-40, R-20, in addition to those allowed under Section 34.6.

- A. Identification Sign: Dwellings Containing One Dwelling Unit: One non-illuminated sign per dwelling unit, either freestanding or attached, not to exceed (3) square feet. No permit is required.
- B. Identification Sign: Dwellings Containing Multiple Dwelling Units: One (1) sign per lot, attached or freestanding, not to exceed six (6) square feet. No permit is required. The sign may be illuminated.
- C. Identification Sign: Subdivision or Planned Residential Development: For a subdivision or planned residential development located on ten or more acres with no fewer than ten (10) units, one freestanding sign is allowed by permit. In the event of more than one (1) major entrance to the subdivision or development, one (1) sign for each entrance (maximum of two (2) signs) is allowed. The total area of the sign(s) shall not exceed twenty-four (24) square feet. The sign may be externally illuminated.
- D. Identification Sign: Home occupation/profession: One (1) sign per dwelling unit and no more than one freestanding sign per lot, indicating only names of persons and their professions or customary home occupations, with a maximum sign area of three (3) square feet. The sign may be attached, projecting or freestanding and requires a sign permit. The sign may be illuminated during hours of operation.
- E. Identification Sign: Municipal/Civic/Nonprofit Institutions: For facilities requiring a special permit as enumerated in Section 30, Schedule A, Nos. 17, 19, 21, 21A and 22 of these Regulations, one (1) freestanding sign for each major entrance (maximum of two (2) signs), and one attached sign. Total area of the freestanding signs shall not exceed twenty-four (24) square feet. The attached sign shall not exceed five (5) percent of the face of the building. A permit is required.
- F. Business sign: For any non-residential use permitted in a residential district, not enumerated above, one sign, except for lots with frontage on two (2) streets, a sign fronting each street is allowed. The maximum sign area is three (3) square feet per sign, except that if the property has frontage on a state highway, the maximum area shall be six (6) square feet. Sign(s) may be attached, projecting or freestanding. A permit is required.

34.8 Signs Allowed in R-20A District

The following signs are allowed in the R-20A District in addition to those allowed under Section 34.6. All signs listed below may be illuminated during hours of operation and require a permit.

- A. Identification Sign: Municipal/Civic/Nonprofit Institutions: Signs as described in Section 34.7E are allowed in R-20A zone.

- B. One business, directory, home occupation or identification sign, either attached or freestanding. The area of the attached sign shall not exceed five (5) percent of the wall of the building to which it is attached. The area of a freestanding sign shall not exceed twenty-four (24) square feet except that on lots of 40,000 square feet or more, the area shall not exceed thirty-two (32) square feet. On lots with frontage on two (2) streets a freestanding sign fronting each street is allowed provided that the total area of the two signs may not exceed twenty-four (24) square feet for lots under 40,000 square feet or thirty-two (32) square feet for lots of 40,000 square feet or greater.
- C. On multi-tenanted buildings used for non-residential purposes, additional wall signs are allowed as follows:
 - (1) A four (4) square foot sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances.
 - (2) An eight (8) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.
- D. One (1) freestanding directory/directional sign is allowed on properties with businesses located in two or more buildings. This sign shall be in addition to such other signs allowed on the lot. Such signs cannot be located closer than fifty (50) feet from the traveled portion of the road fronting the property. The sign area shall not exceed thirty-two (32) square feet.
- E. Projecting sign(s) are allowed in those situations where either freestanding or attached wall signs are not feasible because of the size or shape of the lot or the situation of the buildings on the lot. Projecting signs may not exceed six (6) square feet.

34.9 Signs Allowed in C-1, C-2, C-3 Commercial Districts

The following signs are allowed in C-1, C-2, and C-3 commercial districts, in addition to those set forth in section 34.6. The following signs may be illuminated and require a permit unless otherwise noted:

- A. Freestanding Signs: One (1) freestanding sign per lot, which may be either a business, area identification or directory sign. Such sign shall not exceed thirty-two (32) square feet. An additional sign or increased signage area shall be available under the following circumstances:
 - 1. On lots with vehicle access from two streets, one freestanding sign up to thirty-two (32) square feet is allowed at the main entrance and a sign up to sixteen (16) square feet is allowed at the secondary entrance.

2. On multi tenant lots of four (4) or more acres, fronting on Route 10, one freestanding sign is allowed up to sixty-four (64) square feet. If such lot has a separate entrance on another street, an additional sign up to thirty-two (32) square feet is allowed at the secondary entrance.
- Additional signage is allowed for changeable copy sign as per subsection C below.

Owners of multi tenanted lots may wish to refer to the coordinated signage section (34.15) for opportunities to increase sign area.

B. Wall Signs: One wall sign, which may be either a business, directory or identification sign, is allowed for each principal building. The sign area may not exceed five (5) percent of the wall of the building on which it is attached. Additional wall signs or signage are allowed under the following circumstances:

1. When a building has vehicle access from two (2) or more streets an additional wall sign oriented to each abutting street is allowed.
 2. On multi-tenanted buildings:
 - (1) In lieu of one wall sign not exceeding 5% of the wall, each tenant may install a individual wall sign not exceeding five percent of his/her proportionate share of the wall on which the sign is attached, provided all such signs are of uniform design and construction.
 - (2) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances, provided all such signs are of uniform design and construction.
 - (3) An eight (8) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.
- Additional signage is allowed for changeable copy signs as per subsection C below.

In lieu of a wall sign, an awning or canopy sign over a door entrance or window is allowed. Such sign may include only the business name and/or address. The sign shall not exceed fifty percent of the vertical face of the awning or canopy to which it is attached.

C. A changeable copy sign may be a part of the sign's design or be added to a wall or freestanding sign as described in sections A and B above. An additional sign area of up to ten (10) square feet will be allowed.

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The inclusion of a changeable copy feature into a sign precludes the use of on-site temporary advertising signs as described in subsection J below. See Exhibit C for examples of changeable copy signs.

- D. Projecting sign(s) are allowed in those situations where either freestanding or wall signs are not feasible because of the size or shape of the lot or the situation of the buildings on the lot. Projecting signs may not exceed eight (8) square feet.
- E. Window signs are allowed without permit. No more than fifty percent (50%) of total window or door area may be covered. Flashing, revolving or moving lights are not permitted.
- F. One (1) freestanding directory/directional sign is allowed on properties with businesses located in two (2) or more buildings. Such signs shall not be located closer than fifty (50) feet from the traveled portion of the road fronting the property. The sign area shall not exceed thirty-two (32) square feet.
- G. Off site directional signs. For those businesses which are not located on Routes 10, 68, or 70, one non-illuminated off-site directional sign may be allowed at the appropriate intersection of Routes 10, 68 or 70. If only one business requires a directional sign, that sign may be no larger than six (6) inches by thirty-six (36) inches. At those intersections where more than one business requires listing, the listings will be coordinated on one sign and the overall dimension of that sign will be in direct proportion to the number of businesses listed. The individual listing of each business will not exceed six inches by thirty-six (36) inches. In no event will the overall size of the sign exceed thirty-two (32) square feet. Off-site directional signs may be double faced but may not exceed ten (10) feet in height. Cost of the sign listings and maintenance will be the responsibility of the businesses utilizing the off-site directional sign. See Exhibits D and E for examples of off-site directional signs.
- H. For automobile service station and repair signs, see Section 34.13.
- I. For agricultural business signs, see Section 34.12.

The following temporary signs do not require a sign permit but must be registered with the zoning enforcement officer prior to their erection.

- J. Temporary advertising signs, either attached or freestanding, are allowed up to six (6) times per calendar year for a period not to exceed fourteen (14) days per occasion. Temporary advertising signs shall be subject to the following requirements:

1. Zoning Officer must be notified prior to the placement of a temporary advertising sign.
2. Signs must be professionally prepared.
3. Only one (1) sign per business may be displayed at any one time.
4. Signs must be located upon the lot where the special, unique or limited activity, service or sale is to take place.
5. Sign may be displayed for up to fourteen (14) days per occasion and must be removed within forty-eight (48) hours of the last day. A minimum of fourteen (14) days must elapse before that business may again display a temporary advertising sign.
6. Freestanding signs must be constructed of rigid material and may not exceed 8.5 square feet in size.
7. Wall mounted banners must be constructed of fabric or plastic material and their size may be no more than ten (10) percent of the total area of the building unit to which they are attached.
8. Signs may not be illuminated.

Businesses that frequently have special activities or sales may wish to consider utilizing a permanent changeable copy sign instead of temporary signs and thereby gain an additional ten square feet of signage to their permanent freestanding sign plus greater flexibility in presenting messages for a longer duration. (See section 34.9 C above.)

- K. Grand opening signs are permitted for new businesses as a one-time occurrence and may be displayed for a period not to exceed thirty (30) days. One (1) wall mounted banner and one freestanding sign may be displayed. Wall mounted banners shall be constructed of fabric or plastic material and their size may not be more than 10% of the building wall of the specific unit to which they are attached. A freestanding sign shall not exceed 8.5 square feet.

34.10 Signs Allowed in I-1 and I-2 Industrial Districts

The following signs are permitted in I-1 and I-2 industrial districts, in addition to those allowed in Section 34.6. The following signs may be illuminated and require a permit:

- A. The following signs are allowed on single or multi tenanted lots of three (3) acres or less:

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1. One freestanding sign which may be either a business, area identification or directory sign not exceeding thirty-two (32) square feet. On lots with vehicle access from two (2) streets, one (1) freestanding sign up to thirty-two (32) square feet is allowed at the main entrance and a sign up to sixteen (16) square feet is allowed at the secondary entrance.
 2. One (1) wall sign per principal building which may be either a business, area identification or directory sign. Such sign may not exceed five (5) percent of the wall to which it is attached. When a principal building is devoted to two (2) or more permitted uses, the operator of each use may install a wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached. A building which has vehicle access from two (2) or more streets may have an additional wall sign oriented to each such street, not exceeding five (5) percent of each wall to which it is attached.
- B. The following signs are allowed on single or multi tenanted lots of larger than three (3) acres:
1. One freestanding sign which may be either a business, area identification or directory sign not exceeding thirty-two (32) square feet for single tenanted lots and sixty-four (64) square feet for multi tenanted lot(s). On single tenanted lots with vehicle access from two (2) streets a sixteen (16) square foot freestanding sign is allowed at the secondary entrance. On multi tenanted lots with vehicle access from two (2) streets a thirty-two (32) square foot sign is allowed at the secondary entrance.
 2. One (1) wall sign per principal building which may be either a business, area identification or directory sign. Such sign may not exceed five (5) percent of the wall to which it is attached. When a principal building is devoted to two (2) or more permitted uses the operator of each use may install a wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached. A building which has vehicle access from two (2) or more streets may have an additional wall sign oriented to each such street, not exceeding five (5) percent of each wall to which it is attached.
- C. Additional Wall Signs are allowed as follows:
1. For those industrial lots bordering I-691 or I-84, one additional wall sign is allowed for walls facing the highway. Such sign shall not exceed five (5) percent of the building to which it is attached.
 2. On multi-tenanted buildings:

(1) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances, provided all such signs are of uniform design and construction.

(2) A sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry. The above signs may be illuminated.

- D. One (1) freestanding directory/directional sign is allowed on lots with businesses located in two (2) or more buildings. Such sign shall be set back at least the minimum distance required for the front yard setback for buildings. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed thirty-two (32) square feet.
- E. Off -Site directional signs: Signs as described in Section 34.9G¹ are allowed in the I-1 and I-2 districts.
- F. For agricultural business signs, see Section 34.12.
- G. For gasoline station and motor vehicle signs, see Section 34.13.

34.11 Signs Allowed in the Interchange Zone

The following signs are allowed in the Interchange Zone, in addition to those allowed under Section 34.6.

The following signs may be illuminated and are allowed by permit, except if otherwise noted:

- A. One freestanding sign which may be either a business, area identification or directory sign, not exceeding either of the following dimensions: (1) sixty-four (64) square feet in area, up to fifteen (15) feet in height, and set back twenty (20) feet back from the street line; or (2) one hundred (100) square feet in area, up to thirty (30) feet in height and set back at least fifty (50) feet from the street line.
- B. Wall Signs are allowed as follows:
 - 1. One wall sign per principal building, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.
 - 2. Additional wall signs or signage are allowed under the following circumstances:
 - a. When a principal building is devoted to two (2) or more permitted uses the occupant of each may install a separate wall sign not exceeding five (5) percent of his or her proportionate share of the building wall to which the sign is attached.

¹ Amendment effective May 14, 2010

- b. For those lots bordering I-691 or I-84 one additional wall sign is allowed for walls facing the highway. Such signs shall not exceed five (5) percent of the building wall to which it is attached.
- c. For multi-tenanted buildings:
 - (1) A four (4) square foot identification sign listing the name of the business or profession may be affixed to the entrance wall of those tenants with separate outside entrances.
 - (2) A sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.
- C. One freestanding directory/directional sign is allowed on properties with businesses located in two or more buildings. Such signs shall be set back at least the minimum distance as the front yard set back for buildings. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed 32 square feet.
- D. Off -Site directional signs: Signs described in Section 34.9G ¹are allowed in the Interchange Zone.

The following temporary sign is allowed subject to permit:

- E. One (1) freestanding identification sign listing the name of future tenants, responsible agent or realtor and the identification of the complex. The sign may remain until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or the tenant(s) are occupying said building(s), whichever occurs first. The sign may not exceed a maximum of forty (40) square feet, and may not be illuminated.

34.12 Agricultural Business Signs

The following types of signs are allowed for agricultural businesses, specified in Section 30, Schedule A, No. 13, 15 and 16 of these Regulations.

- A. Identification Signs are allowed by permit as follows:
 - 1. R-20, R-40, and R-80 Districts: One sign, attached or freestanding. The area of an attached wall sign shall not exceed five (5) percent of the face of the wall to which it is attached. A freestanding sign may not exceed twenty-four (24) square feet. Signs in these zones may be illuminated during business hours.
 - 2. R-20A, C-1, C-2, C-3, I-1, I-2 and Interchange districts: One (1) attached sign and one (1) freestanding sign. The freestanding sign may not exceed thirty-two (32) square feet and the attached

¹ Amendment effective May 14, 2010.

sign may not exceed five (5) percent of the wall to which it is attached. Freestanding and attached wall signs in these zones may be illuminated.

- B. Changeable Copy Sign. Agricultural businesses intermittently selling seasonal products may elect to have the freestanding sign designed as a changeable copy sign and thereby gain an additional ten (10) square feet for a total of thirty-four (34) square feet in the R-20, R-40, and R-80 districts or forty-two (42) square feet in the R-20A, C-1, C-2, C-3, I-1, I-2 and Interchange districts. In making this election, however, the business is precluded from utilizing a temporary agricultural sign as described in C below. See Exhibit C for an example of a changeable copy sign.
- C. Agricultural Sign (Temporary). One sign, either attached or freestanding, is allowed without permit for the purpose of advertising seasonal grown agricultural products for sale on the premises. Such sign must be professionally prepared and shall be located on the premises of the agricultural business. An attached sign may not be more than 5% of the wall to which it is attached. A freestanding sign must be constructed of rigid material and may be no more than 8.5 square feet in size. A freestanding sign must not obstruct or create a hazard to walkways.
- D. Off Site Directional Signs, intended to aid drivers travelling to agricultural businesses selling seasonally grown products, are allowed without permit, subject to the following:
 - 1. Signs must be professionally prepared.
 - 2. Signs shall not exceed 8.5 square feet and may not be illuminated.
 - 3. Signs shall be allowed only for the purpose of identifying seasonally grown agricultural products for sale on the premises and must be removed at the end of the season.

4. No more than three signs shall be allowed per agricultural business.
5. Only one sign per business is allowed at any one location.

34.13 Gasoline Station and Motor Vehicle Dealer Signs

In those districts where gasoline stations or motor vehicle dealers are permitted, the underlying requirements of the district shall apply but shall be modified as follows:

- a. The maximum height for any freestanding sign shall be 20 feet.
- b. Each garage or service bay shall be allowed one wall mounted sign not larger than 10 square feet in height consisting of words like “washing”, “lubrication”, “repair”.
- c. Signs and insignias on gas pumps such as brand name and price information are allowed not exceeding 2.5 square feet per side which is attached to the pump. Signs required by law are exempt from these computations.
- d. A product pricing sign may be attached to a permitted freestanding sign. Said pricing sign shall not exceed 16 square feet, which shall be exempt from the sign area computation.

34.14 Master Signage Plan

Master Signage Plans will be required for all site plan and special permit applications under Sections 40 and 41 of the Cheshire Zoning Regulations in order to ensure compliance with these regulations. A Master Signage Plan shall contain the following:

1. An accurate plot plan of the lot, at such scale as the Planning Office may reasonably require.
2. Location of buildings, parking lots, driveways and landscape areas on such lot.
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this regulation.
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs such as "Entrance," "No Parking," etc. need not be shown.

The master signage plan shall be reviewed by the Planning & Zoning Commission except that the Planning & Zoning Commission may delegate the right to approve, modify or disapprove such plans to the Zoning Enforcement Officer.

34.15 Coordinated Signage Plan

In conjunction with any site plan or special permit application, the owner of a multi-tenanted lot may apply to the Planning and Zoning Commission for a coordinated signage plan which conforms to this section. A 25% increase in the allowed sign area for freestanding and/or walls sign may be allowed if the Commission finds that (1) such coordinated signage plan is consistent with the purpose of this section and these regulations; and (2) such signage program

would result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this Section. The Coordinated Signage Plan shall contain all the information required for a master signage plan and also specify standards for consistency among all signs on the lot affected by the plan with regard to:

1. Color scheme
2. Lettering or graphic style
3. Lighting
4. Location of each sign on the buildings
5. Location of freestanding signs
6. Material
7. Sign proportions

The Coordinated Signage Plan for a multi-tenanted lot shall limit the number of freestanding signs to a total of one sign for each street having a separate entrance. If any new or amended Coordinated Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing all signs not conforming to these regulations into conformance within one year of the date of approval of the Coordinated Signage Plan. Any modification of an approved Coordinated Signage Plan shall require Approval from the Planning & Zoning Commission. The Commission shall be authorized to reduce the total signage if it finds that such modifications fail to conform with this section.

34.16 Signs Prohibited Under These Regulations

All signs not expressly permitted under these regulations or exempt from regulation hereunder are prohibited. Such prohibited signs include but are not limited to:

Signs painted on any wall surface; beacons; pennants (except when used in conjunction with grand openings); inflatable signs and tethered balloons; billboards; illuminated tubing or strings of lights which outline roof lines, doors, windows, wall edges or illuminating rows of vehicles when used for advertising purposes; signs imitating traffic signals or signs, or obscuring traffic signals or signs; signs placed on trees, rocks or utility poles; searchlights; signs placed on public or private property without prior approval; flashing signs; roof signs, portable signs when used as permanent signs; and signs painted on or attached to a vehicle or trailer which is used for advertising as opposed to transportation, provided that this section shall not prohibit signage on a vehicle or trailer, the primary use of which is transportation.

34.17 Nonconforming Signs

Any sign that is lawfully existing or under construction on the effective date of these regulations which does not conform to one or more provisions of these sign regulations shall be deemed a nonconforming sign subject to Section 24 of these regulations, and shall also comply with the following:

1. Maintenance of legal nonconforming signs, including changing of copy, necessary nonstructural repairs and incidental alterations which do not change, extend or expand the nonconforming features of the sign, is allowed. No change, extension or expansion shall be made to a legal nonconforming sign unless the change, extension or expansion will result in the elimination or reduction of the nonconforming features of the sign.
2. In those situations where a Coordinated Signage Plan is submitted, all nonconforming signs on the property will be brought into conformance within one year of the date of approval of the Coordinated Signage Plan.

34.18 Signs Exempt under These Regulations

The following signs shall be exempt from these regulations:

1. Any public notice or warning by a valid applicable federal, state or local law, regulation or ordinance.
2. Memorial signs, memorial plaques or tablets or other remembrances of persons or events that are noncommercial in nature.
3. Flags as described in 34.3 except that no more than one flag that is used as a symbol of a business shall be allowed per lot.
4. Signs advertising garage or yard sales provided that no sign shall exceed six (6) square feet in sign area. Such signs may be erected the day before the sale and must be removed at the conclusion of the sale.
5. Bulletin boards on the premises of churches, religious institutions and municipal buildings provided no such bulletin board shall exceed 24 feet.
6. Holiday lights and decorations with no commercial message.

7. Internal signs: signs contained solely within a building for internal use and not for attracting attention from the outside.
8. One Community Bulletin Board controlled by the Town of Cheshire for the purpose of advertising community events which are sponsored by any non-profit organization open to the general public.

34.19 Fees

Each application for a sign permit or approval of a Master or Coordinated Signage Plan shall be accompanied by the applicable fees which shall be established by the Town of Cheshire Code of Ordinances.

34.20 Violations

Any of the following shall be a violation of this regulation and shall be subject to the enforcement remedies and penalties provided by the Town of Cheshire Zoning Regulations and by state law:

1. To install, create, erect or maintain any sign requiring a permit without such permit.
2. To install, create, erect or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which the sign is located.
3. To fail to remove any sign that is installed, created, erected or maintained in violation of this regulation or for which the sign permit has lapsed; or
4. To continue any such violation. Each such day of continued violation shall be considered a separate violation when applying the enforcement remedies and penalties.

Any sign placed on or within Town property or on a Town or State Right of Way without a permit may be removed by the Zoning Enforcement Officer without notice. The Zoning Enforcement Officer shall require the repair or removal of any sign or sign structure which has been destroyed or has deteriorated to the point of becoming a hazard to public health and safety. Such sign or sign structure may be restored to its original condition in accordance with these regulations or must be removed within a time frame established by the Zoning Enforcement Officer or three months, whichever is shorter. In establishing a time frame of less than three months, the Zoning Enforcement Officer will be guided by the threat of imminent danger of personal injury or property damage to the public.

EXHIBIT A

SUMMARY OF SIGNAGE REQUIREMENT SIGN ALLOWED IN ALL ZONING DISTRICTS

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	Permit Required	Maximum # of Signs Allowed	Maximum Area (sq.ft.) Allowed	Lighting Allowed
A. Construction/Home Improvement (freestanding or sandwich board)	No	1	8.5	No
B. Incidental signs	No	[see section 34.6 A.2]	2 per sign	No
C. Real Estate (freestanding)	No	[2 if frontage on separate streets]	8.5 (residential) 32 (commercial and industrial) 40 (interchange)	No
D. Open House Real Estate (freestanding or sandwich board)	No	8	4	No
E. Political/Public Issue	No	[see section 34.6 A.5]	8.5 (residential) & 32 (nonresidential)	No
F. Special Event (freestanding and attached)	No*	1 if 32 sq. ft. 2 if 16 sq. ft.	16 or 32	Yes
G. Development (freestanding)	Yes	1	32	No
H. Off-site Directional (municipal/nonprofit uses)	Yes	2	1.5	No
I. Agricultural Business Signs	See 34.12	See 34.12	See 34.12	See 34.12

*[Must be registered with Zoning Dept.]
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SIGNS ALLOWED IN RESIDENTIAL ZONES R-20, R-40, R-80

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	Permit Required	Maximum # of Signs Allowed	Maximum Area (sq.ft.) Allowed	Lighting Allowed
A. Identification: Single Dwelling (attached or freestanding)	No	1	3	No
B. Identification: Multiple Dwelling (attached or freestanding)	No	1	6	Yes
C. Identification: Subdivision or PRD (freestanding)	Yes	1 [2 if more than one entrance]	24	Yes
D. Identification: Home Occupation/ Profession (attached or freestanding)	Yes	1	3	Yes
E. Identification: Municipal/Civic/ Nonprofit (attached and freestanding)	Yes	2 [3 on lots fronting 2 streets]	24 [5% of building face if attached]	Yes
F. Business (attached or freestanding)	Yes	1 [2 if frontage on 2 streets]	3 (Town Roads) or 6 (State Highway)	Yes

SIGNS ALLOWED IN RESIDENTIAL ZONE R-20A

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

Type	Permit Required	Maximum # of Signs Allowed	Maximum Area (sq.ft.) Allowed	Lighting Allowed
A. Identification: Municipal/Civic/ Nonprofit (freestanding and attached)	Yes	2 [3 on lots fronting 2 streets]	24 [5% of building face if attached]	Yes
B. Business, Directory, Home occupation, or Identification (freestanding or attached)	Yes	1 [2 on lots fronting 2 streets]	24 (under 40,000 square feet) or 32 (lots 40,000 square feet or over) [5% of building face if attached]	Yes
C. Additional Wall Sign for multi-tenanted buildings	Yes	See 34.8 (C) for separate and/or common entry	4 (separate entrances) 8 (common entrance)	Yes
D. Directory/Directional (Freestanding on lots with businesses in two or more buildings)	Yes	1	32	Yes
E. Projecting (in lieu of Freestanding or wall)	Yes	1 See section 34.8 (E)	6	Yes

SIGNS ALLOWED IN COMMERCIAL ZONES C-1, C-2, C-3

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

<u>TYPE</u>	<u>PERMIT REQUIRED</u>	<u>MAXIMUM AREA (SQ.FT.) ALLOWED</u>	<u>MAXIMUM # OF SIGNS ALLOWED</u>	<u>LIGHTING ALLOWED</u>
A. Freestanding	Yes	32 sq. feet with additional signage allowed as per 34.9A and 34.9C	1 (See Sec. 34.9A) for additional signage	Yes
B. Wall or Canopy	Yes	5% of face of building or face to which attached or 50% of vertical face of awning/canopy	1 (see 34.9B for additional signage for multi-tenanted building or for buildings with multiple frontage)	Yes
C. Changeable copy (attached to building or freestanding sign)	Yes	Additional 10 sq. ft.	1	Yes
D. Projecting (in lieu of freestanding or wall)	Yes	1 per occupancy [See 34.9 (D)]	8	Yes
E. Window (see definition)	No	50% of window area must be clear	—	Yes; No flashing, moving or revolving lights
F. Directory/directional (freestanding)	Yes	32 sq. ft. (for multiple businesses)	1	Yes
G. Off- site Directional (Restricted Area)	Yes	32 sq. ft. (1.5 feet per business)	1	No
H. Temporary Advertising (attached or freestanding)	No. Must be registered with Zoning Dept.	10% of building wall if attached, 8.5 sq. ft. if freestanding	1	No
I. Grand Opening (attached and freestanding)	No. Must be registered with Zoning Dept.	10% of building for attached; 8.5 sq. ft. for freestanding	2	No

SIGNS ALLOWED IN INDUSTRIAL ZONES I-1 & I-2

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

<u>TYPE, LOT SIZE AND LOCATION</u>	PERMIT REQUIRED	MAXIMUM AREA (SO.FT.) & NUMBER ALLOWED	<u>LIGHTING ALLOWED</u>
A. Wall and Freestanding: Single or multi tenanted lot size, 3 acres or less.	Yes	One freestanding sign (32 square feet). One wall sign (5% of wall). Additional wall sign if vehicle access from more than one street.	Yes
B. Wall and Freestanding: Single or multi tenanted lot larger than 3 acres.	Yes	One freestanding sign (32 or 64 square feet). One wall sign (5% of wall). Additional wall sign if vehicle access from more than one street. See 34.10.	Yes
C-1. Additional wall sign for lot bordering I-691 & I-84.	Yes	One attached wall sign not exceeding 5% of building wall facing the highway.	Yes
C-2. Additional wall sign on buildings with more than one use or occupancy.	Yes	4 square feet (separate entrance) or 16 square feet (common entrance) (see 34.10(c)(2))	Yes
D. Directory/Directional (Freestanding on lots with multiple buildings and occupancies)	Yes	One freestanding 32 square feet	Yes
E. Off-site Directional (Restricted Area)	Yes	32 square feet (1.5 feet per business)	1

SIGNS ALLOWED IN COMMERCIAL ZONES C-1, C-2, C-3

[This table is for illustrative and quick reference purposes only. Please refer to the text of these regulations for specific details and requirements.]

<u>TYPE</u>	<u>PERMIT REQUIRED</u>	<u>MAXIMUM AREA (SQ. FT.) ALLOWED</u>	<u>MAXIMUM # OF SIGNS ALLOWED</u>	<u>LIGHTING ALLOWED</u>
A. Freestanding	Yes	64 or 100 sq. ft. [See 34.11 (A)]	One	Yes
B-1. Wall sign	Yes	5% of wall to which attached [See 34.11(B-1)]	One	Yes
B-2. Additional wall sign for lots bordering I-691 and I-84	Yes	5% of wall to which attached [See 34.11(B)(2)(b)]	One	Yes
B-3. Additional wall sign on buildings with more than one occupancy	Yes	4 sq. ft. (separate entrance) or 16 sq. ft. (common entrance) [See 34.11(b)(2)(c)]	See 34.11(B)(2)(c)	Yes
C. Directory/ Directional (Freestanding on lots with multiple buildings and occupancies)	Yes	32 square feet [See 34.11 (C)]	One	Yes
D. Freestanding future tenant identification sign	Yes	40	One	No

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Section 35 Industrial Zone Design Considerations¹

The Industrial Zones are intended to provide for a wide range of office, industrial, distribution, research and other related uses in well-designed buildings and attractively landscaped sites to promote and maintain a well-balanced land use pattern in accordance with the Cheshire Plan of Conservation and Development; and to provide employment and support Cheshire's economic base.

35.1 Building Coverage and Stormwater Management: Building coverage in the Industrial zones is increased to 35 percent (see Section 32, Schedule B). All proposed Site Plan or Special Permit applications for expansion and/or new development shall include a Low Impact Development Plan as defined in Section 23 (Definitions) of these Regulations that consists of the following elements:

1. A statement of goals related to reducing and managing the increased volume and quality of storm water generated from the additional impervious surface associated with the development.
2. An identification and description of the measures included in such plan, and how these measures are appropriate for the site conditions.
3. Compliance with the Storm Drainage Design criteria established by the Cheshire Engineering Department revised through April 14, 2014 and the CT DEEP 2004 Storm Water Quality Manual, both as may be amended, with said compliance to be confirmed by the Cheshire Town Engineer or his designee.

35.2 Access Management Requirements: When properties within the Industrial districts are proposed for subdivision or for development with more than one principal use and structure, applicants shall provide an overall layout plan that includes an access management plan that provides for minimizing of the overall number of curb cuts onto the frontage road, especially Highland Avenue. Applicants are encouraged to provide for shared parking and joint use of driveways to achieve this.

¹ Amendment effective May 12, 2017.

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Section 36: Highland Avenue Design District Regulations¹

1. **36.1 Statement of Intent:** The purpose of this Section is to encourage the master planning of sites to create well designed, sustainable proposals of commercial uses including retail and mixed commercial use projects within the Highland Avenue Design Overlay District as discussed and shown in the 2016 Cheshire Plan of Conservation and Development as amended. Central design characteristics of these projects include the architectural design of the structures, the buffers and transition elements between the project, Highland Avenue and the existing neighborhoods, as well as entry elements and key visual points around the perimeter of the project. It is recognized that site conditions vary; however, innovative design should be demonstrated whenever possible in all aspects of projects including motor vehicle access, storm water management, landscaping, and building design. Projects must include safe and comfortable pedestrian elements and include accessible design features throughout.

2. **36.2 Procedure for Creating a Project:** An individual Design District project may be created through the following process:
 - A. Applicants shall first develop a Master Plan with Special Regulations and obtain a preliminary review by town staff including Planning, Engineering, Police and Fire departments and any other relevant agencies.
 - B. Applicants are encouraged to submit the Master Plan and draft Special Regulations to the Planning and Zoning Commission for a non-binding review authorized under Connecticut General Statutes Section 7-159b as may be amended. The Master Plan should include a design narrative describing how this plan satisfies goals set forth within these regulations and the 2016 Cheshire Plan of Conservation and Development (as amended) and the Special Regulations shall detail the differences between the proposed standards and those required in the underlying zone and any other sections of the Zoning Regulations.
 - C. Design Districts may then be established by approval of the Master Plan and Special Regulations as a zone map change application in accordance with Article VII, Section 70 of the Cheshire Zoning Regulations.
 - D. Changes to the Master Plan would be subject to the discretion of the Commission as to whether they would be significant and require a public hearing.
 - E. All applicants are encouraged to meet with neighbors and abutters before coming to the Commission for the preliminary review to inform and to listen to their concerns as part of the design process. The preliminary materials should include a written “neighborhood outreach” narrative describing these meetings and how the design was influenced as a result of these meetings.

3. **36.3 Permitted Uses Within the Design District:** Design District projects shall consist of commercial and/or mixed use development and/or mixed use buildings as defined within Section 23 under Mixed Use Development of these regulations with the exception that residential uses are excluded. Uses may include retail, service, banks, medical

and/or professional offices, active or passive recreational, health and exercise facilities, hair and beauty salons, restaurants, microbreweries, wine and/or spirits making, and similar uses. Uses that are already permitted within the underlying zone are also permitted.

4. **Master Plan Elements:** All projects proposed under these regulations Master Plan should include the following elements:
 - A. Continuous pedestrian linkage throughout the project. Parking areas should not impair pedestrian elements.
 - B. Shared parking among all uses.
 - C. Minimum parking requirements that match expected demand. Impervious surfaces should be reduced wherever possible.
 - D. Transit access elements wherever practical including a designated bus stop and passenger shelter.
 - E. All buffer and landscape elements shall be located on the properties included in the development project.
 - F. The use of pervious surfaces is encouraged wherever practical to minimize hard surfaces.
 - G. A narrative describing how the proposal represents context sensitive design as defined within Section 23 of these regulations.
 - H. Include linkage elements with existing neighborhoods where appropriate.
 - I. Building forms that support the proposed uses.

5. **Minimum Design Standards:** All projects proposed under these regulations shall meet the following minimum standards:
 - A. Minimum lot size shall be 120,000 square feet.
 - B. Maximum building coverage shall be 35 percent.
 - C. Smaller contiguous parcels which share a common boundary may be added to the original three acre parcel subject to review by the Commission as an amendment to the Master Plan in accordance with Section 36.2 of these regulations. The development of these parcels shall share access and pedestrian linkage with the original parcels.
 - D. All lighting shall be shielded in accordance with Section 33.9 of these regulations.
 - E. Applicants are encouraged to develop and provide a unified sign plan to promote harmonious signage for present and future tenants by specifying consistent placement, size, color, lettering style, and/or materials for the entire project.
 - F. The main entrance of buildings must face the public or private street upon which they front and be clearly articulated through the use of architectural detailing.
 - G. Doorways, windows and other openings in the façade should be proportioned to reflect pedestrian scale and movement and to encourage interest at street level.
 - H. Loading areas and refuse receptacles shall be located to the rear of buildings.

- I. Parking areas shall not be the dominant feature along existing and proposed streets and should be located to the rear of principal buildings.
 - J. Blank walls or roof planes should be avoided.
 - K. Landscaped buffers should be provided along street frontages and perimeter areas. These buffers should include trees to provide some visual interruption of the developed areas within the site.
 - L. The Highland Avenue District Projects will be served by public water and public sewer and all utilities will be underground.
- 6. Standards and Findings:** The Commission may approve a zone change to a Highland Avenue Design District provided that, in its judgement, the applicant has met the following standards:
- A. The special regulations as well as the proposed development are consistent with the intent of this Highland Avenue Design District regulation, the Cheshire Plan of Conservation and Development.
 - B. Utilities and/or services as presently existing or to be provided by the applicant will not be overburdened due to the increase in population or activity caused by the new development.
 - C. The report from the Fire Marshal, Town Engineer, and Traffic Authority does not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided.
 - D. The internal circulation system encourages and protects pedestrian use and discourages motor vehicle conflicts.
 - E. Separation of vehicular and pedestrian traffic is maintained wherever possible.
 - F. Adequate on-site parking is provided.
 - G. Increased storm water run-off will be minimized wherever possible.
 - H. The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and the Highland Avenue corridor and would show design merit.
 - I. The perimeter edge of the proposed development relates to the character of the Highland Avenue corridor with respect to such things as scale, setback and the like.
 - J. Landscaping, lighting, graphics and any street furniture have been coordinated to create a pleasing public environment.
 - K. The project plan includes pedestrian elements that are usable, beneficial and can logically be connected to any future or existing walkways on adjacent properties or public streets.
 - L. Any open space land set aside or established pursuant to the proposed master plan shall be held in ownership and maintained by the applicant or owners of the proposed project.
 - M. There is reasonable assurance that the developer has the financial and organizational capability to complete the project.
 - N. Phases of development as submitted are capable of independent existence within the standards of this section without development of existing phases.

¹ Approved 7/8/19; effective 7/26/19

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ARTICLE IV SUPPLEMENTARY REGULATIONS

SECTION 40 SPECIAL PERMITS.

In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant a Special Permit for the establishment of one or more of the uses for which a Special Permit must be secured from such Commission as required by Section 30 and other sections of these Regulations. All requirements of this Section are in addition to other requirements applicable in the district in which the Special Permit use is to be located. Prior to approval of any application for a Zoning Permit for a Special Permit use, approval must be given by the Planning and Zoning Commission as provided in this Section.

40.1 Intent. While these Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these Regulations, such uses and features shall be treated as a Special Permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to other requirements of these Regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case.

40.2 Application. All applications for Special Permits shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission and shall be accompanied by the following:

40.2.1 Site Plan. A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor's records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 6³ copies shall be submitted.¹

40.2.2 Architectural Plans. Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior

¹ Amendment effective June 26, 1975. Amended, effective October 4, 2002 at 12:01 a.m.

elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; 6³ copies shall be submitted.²

40.2.3 Sanitation Certificate/Letter of Feasibility. A Sanitation Certificate endorsed by Chesprocott Health District or a Letter of Feasibility from the Water Pollution Control Authority.

40.2.4 Fee. An application fee must be submitted to the Planning Office when filing an application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal.¹

40.2.5 For Special Permit applications which propose to conduct nonresidential uses in residential districts, enhanced notice of the public hearing shall be given as required by Section 26 of these Regulations.²

40.2.6 Other The Planning and Zoning Commission may by resolution waive the submission of all or part of the information required under Paragraph 40.2.1 and 40.2.2 if it finds that the information is not necessary in order to decide on the application.

40.3 Procedure. Applications for Special Permit uses shall be filed in the office of the Town Planner at least seven (7) days prior to a regular meeting of the Planning and Zoning Commission to give staff adequate time for application review and placement on the agenda.

The Commission shall receive and accept said application, if complete, in accordance with Section 8-7d of the Connecticut General Statutes, as amended, and shall hold a public hearing regarding any special permit, render a decision, and give legal notice in accordance with the requirements of Section 8-3c of the Connecticut General Statutes as amended.

40.4 Planning and Zoning Commission Responsibilities³ Special Permits shall be granted only where the Planning and Zoning Commission finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare. Public uses of land may be given special privilege over private uses of land when there is a clear necessity for said public facilities. The Commission shall take into account, where appropriate:

40.4.1 The size and intensity of the proposed use.

40.4.2 The proximity of the same or similar use which would unduly concentrate types of uses in a particular zone or vicinity in a zone. (district).The nature of the proposed site, including its size and shape and other topographical features.

40.4.3 The nature of the proposed site, including its size and shape and other topographical features.

40.4.4 The location, height, arrangement, design and nature of any existing and/or proposed building and appurtenance.

² Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.,

³ Amendment effective May 14, 2010.

¹ Amendment effective September 17, 1979. Amended, effective October 4, 2002 at 12:01 a.m.

² Amendment effective December 1, 1995.

³ Amendment effective January 27, 1989.

40.4.5 The number, location and arrangement of off-street parking and loading spaces and the nature of vehicular and pedestrian access to the site so as to avoid undue hazards to traffic and traffic congestion on any street.

40.4.6 The capacity of adjacent and feeder streets to accommodate peak traffic loads and traffic hazards that may be created or aggravated by the proposed use and the resulting traffic patterns created or burdened by the use.

40.4.7 The nature of the surrounding area and the extent to which the proposed use and its features and appearance will be in harmony with the surrounding area, including the effect upon property values in the neighborhood.

40.4.8 Fire, police and ambulance protection access needs of the neighborhood as well as of the Town as a whole.

40.4.9 Water supply, sewage disposal facilities and drainage and erosion control.

40.4.10 The proximity of dwellings, emergency facilities, churches, schools, public buildings and other places of public gatherings.

40.4.11 The effect of the proposed use on the purpose and intent of these regulations (Comprehensive Plan) and the Plan of Development of the Town.

40.5 Additional Conditions and Safeguards. In granting any Special Permit, the Planning and Zoning Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, such as, but not limited to, the following:

40.5.1 Requirement of setbacks greater than the minimum required by these Regulations;

40.5.2 Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices as specified by the Planning and Zoning Commission;

40.5.3 Modification of the exterior features or appearance of any structure where necessary to be in harmony with the surrounding area;

40.5.4 Limitation of size, number of occupants, methods or time of operation, or extent of facilities;

40.5.5 Regulation of number, design, and location of access drives or other traffic features including pedestrian ways;

40.5.6 Requirement of off-street parking or other special features beyond the minimum required by these Regulations or other applicable codes or regulations;

40.5.7 Regulation of the number, type and location of outdoor lighting facilities;

40.5.8 Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these Regulations may be accepted in whole or in part by the Planning and Zoning Commission and may be made additional requirements and conditions of the permit when granted.

40.6 Condition of Approval. Any person, firm or corporation having obtained approval of a Special Permit application under this section shall complete all work and comply with all conditions of approval within five years after said approval. In the event all such work and all conditions are not completed within said time, the approval granted shall become null and void unless a request for a revision is submitted and approved as provided for in Section 40.8. The Planning and Zoning Commission may file a statement to that effect upon the land records if it deems necessary in its best interest.

The Commission may require that on certain projects the applicant or his agent shall report to the Commission on an annual basis. Such report shall be made in person at a public meeting and shall include information on the progress of the project, possible changes and an estimated completion date.^{1, 3}

40.6.1 Approval of an application for a Special Permit under this Section shall be conditioned upon the applicant's filing of the Special Permit approval on the Cheshire Land Records as per the requirements of Public Act 75-317. Said filing must take place within 30 days of the approval.²

40.7 As-Built Survey and Certificate of Occupancy.⁴ Prior to the issuance of a Certificate of Occupancy, an as-built plot plan (A-2 survey) shall be filed with the Building Department for all new commercial and industrial buildings and additions.

The as-built plot plan shall include the following:

All buildings and setbacks from the property lines, corner lot pins and street monuments, first floor elevations of structures, wetland boundaries and acreage, wetland non-encroachment boundary as determined by the IWWC, 100 year flood plain and flood plain elevations as designated by FEMA, easements and right of ways, utility locations, driveway aprons and all paved driving surfaces, lot coverage for buildings, and lot coverage for all impervious surfaces.⁵

(40-4)

^{1, 2} Amendments effective April 29, 1976.

⁴ Amended December 12, 2001; effective

³ Amendment effective February 8, 1991.

December 21, 2001 at 12:01 a.m.

⁵ Amended May 27, 2003; effective June 6, 2003 at 12:01 a.m.

The survey shall meet the standards set forth in Regulations of Connecticut State Agencies, Section 20-300b-2.

Proper map size and scale should be used to accurately depict the required information. Map size should not exceed 11" x 17" and scale should not be less than 1"=50' unless the property size makes these restrictions inappropriate.

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the approval before the building is complete, the Zoning Enforcement Officer may recommend issuance of the Certificate of Occupancy on the condition that all provisions of the plan are completed within a specified time period as determined by the Zoning Enforcement Officer.

40.8 Revisions. Any revision of an approved Special Permit application and/or any reconstruction, enlargement, extension, moving or structural alteration of an approved Special Permit use or any building or structure in connection therewith shall be submitted to the Planning and Zoning Commission for approval. The Planning and Zoning Commission may approve any revision without public hearing unless it deems such revision to be a substantial and material change to the previously approved Special Permit use or application in which event it shall require submission of a Special Permit application as for the original application.¹

40.9 Extensions and Expansions of Pre-Existing, Nonconforming Uses. As provided in Section 24.4 of these Regulations, any person seeking to extend or expand a nonconforming use that is listed as a prohibited use in Section 47.5(C) of these Regulations shall apply for an Aquifer Protection Overlay Zone Permit (as provided in Section 47.4.1(G) and Section 47.8.2 of these Regulations) instead of a Special Permit pursuant to this Section 40.²

¹ Amendment effective February 8, 1991.

² Amendment Adopted March 24, 2003; effective March 28, 2003 at 12:01 a.m.

SECTION 41 SITE PLAN APPROVAL.

The following regulations shall apply to the submission and administrative approval of site plans as required by Section 30 of these Regulations.

41.1 Intent. It is the intent of this Section to provide for administrative site plan review and approval for the following purposes:

41.1.1 To determine compliance with all appropriate regulations.

41.1.2 To regulate vehicular and pedestrian access to the property in such a manner as to avoid undue hazards and undue traffic congestion of any public or private street.

41.1.3 To determine whether or not the proposed use will be of such a character as to harmonize with the neighborhood, will accomplish, where applicable, a transition in character between areas of unlike character, will protect property values and preserve and enhance the appearance and beauty of the community;

41.1.4 To determine whether or not suitable provision has been made for water supply and sewage disposal in accordance with applicable standards of the Town Health Officer, the Connecticut State Health Department and the Connecticut State Water Resources Commission.

41.1.5 To determine whether or not off-street parking and loading will be suitably designed, paved and drained in such a manner as to promote traffic safety and to protect public health.

41.1.6 To determine that potential nuisance, including outdoor lighting, will be minimized.

41.2 Application. Prior to approval of any application for a zoning permit for a use for which a site plan must be approved as specified in Section 30, application for approval of a site plan shall be submitted to the Planning and Zoning Commission on forms provided by that Commission and shall be accompanied by the following:

41.2.1 Site Plan. A site plan, drawn to a scale of not smaller than 100 feet to the inch, showing property lines, names and addresses of all abutting owners (including those across any street) as determined from the most recent assessor's records, existing and proposed grade contours, buildings and other structures, building setbacks, lot coverage, driveways, off-street parking and loading, streets, outdoor illumination, outdoor storage, signs, wetlands and water courses, storm drainage, sewage disposal facilities, water supply facilities, landscaping (including trees and/or shrubs, lawn, other landscaped areas and natural terrain not to be disturbed); 6² copies shall be submitted.¹ (41-1)

¹ Amendment effective September 30, 2002 , effective October 4, 2002 at 12:01 a.m

41.2.2 Architectural Plans. Preliminary architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs; 6 copies shall be submitted.¹

41.2.3 Sanitation Certificate/Letter of Feasibility. A Sanitation Certificate endorsed by Chesprocott Health District or a Letter of Feasibility from the Water Pollution Control Authority.

41.2.4 Fee. An application fee must be submitted to the Planning Office when filing an application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal.²

41.2.5 Other. The Planning and Zoning Commission may by resolution waive the submission of all or part of the information required under Paragraphs 41.2.1 and 41.2.2.

41.3 Procedure.³ Application shall be received only at a regular meeting of the Planning and Zoning Commission but must be filed in Planning Office at least seven days prior to such meeting for review and placement on the agenda. The Planning and Zoning Commission shall approve, approve subject to modification, or disapprove the application within 65 days after the application has been received at a regular meeting and determined to be complete. Failure of the Commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the Commission upon written demand by the applicant received within 30 days after the expiration of the 65-day period for action. An extension of the 65-day period for action may be had with the written consent of the applicant. The grounds for disapproval of an application shall be stated by the Planning and Zoning Commission in its records.

41.4 As-Built Survey and Certificate of Occupancy.⁴ Prior to the issuance of a Certificate of Occupancy, an as-built plot plan (A-2 survey) shall be filed with the Building Department for all new commercial and industrial buildings and additions.

The as-built plot plan shall include the following:

All buildings and setbacks from the property lines, corner lot pins and street monuments, first floor elevation of structures, wetland boundaries and acreage, wetland non-encroachment boundary as determined by the IWWC, 100 year flood plain and flood plain elevation as designated by FEMA easements and right of ways, utility locations, driveway aprons and all paved driving surfaces, lot coverage for buildings, and lot coverage for all impervious surfaces.⁵

(41-2)

²Amendment approved April 26, 2010, effective May 14, 2010.

¹ Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.

² Amended September 30, 2002, effective October 4, 2002 at 12:01 a.m.

³ Amendment effective June 30, 1978.

⁴ Amended December 12, 2001, effective December 21, 2001 at 12:01 a.m.

⁵ Amended May 27, 2003, effective June 6, 2003 at 12:01 a.m.

The survey shall meet the standards set forth in Regulations of Connecticut State Agencies, Section 20-300b-2.

Proper map size and scale should be used to accurately depict the required information. Map size should not exceed 11" x 17" and scale should not be less than 1"=50' unless the property size makes these restrictions inappropriate.

No Certificate of Occupancy shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the site plan as approved by the Planning and Zoning Commission have been complied with. In those cases where seasonal conditions prevent compliance with the provisions of the site plan before the building is complete, the Zoning Enforcement Officer may recommend issuance of the Certificate of Occupancy on the condition that all provisions of the plan are completed within a specified time period as determined by the Zoning Enforcement Officer.^{1,2}

41.5 Revisions.³ Any substantial revision of an approved Site Plan application and any reconstruction, enlargement, extension, moving or structural alteration of an approved Site Plan use or any building or structure in connection therewith shall require submission of a Site Plan application as for the original application.

41.6 Conditions of Approval and Extensions of Expiration Date.³ Excluding certain large-scale projects described below, any person, firm or corporation having obtained approval of a Site Plan application under this section shall complete all work and comply with all conditions of approval of said Site Plan approval within five years after said approval, except that any Site Plan approved during the period from July 1, 2006, to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. The Commission may grant one or more extensions of time to complete all or part of the work in connection with such Site Plan, provided no approval, including all extensions, shall be valid for more than eleven years from the date the Site Plan was approved.

For large-scale residential, commercial, industrial or retail projects as described in Connecticut General Statutes 8-3, the commission shall set a deadline for completion of all work in connection with such Site Plan in accordance therewith but in no event shall such date be later than ten years after the date of approval of the Site Plan.

In the event all such work and/or conditions are not completed by the appropriate deadline, the approval granted shall become null and void.

41.7 Change of Use. For any property where a Site Plan has already been approved and the occupancy changes so that the new occupancy falls under a different paragraph of Section 30, Schedule A, Permitted Uses, from that use that

(41-3)

^{1,2} Amended effective April 29, 1976, amended effective February 8, 1991

³ Amended effective October 16, 2010

was previously approved, a new Site Plan application shall be necessary. Such Site Plan shall be reviewed by the Town Planner, and the Town Planner shall be allowed to approve administratively such change:

- 1) if there is no additional exterior construction except for signs on the previously approved property, and
- 2) if the parking requirements for the new use are the same or less than the previous use.

Such approval by the Town Planner shall allow occupancy by the new use immediately. Such action shall be reviewed and, if in accordance with the Zoning Regulations, shall be ratified by the Commission at their next scheduled meeting. Any approval by the Town Planner shall state that it is subject to review by the Planning and Zoning Commission.

In the case of any change as described above where either additional parking or any exterior structural alterations, additions or renovations are involved, a Site Plan shall be submitted to the Planning and Zoning Commission as per the normal procedure under section 41.¹

(41-4)

¹ Amendment effective October 27, 1978.

SECTION 42 CLUSTER SUBDIVISIONS.

It is the intent of this section to provide an opportunity for flexibility through the option of Cluster Subdivision by permitting a reduction in the minimum lot size normally required in a residential zone provided that the total number of lots in such subdivision is not greater than is otherwise permitted by these Regulations, as stated in Paragraph 42.2.7 below, and benefits derived are greater than in conventional development. All Cluster Subdivisions shall be considered subdivisions and subject to the Subdivision and Other Land Use Regulations of the Town of Cheshire. They shall also be considered special permit uses subject to the requirements of Section 40 of the Zoning Regulations, Cheshire, Connecticut, in addition to any other requirements as may be stated within this section. Cluster Subdivisions shall be designed as a coordinated entity to promote the health and general welfare of the proposed community by providing for more efficient allocation and maintenance of common usable space.

The Commission may require the applicant to adhere to the conventional development requirements of Section 32, Schedule B, and all other applicable planning and zoning regulations for the zone if, in the judgement of the Planning and Zoning Commission, the lot layout, use and provision of the proposed open space does not provide significant benefit to the proposed community and/or the Town of Cheshire beyond that which would normally be derived from conventional development.

42.1 Application. Any application to the Planning and Zoning Commission for the subdivision of land located entirely within a residential zone or residential zones may be considered a Cluster Subdivision by the Planning and Zoning Commission subject to the following conditions:

42.1.1 Form of Submission. All applications for Cluster Subdivisions shall be submitted on Special Permit -Cluster Subdivisions forms provided by the Commission and shall include such maps and other information as may be required for a complete review of the application including, but not limited to, the requirements of Sections 3.1.1, 4.1, 4.2, 4.3, and 4.4 of the Subdivision and Other Land Use Regulations, Town of Cheshire, and the requirements of Section 40.2.1 of the Zoning Regulations, as well as other requirements of this section. In addition to all requirements of Section 3.1.1 of the Subdivision and Other Land Use Regulations of the Town of Cheshire, the application shall include two (2) copies of a site plan map showing the area in which all foundations and structures are to be erected, landscaping and all other project improvements, including but not limited to sidewalks, walkways, recreation improvements, street furniture and lighting. The applicant shall also submit as part of the application a preliminary conventional subdivision plan at not greater than 1"=100'. The conventional plan shall provide sufficient detail to measure for fulfillment of requirements and which will clearly present to the Commission the difference in the two proposals.¹

42.1.2 Procedure. Complete Cluster Subdivision applications shall be filed in the office of the Town Planner a minimum of seven (7) days prior to a regularly scheduled monthly meeting of the Planning and Zoning Commission, and such application shall be complete at the time of

(42-1)

¹ Amended December 17, 1984; effective December 21, 1984.

42.1.2 cont'd.

filing. It is recommended that the applicant informally discuss his application with the planning commission staff prior to submission of the formal application. The applicant may request an informal meeting with the Planning and Zoning Commission prior to formal submission.

42.1.3 Fee. A check made payable to the Collector, Town of Cheshire, Connecticut, in the amount of \$75.00 shall be the special permit fee and shall be submitted in addition to the required subdivision filing fee as required in Section 3.1.3 of the Subdivision and Other Land Use Regulations, Town of Cheshire.

42.2 Qualifying Standards. No tract of land shall be considered for a Cluster Subdivision unless it meets the following minimum qualifying standards:

42.2.1 The tract shall consist of a single parcel of land or a number of contiguous parcels under one ownership or control having a total gross* area suitable for the construction of a minimum of 20 units in the zone in which it is located. Each Cluster Subdivision, except as hereinafter provided, shall contain at least one contiguous parcel of open space as provided for in Section 42.2.4 hereof. Each Cluster Subdivision shall have at least one open space parcel with a minimum area of 160,000 square feet, with the size of the open space parcel or parcels in the proposed Cluster Subdivision to be commensurate with the size of the Cluster Subdivision. Cluster Subdivisions may be approved on smaller tracts only if they adjoin and can be integrated into an existing or approved Cluster Subdivision. (*Total gross area defined in Section 42.2.7 of these Regulations.)^{1,2}

42.2.2 Cluster Subdivisions in R-20A, R-20 and R-40 zones shall be served by a public water supply system or a state-approved community water supply system and a public sanitary sewage disposal system. Cluster Subdivisions in R-80 zones, not in Primary Aquifer Recharge areas, will only be approved with on-site sanitary sewage systems and public water supply.³

42.2.3 All utilities shall be underground.

42.2.4 The land not allocated to building lots and streets shall be permanently preserved as open space and the Commission may require the open space to be transferred to an association of homeowner. If the Commission requires that the open space be transferred to an association of homeowners, the owner of each lot in the subdivision shall own an undivided interest in the open space proportionate to the total number of lots in the subdivision. Each homeowner and/or the association shall be liable for all necessary maintenance costs of the open space. Maintenance costs incurred by the Town because of default on the part of the

(42-2)

¹ Adopted December 17, 1984; effective December 21, 1987.

² Adopted June 22, 1998; effective June 26, 1998.

³ Adopted February 23, 1987; effective February 27, 1987.

42.2.4 cont'd.

homeowner and/or the association shall be a lien on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are liened and foreclosed. Open space transferred to an association of homeowners shall be transferred in accordance with the standards established by the commission to include, but not limited to, the following:

- a) Creation of the homeowners association before any lots are sold;
- b) Mandatory membership by the original homeowner and any subsequent buyer;
- c) Powers to assess and collect from each homeowner a fair share of the associated costs;
- a) Restrictions on the use and development of such open space;
- b) Responsibility for providing adequate maintenance;
- c) Approval of articles of incorporation and deed restrictions by the Town Attorney.

42.2.4A. In specific cases, the Commission may require the open space, or a portion of the same, to be conveyed to the Town of Cheshire, if accepted by the Town, or to a land conservation trust, if accepted by the Trust, or to such other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Commission.

42.2.5 An area shall be provided suitable for a two (2) car garage for each dwelling unit, and shall be shown on the site plan. The area for such garage if not built shall nonetheless still be computed as part of the coverage in figuring ground coverage compliance. Driveways or other areas shall be constructed to provide an additional two and one-half parking spaces for guests, visitors, or families with more than two cars.

These spaces shall be required to prevent the necessity of on-street parking and may be located so as to be usable by several dwelling units.

42.2.6 Location of Dwelling Unit. The location of all individual dwelling units as proposed and their relationships to all abutting, proposed or existing units shall be shown on the application site plan and shall become a part of the special permit site plan requirements. The applicant may show a rectangle or square if the exact configuration of the house has not been determined. However, any construction on any lot shown in such manner shall not extend in any direction beyond the area included in the square or rectangle. Said square or rectangle shall be realistic in size and amount of area contained within in relation to the rest of the lot.

42.2.7 Number of Building Lots.¹ The maximum number of building lots to be approved in Cluster Subdivisions shall be determined in the following manner:

R-80 Zone - Total gross area-10% for roads divided by 87,120 sq. ft. equals maximum number of building lots allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

R-40 Zone - Total gross area-10% for roads divided by 43,560 sq. ft. equals maximum number of building lots allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

R-20
And Zones - Total gross area-10% for roads divided by 21,780
R-20A sq. ft. equals maximum number of building lots allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

NOTE: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

In addition only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

- 1) Slopes in excess of 25%.
- 2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soil scientist in the field.
- 3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

42.3 Design Standards.

42.3.1 Vehicular/Pedestrian Separation. Vehicular/pedestrian separation by grade separation, underpasses or other design methods shall be an important consideration to be encouraged in any Cluster Subdivision design.

(42-4)

¹ Amended December 17, 1984; effective December 21 1984.

42.3.2 Vehicular Access. Vehicular access to at least 90% of all dwelling units and garages shall be from loop drives or permanent cul-de-sacs and not from through or collector roads, be they public or private.

42.3.3 Direct Access to Walkways. Direct access to walkways leading to the open space, or to the open space itself, from all lots is extremely important.

42.3.4 Private Street Systems. Private street systems may be approved provided the Town is assured that the system's maintenance will be adequately provided for over time without the assistance or involvement of the Town. To assure a clear understanding of this arrangement, each deed of each homeowner shall have a clause stating the Town shall not be responsible for maintenance or improvements in the private street system. In the case of such private street systems, street widths, curbing and drainage standards may be modified.

42.3.5 Public Street System. All streets shall be designed in accordance with Section 6.5.2 of the Cheshire Subdivision and Other Land Use Regulations.¹

42.3.6 Walkways. Walkways may be required in addition to sidewalks to provide adequate pedestrian circulation to open space and recreation areas.²

42.3.7 Cul-de-sacs. Cul-de-sacs may end in hammerheads or circles.

42.3.8 Details. The developer shall be responsible for the design of all street signs, street furniture and other detailing except that traffic control signs and devices shall not be in conflict with the type required by the Federal, State or local traffic control legislation.

42.3.9 Recreational Facilities. The developer shall present a plan for recreation facilities sufficient to meet at least a portion of the needs of the development-the amount of recreation facilities shall be reasonable in proportion to the size of the development. Such plans shall be developed to provide for passive recreational use of the open space areas for the residents of the Cluster Subdivision while endeavoring to leave the open space areas in their natural state, so as not to adversely impact the environment and to provide for preservation of the habitat residing on the land in its natural state. Such plans shall be approved as a requirement of Cluster Subdivision approval. All recreation facilities shall be completed or bonded for completion prior to the issuance of any zoning permits for the Cluster Subdivision.³

(42-5)

¹ Amendment effective August 30, 1985.

² Amend April 24, 2000; effective April 28,2000 at 12:01 a.m.

³ Amended June 22, 1998; effective June 26, 1998 at 12:01 a.m.

42.3.10 Use of Open Space Land. The open space land preserved under a cluster subdivision plan shall be used only for the following purposes:

- a) Parks, playgrounds or other outdoor recreation areas and facilities;
- b) Protection of natural streams, ponds or water supply;
- c) Conservation of soils, wetlands or marshes;
- d) Protection of natural drainage systems or assurances of safety from flooding;
- e) Preservation of sites or areas of scenic beauty or historic interest;
- f) Conservation of forests, wildlife, agricultural and other natural resources; or
- g) Recreation buildings, pools, tennis courts, bus shelters, and other such common use facilities or structures as may be approved by the Commission. The Commission may require setbacks greater or less than those required by these regulations, depending upon the nature and purpose of the common use facility and the topography of the open space land and the surrounding area.¹

42.3.11 No building or other structure shall be established in connection with any of the purposes set forth herein unless a special permit therefor is secured from the Planning and Zoning Commission, in accordance with the provisions of Section 40, as consistent with and in support of the approved open space purpose. All structures and improvements shall be completed or bonded for a completion prior to the issuance of any zoning permits for the cluster subdivision.

42.3.12 Develop in Sections. The developer may under paragraph 13.1 of the Subdivision and Other Land Use Regulations develop in sections, provided an overall plan has been approved. Such sections may contain a minimum of 25 dwelling units but must include that portion of open space as per requirements.

42.3.13 Landscaping. It is the intent of the Commission to encourage the developer to preserve the natural vegetation of the site wherever practical. Therefore, existing vegetation (generalized) shall be shown on the site plan with an indication of general areas to be disturbed. The developer shall stabilize and landscape disturbed areas, to prevent erosion and shall plant around dwelling foundations as design indicates.

Where new plants are to be a part of the subdivision, they shall be shown by size, type, number and location on the site plan except that foundation plantings may be shown for the entire subdivision as a “typical” drawing.

(42-6)

¹ Amendment effective July 28, 1989.

To facilitate snow removal, shrubs or street plantings shall not be allowed closer than a minimum of four feet from the edge of street pavement or curb in the case of a street with curbs.

42.3.14 Varing the Appearance and Setbacks. It is the intent of this section to encourage the developer to vary the appearance and setbacks of the dwelling to provide the greatest utilization of the lot and at the same time impart individuality.

42.3.15 Storage of Camp Trailers, Motor Homes, Pickup Coaches, Other Recreational Vehicles and/or Boats. The storage of camp trailers, motor homes, pickup coaches, other recreational vehicles and/or boats in a Cluster Subdivision shall comply with all requirements of Section 30, Schedule A, Paragraph 9, with the exception that Paragraph B is superseded by the following requirements:

Areas may be set aside for the storage of residents' camp trailers, motor homes, pickup coaches, other recreational vehicles and/or boats. Such areas shall be at least a minimum of 100 feet from any residential lot or property line and may be fenced or appropriately secured.

42.4 Approval Limitation. A Cluster Subdivision approval shall be an approval for a five (5) year period as per Section 8-26C of the General Statutes of Connecticut, as may be amended, and such special permit granted as part of the approval shall be for a concurrent five (5) year period.

42.5 Dimensional Requirements for Cluster Subdivisions.^{1,2} In the case of any Cluster Subdivision, all building lots shall satisfy the minimum requirements as listed below:

ZONES

	R-20		
	R-20A	R-40	R-80
Min. lot area (sq. ft.)	16,000	25,000	40,000
Min. lot width	110'	140'	200'
Min lot frontage	50'	50'	50'
Min. setback – street line*	30'	35'	40'
Min. setback – side line**	20'	25'	30'
Min. setback – rear line***	30'	30'	40'
Min. lot coverage	20%	15%	10%
Max. building height	40'	40'	40'

Footnotes:

* The minimum setback for garages from the street line shall be 20 feet.

** Dwellings constructed after the effective date of these Regulations under Paragraphs 1 through 4 of Section 30, Schedule A, containing less than

¹ Adopted December 17, 1984; effective December 21 1984.

² Adopted January 23, 1989; effective January 27, 1989. See footnotes #5, Sec. 32, Schedule B, Dimensional Requirement Footnotes. (42-7)

two garage spaces per unit, shall increase the appropriate setback requirement as determined by the Zoning Enforcement Officer, by a minimum of 11 feet for each garage space less than 2 per unit.

*** Where lots abut land not included in the application, the dwelling on such abutting lot shall be set back from such property line or lines, or street, a minimum of at least the required distance for the zone as required in Section 32, Schedule B, Dimensional Requirements.

This section shall come under the requirements of the following sections in regard to dimensional requirements as well: Sections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5, 32.6.

Additions: After Cluster Subdivision approval, additions to any completed dwelling showing coverage on the ground exceeding the areas shown on the site plan shall be required to meet all requirements for Section 32, Schedule B, but may as a modification of the original Cluster Subdivision, be given administrative approval by the Town Planner or Zoning Enforcement Officer closer than allowed in Section 32, Schedule B, but not closer than allowed in Dimensional Requirements for Cluster Subdivision as stated in this section.¹

42.6 Approval Criteria. The following is a list of criteria, which will be used, in addition to the design criteria and other requirements of this Section 42, to assist the Commission in determining whether benefits are sufficiently greater than conventional development to allow a cluster, and whether all the requirements have been met:

- a) Application meets all the requirements of this section and other pertinent sections of the Subdivision and Other Land Use Regulations, and the Zoning Regulations of the Town of Cheshire, Connecticut.
- b) Application has fulfilled the intent of this section as stated and implied.
- c) Applicant has provided adequately for the maintenance of private improvements and open space.
- d) Open space and proposed use of open space is significant and beneficial.
- e) Benefits from the open space in this development are or will be valuable to the Town or residents of the development to the extent to warrant a cluster rather than conventional development.
- f) Where applicable, open space preserved shall include an important natural or historic feature.

¹ Amendment effective July 2, 1993.

- g) The proposed recreation facilities are significant and beneficial.
- h) In the opinion of the Commission, on-site traffic and circulation patterns do not create undue increased traffic safety hazards or congestion based on information from the Town Engineer and the local traffic authority.
- i) The approval of this development will not unduly increase existing traffic or create safety hazards or further congest critical areas external to the site.

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SECTION 43 PLANNED RESIDENTIAL DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of larger areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient allocation and maintenance of common usable open space for recreation and/or conservation.

43.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Development unless it meets the following minimum qualifying standards.

43.1.1 The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.

43.1.2 The tract shall be located within one or more of the zones indicated in Section 30, Schedule A.

However, access to same may be over land in a zone not listed in Section 30, Schedule A, provided that the tract meets the 50' minimum frontage requirements of Section 43.1.3.¹

43.1.3 The tract shall have frontage on one or more of the following state or town roads or parts thereof: State Highway 10 north of King Road; State Highway 70 between Marion Road and Wiese Road; Country Club Road; Higgins Road east of Oak Avenue; Jarvis Street; Oak Avenue; Peck Lane between Sheridan Drive and Jarvis Street; Weeks Road.^{2,3} In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

Nothing herein shall be construed to require that access be to any of the above-named roads, provided that the tract has frontage on any one of the above-named roads.⁴

43.2 Procedure.⁵ An application for a Planned Residential Development use for a tract of land that meets the standards set forth in Subsection 43.1 must be approved as a Special Permit pursuant to Section 40 of these Regulations. Thereafter, parts or phases of the approved tract may be approved for development by filing Site Plan applications therefor to be processed by the Commission pursuant to Section 41 of the Regulations.

(43-1)

^{1,4} Amendment effective October 26, 1984.

² Amendment effective June 29, 1984; deleted by action of PZC on April 25, 1988.

³ Amendment effective April 29, 1988.

⁵ Amendment effective January 28, 1983.

43.2 Procedure cont'd.

An application for approval of a Planned Residential Development use shall be filed with the Commission as required by Subsections 40.2 and 40.3, by this Section, and by Subsection 41.2 with respect to that part or phase proposed for immediate development.

In addition to the requirements of Subsection 40.2, the applicant shall submit a written report prepared by a professional engineer addressing the general characteristics of the surface water anticipated from the proposed development, and proposing the means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic. The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its responsibilities under Subsections 40.4, 40.5 and 41.6.

The application shall include the following maps (four copies of each):

- a) An overall site plan of the entire tract of a scale of not less than 100 feet to the inch containing all the information required by paragraph 40.2.1.
- b) A detailed site plan, of that part or phase of the entire tract, which is proposed for immediate development.

Both Site Plans shall be prepared by a licensed professional engineer or a registered landscape architect.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meet the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Subsection 40.5. The provisions of Subsection 40.6 shall apply only to each part or phase approved pursuant to a Site Plan application for such part or phase filed pursuant to this Subsection; it being the intent of this Subsection to allow the entire tract to develop in parts or phases.

The Commission shall review all Site Plan applications for parts or phases of the entire tract, whether filed with the Special Permit application or thereafter, pursuant to the procedure described in Section 41, and shall approve any such application as it finds meeting the approved Special Permit for the development of the entire tract and the requirements of Section 41, either as submitted or modified. Each phase shall be such that it is complete and can stand alone as a fully finished development if

subsequent phases are not completed. Work and disturbed areas are to be limited to the approved phase or phases.

The approval of a Site Plan application for a part or phase of the entire tract shall be further conditioned upon the filing of a bond by the applicant, with surety, to assure completion of the common improvements, shown on the approved Site Plan, within two years after publication of notice of approval. Any approved Site Plan shall be subject to the provisions of Subsections 41.5 and 41.6.

Upon completion of the common improvements to the satisfaction of the Commission, the Commission shall release said bond; provided, however, that the applicant shall provide the Commission with a Maintenance Bond, until such time a the Commission shall determine that maintenance of the common improvements has been assumed by a fully organized and functioning homeowners association which has demonstrated ability to assume this responsibility, or an association of unit owners. Common improvements shall mean roadways, walkways, street lighting, storm and sanitary sewer facilities, and any other physical improvements on the premises not proposed for fee ownership by subsequent purchasers. Maintenance of common improvements shall be clearly outlined to all prospective owners.

43.3 Design Standards.¹ The following standards shall apply to the design and development of Planned Residential Developments:

43.3.1 The maximum number of dwelling units shall be determined as follows:

R-80 Zone - Total gross area-10% for roads divided by 87,120 sq. ft. = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

R-40 Zone - Total gross area-10% for roads divided by 43,560 sq. ft. = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

R-20 Zone - Total gross area – 10% for roads divided
R-20A Zone by 21,780 sq. ft. = maximum number of dwelling units allowed.

(43-3)

¹ Amendment effective August 31, 1984.

Any fraction that results shall be rounded down to the nearest whole lot.

Note: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

- 1) Slopes in excess of 25%.
- 2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soils scientist in the field.
- 3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

43.3.2 No dwelling shall contain more than ten dwelling units.

43.3.3 No dwelling shall extend within less than 150 feet of any street line or 50 feet of any other property line.

43.3.4 No dwelling shall extend within less than 20 feet of any other dwelling except that where any facing walls contain a window or windows, such distance shall be increased by one foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window to the wall facing it.

43.3.5 At least 50 percent of the dwelling units in all phases (See Sec. 43.2) shall be provided with its own separate entrance directly from the outside and all dwelling units shall be provided with private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.

43.3.6 Each dwelling shall be served by an approved private street designed so as to discourage through traffic. Such street shall not extend within less than 30 feet of any dwelling.

43.3.7 Parking shall be provided in accordance with the requirements of Section 33; however, no open parking shall extend within less than 20 feet of any dwelling.

43.3.8 All utilities shall be underground.

43.3.9 No dwelling shall exceed a length of 200 feet and no exterior wall of any dwelling shall exceed 50 feet in length, in an unbroken plan without an offset of at least 10 feet.

43.3.10 All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the corporation and/or conservation and shall be permanently reserved by on of the following means:

- a) Deeded to the Town, with appropriate restrictions concerning the future use of the land.
- b) Held in corporate ownership by the occupants of the dwelling units within the development and such other nearby residents who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the development and shall be so stipulated, together with the beneficial right to the use of the common land, by the members of the corporation, in their deed or lease, as the case may be.
- c) Held in ownership by the developer subject to a legal agreement with the Town regarding the developer's responsibility for maintenance of the common land.
- d) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission and the Town Council.
- e) A combination of the above.

43.4 Age Restricted Planned Residential Development.¹ The purpose of this section of the regulations is to provide for the construction of alternative housing types to meet the needs of those age 55 and older while recognizing that such housing has less impact than other higher density housing. Provision of age restricted housing with special design features is in keeping with the goals and objectives of the Town of Cheshire Plan of Development and Conservation to provide ". . . a balance and variety of housing types and styles, offering a wide choice to the prospective resident, and accommodating the needs of various income levels." (pg. 9) for diverse housing options recognizing the unique and special needs of the elderly in Cheshire." A further purpose is to promote benefit to the general community by encouraging "the preservation . . . of lands necessary for the recreational and open space needs of the town...."

43.4.1 Qualifying Standards. No tract of land shall be considered for an Age Restricted Planned Residential Development unless it meets the following minimum qualifying standards.

(43-5)

¹ Amendment Adopted March 25, 2002, effective March 29, 2002 at 12:01 a.m.
Amendment Amended October 27, 2003, effective October 31, 2003 at 12:01 a.m.

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than *(10) acres*.
- b) The tract shall be located in an R-20A, R-20, R-40, or R-80 zone.
- c) The land shall be in an Age Restricted (AR) Overlay Zone as specified below in Section 43.4.2.
- d) The tract shall be served by public water and public ¹sanitary sewer of parcel is located in an R-20A, R-20, or R-40 zone,² except that if the parcel is located in an R-40 zone only, it may be serviced by individual on-site sewage disposal systems, provided the following conditions exist: (1) the site is not located in a public water supply watershed and consists of sandy soils having a percolation rate faster than 20 minutes per inch; (2) the ground water level is greater than 8 feet below the ground surface; (3) there is no ledge rock within 20 feet of the ground surface; (4) the applicant establishes that the use of the individual on site sewage disposal systems does not pose a reasonable ground for concern for pollution or harm to public health or safety, to any public water supply, watershed or aquifer, or to the environment.
- e) If the tract is to be serviced by individual on-site sewage disposal systems, the following additional conditions shall apply: (1) the total impervious surfaces of the development, as hereinafter defined, shall not exceed twenty-five (25%) percent; (2) each living unit's water usage shall be individually metered; (3) on-site sewage disposal systems shall be maintained by the Community Association; (4) the Community Association shall hire a consulting engineer to assure proper operation and maintenance of the septic systems and educating residents regarding the proper use of the septic systems; (5) such consulting engineer shall adhere to the management guidelines of "Management Model 4" as published in the Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems; and (6) the term "impervious surface" as used herein shall be defined as hard surface area which either prevents or retards the entry of water into the soil mantle at a rate lower than that present under natural conditions prior to development, and/or hard surface area which causes water to run off the surface in greater quantities and at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving

(43-6)

¹ Amendment Adopted March 25, 2002, effective March 29, 2002 at 12:01 a.m.
Amendment Amended October 27, 2003, effective October 31, 2003 at 12:01 a.m.

² Amendment May 24, 2004, effective May 28, 2004 AT 12:01 a.m.

gravel roads, packed earthen materials, and oiled macadam, clay or paved tennis courts or other surfaces which similarly impede the natural infiltration of surface and stormwater runoff. The impervious surface area is the total of all impervious surfaces on a given lot expressed in square feet.

43.4.2 Establishment The establishment of an AR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the provisions of Section 70 and Section 26 of the Cheshire Zoning Regulations shall apply. An AR Overlay Zone shall be established only in conjunction with approval of a Preliminary Development Plan for the entire Parcel by the Planning and Zoning Commission. The purpose of the Preliminary Development Plan shall be to indicate the general intent and arrangement of the proposed development. Any land on which is located an Age Restricted Planned Residential Development that was approved prior to this amendment to the Zoning Regulations is located shall, upon the effective date of this amendment, automatically become an AR Overlay Zone and shall be deemed to comply with the provisions of this Section 43.4, and shall not be considered nonconforming because it does not comply with Section 43.4.1 Qualifying Standards and/or Section 43.4.8 Design standards of these regulations. The establishment of an AR Overlay Zone with respect to any land shall not preclude the land from being put to other uses permitted in the underlying zone in the event the plans to develop an ARPRD are formally abandoned or the use of the land as an ARPRD is completely discontinued.

- A. **Zone Change and Preliminary Development Plan Applications**
Completed applications for zone change and for Preliminary Development Plan approval, with the required fee, shall be submitted to the Commission accompanied by ten (10) copies of the Preliminary Development Plan meeting the requirements of Section 43.4.3. together with a statement of maximum proposed density and the calculation thereof in compliance with Section 43.4.8.
- B. **Public Hearing**
After receipt of completed applications for zone change and for Preliminary Development Plan approval and required application fees, the Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the zone change and Preliminary Development Plan within the time limits provided in Sections 8-3 and 8-7d of the Connecticut General Statutes. When acting on any application for zone change as set forth herein, the Commission shall be deemed to act in its legislative capacity. A PDP approval shall be considered by the commission and approved, approved with modifications, or denied, as if it were a special permit.

43.4.3 Preliminary Development Plan Submission Ten copies of the Preliminary Development Plan (PDP) shall be submitted to the Planning and Zoning Commission along with the PDP application. Such application shall include a clear statement explaining how the proposed zone change and ARPRD meet the purposes set forth in Section 43.4. An application fee must be submitted to the Planning Office when filing any application under this section. The amount will be determined according to the most recent fee schedule approved by the Cheshire Town Council at the time of application submittal. The PDP plans shall include topography at two-foot contour intervals. The Preliminary and Final development Plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or any combination of such professionals, each to limit themselves to their particular area of expertise. The PDP shall include the following:

- A. The existing and proposed vehicular circulation system including major and minor thoroughfares, collector streets, local streets, parking and loading areas, and points of access to public easements and rights-of-way.
- B. Whenever an Age Restricted Planned Residential Development proposes a greater density than possible with a conventional subdivision, the applicant shall prepare a traffic study to demonstrate that the proposed development does not result in a substantial increase in traffic volumes as compared to those of the conventional subdivision. The Planning and Zoning Commission shall have the right to waive said requirement should it feel that conditions do not warrant such a study or request that an applicant prepare a traffic study should the number of proposed dwelling units not exceed the number of dwelling units possible under a conventional subdivision.
- C. The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.
- D. A general landscape plan including the proposed treatment of common areas, usable open space, water courses and the treatment of the perimeter of the ARPRD including materials and techniques to be used such as living screens, berms, fences and stone walls.
- E. Information on land areas adjacent to the proposed ARPRD to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.
- F. Proposed types, quantities, and general location of dwelling units including square footage number of bedrooms, and densities for individual

sections of phases of the development as well as for the ARPRD as a whole.

- G. Examples of proposed product types for the dwelling units, typical lot and/or building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.
- H. The applicant shall submit as part of the application a preliminary conventional subdivision plan at not greater than 1"=100'. The conventional plan shall provide sufficient detail to measure for fulfillment of requirements and which will clearly present to the Commission the difference in the two proposals.
- I. Proposed development schedule with projected completion date(s) for the ARPRD and its individual phases.
- J. Proposed number of units by bedroom count.
- K. Identification of any historic structures or features on the site.
- L. Preliminary grading and drainage information of the same nature and to the same extent required for a subdivision under the Commission's regulations.
- M. A map showing all wetlands areas, water courses and slopes in excess of 25% together with a calculation of the maximum allowable density on the site.
- N. A listing of all property owners by tax parcel number, within 500 feet of the project boundaries consistent with Section 70.1 and Section 26 of the Cheshire Zoning Regulations.
- O. A summary table indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.
- P. A report discussing projected demands for public water and sewer and evidence that an undue burden will not be placed on these services by the proposed development.
- Q. The impact of the ARPRD on police, fire and other municipal services.
- R. Provisions for and location of all housing types as specified in this regulation.

- S. Any other information the Commission deems appropriate for a proper and complete review of the ARPRD.

43.4.4 Findings In approving a zone change and Preliminary or Final Development Plan submitted under this Section, the Commission shall consider whether:

- A. The purposes specified in Section 43.4 have been substantially met.
- B. The qualifying standards of Section 43.4.1 and the design standards of Section 43.4.8 have been met.
- C. Provisions for traffic, water, sewerage, storm water and open space are adequate, do not overburden existing streets, water, sewer and storm water drainage facilities on-or off-site and do not create water problems off-site.
- D. No congestion in the streets surrounding the site will result from the ARPRD and the proposed development design will not require upgrading of the street system of the Town of Cheshire. This requirement can be waived only if the Commission and the Town Council, in their sole discretion, elect to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his expense.
- E. The proposed development design will not require upgrading of the existing "on" or "off" site sewer, water and similar municipal systems and drainage systems. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his expense.
- F. The need exists in the community for a different type of housing unit than is allowed under the base zone.
- G. The development and design of the ARPRD will not have an adverse effect on surrounding properties, will be in harmony with the neighborhood, and will not have an adverse effect on property values in the area. The proposed development will not create an undue concentration of PRD's, particularly ARPRD's.
- H. The proposed development will not have a significant adverse effect on the environment and in particular wetland and watercourse areas. In making this finding the recommendations of the Inland Wetlands and Watercourses Commission regarding the development will be taken into account.
- I. Where appropriate, the applicant has provided for continuing maintenance of private roads, parking areas, storm water drainage facilities, open space and other amenities not accepted by the Town of Cheshire.

43.4.5 Recording and Effective Date The approved Preliminary Development Plan shall be endorsed by the Commission and recorded in the office of the Town Clerk of the Town of Cheshire within ninety (90) days of the date of approval, unless extended by the Commission for good cause shown.

43.4.6 Final Development Plan Submission Before development can begin, a Final Development Plan must be approved by the Planning & Zoning Commission with respect to all or, if the site is to be developed in phases, that portion of the ARPRD where phase 1 is located. If the ARPRD is to be developed in phases each phase shall require a Final Development Plan. The Final Development Plan shall conform substantially to the approved PDP

including, without limitation, the vehicular and pedestrian circulation system approved in the Preliminary Development Plan and shall adhere to all area regulations adopted by the Preliminary Development Plan.

- A. Final subdivision plan submission in accordance with Subdivision Regulations, if applicable.
- B. Site plans meeting the standards of the Cheshire Zoning Regulations.
- C. Detailed landscape and lighting plans for common areas, usable open space and perimeter areas including grading, plant materials, and method(s) of maintenance.

43.4.7 Procedure The following procedure shall be followed with respect to the Final Development Plan:

- A. The Final Development Plan must be submitted within one year from the date of Preliminary Development Plan approval. Otherwise the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves an extension of up to six months. Upon such reversion, the Commission shall take action to remove the ARPRD District designation of the parcel from the zoning map. Application for a Final Development Plan may be for only part of the approved Preliminary Development Plan if the PDP as approved contemplates phases or if it is determined by the Commission that, as a result of the size of the project, it would be detrimental to the Town or neighborhood to allow development in a single phase, or it would be unreasonable to require a final application for the entire project.
- B. Final application for subsequent phases of the project shall be submitted at maximum intervals of three hundred sixty-five (365) days. Upon failure to submit any such application within said time limit, the provisions of Section 43.4.7A above will apply as to such phase.

- C. If the Commission determines that the Final Development Plan or any modification thereof differs significantly from the approved Final Development Plan, the Commission may treat the application for Final Development Plan approval (or any modification thereof) as an application to modify the Preliminary Development Plan. In such event, the procedures for approval of a PDP shall be followed, including the requirement that a public hearing be held, except that the Commission may, in its discretion, excuse the applicant from submitting information that the Commission deems unnecessary in light of the nature of the proposed changes to the PDP. Otherwise, the Final Development Plan shall be processed in the same manner as a site development plan approval under Section 41 of these Regulations, but subject, however, to this Section 43.4 and shall be filed after approvals in accordance with those procedures.

43.4.8 Design Standards The following standards shall apply to the design and development of an Age Restricted Planned Residential Development:

- a) The maximum number of dwelling units shall be determined as follows:

R-20 Zone - Total net area – 10% for roads
 R-20A Zone divided by 21,780 sq. ft. multiplied by one and one-half (1.5) = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole number.

R-40 Zone - Total net area- 10% for roads divided by 43,560 sq. ft. multiplied by two (2) = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole number.

R-80 Zone - Total net area – 10% for roads divided by 87,120 sq. ft. multiplied by two (2.) = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole number. Where the tract of land proposed for an Age Restricted Planned Residential Development lies within more than one of the zones set forth above, the total number of units allowed may be spread throughout the entire tract.

Definition of total net area: Net areas shall not include any ponds or other substantial bodies of water. In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total net area, except in an R-80 zone none of the land falling within the following categories shall be utilized to compute the total gross area:

- 1) Slopes in excess of 25%.
 - 2) Inland Wetlands soils as delineated on the official Inland Wetlands maps of the Town of Cheshire or as delineated by a soil scientist in the field.
 - 3) Any flood plain area as defined per Section 46.1 of the Cheshire Zoning Regulations.
- b) No dwelling shall contain more than two (2) dwelling units.
 - c) No dwelling unit shall contain more than three (3) bedrooms at least one of which shall be located on the first floor. No more than 50% of the units shall be (3) bedroom units.
 - d) The Age Restricted Planned Residential Development shall conform to the requirement and standards of the United States Department of Housing and Urban Development for age restricted housing.
 - e) No dwelling shall extend within less than 100 feet of any street line or 25 feet of any other property line; provided however, at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements when there is an existing structure on the tract of land which the Commission determines merits saving. Where the proposed Age Restricted Planned Residential Development abuts a residential neighborhood, the Planning and Zoning Commission may require additional landscaping buffers, fencing or an increase in the set back requirements along the boundaries of the residential neighborhood.
 - f) No dwelling shall extend within less than 15 feet of any other dwelling except that where any facing walls contain a window or windows, such distance shall be increased to 20 feet. The distance shall be measured from the nearer window to the wall facing it. In an R-80 zone the minimum distance between any two dwelling units shall not be less than twenty-five (25) feet.
 - g) Each of the dwelling units shall be provided with a minimum of 600 square feet of private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.
 - h) Each dwelling shall be served by an approved private accessway designed so as to discourage through traffic and providing safe access. Such

accessway shall not extend within less than 15 feet of any dwelling except in an R-80 zone where no accessway shall extend closer than 25 feet of any dwelling. Where design and parking restrictions would provide for safe access for residents, visitors, fire and other emergency vehicles, the Planning and Zoning Commission, with the concurrence of the Fire Department, Traffic Authority, and Engineering Department, may approve a minimum accessway width of 27 feet.

- i) Parking shall be provided in accordance with the requirements of Section 33. Additional parking areas may be required to accommodate visitor parking.
- j) No single unit dwelling shall exceed a length of 66 feet and no two unit dwelling shall exceed a length of 80'. No exterior wall of any dwelling shall exceed 40 feet in length, in an unbroken plane without an offset of at least 4 feet.
- k) All land not utilized for dwellings and private usable outdoor space shall be considered common land. In an R-80 zone, the minimum amount of land to be set aside as open space shall be not less than 50% of the net property area. In an R-40, R-20 or R-20A zone, the minimum amount of land to be set aside as open space shall be not less than 40% of the net property area. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the corporation and/or conservation and shall be permanently reserved by one of the following means:
 - (i) Deeded to the Town, with appropriate restrictions concerning the future use of the land and accepted by the Town Council.
 - (ii) Held in corporate ownership by the owners of the dwelling units within the development. Membership in said corporation shall be mandatory for all owners of dwelling units within the development and shall be so stipulated, together with the beneficial right to the use of the common land, by the members of the corporation, in their deed or lease, as the case may be.
 - (iii) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission
 - (iv) A combination of the above.

The method of preservation shall be specified prior to final approval of the application.

A fee in lieu of some or all of the required Open Space may be approved by the Commission. The fee will be determined by the assessed value of the property.

- l) No more than thirty-five percent of the lot area may be covered with impervious surfaces.

43.4.9 Additional Requirements

- a) A Community Association must be established and maintained prior to the issuance of the first Certificate of Occupancy. The Community Association shall certify annually to the Zoning Enforcement Officer that the Age restricted Planned Residential Development is in compliance with the age restricted requirements of Section 43.4 of the Cheshire Zoning Regulations.

Such certification shall comply with the requirements of the United States Department of Housing and Urban Development. The first certification is required to be submitted within one (1) year from the date of issuance of the first certificate of occupancy.

- b) The burden of complying with the Fair Housing Act, as amended, and regulations promulgated there under shall be on the Age Restricted Planned Residential Development owner or the association of homeowners of such development.
- c) The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer. No portion of the bond shall be released until a Licensed Professional Engineer certifies to the Community Association that common area improvements covered by the bond have been completed. A copy of the certified documents shall be provided to the Planning staff who shall verify the completion of the improvements prior to the release of any portion of the bond.

43.4.10 Certificate of Occupancy

No certificate of occupancy shall be issued until the following items have been submitted to the Planning Department:

1. Verification that the Community Association has been established.
2. Copies of all bonding documents for all uncompleted common area improvements.

43.5 Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons. This subsection is intended to implement the concern of the Planning and Zoning Commission as stated in the Town Plan of Development, regarding “the welfare together with the unique and special needs of the elderly in Cheshire”. In this subsection standards and procedures are provided for Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons.

The design and development of Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons is an effort to meet the special and unique needs of the elderly and to provide for their safety, health and general welfare.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to informally discuss the concept and ask any questions he may have in the interests of avoiding delays and extensive revisions after submission.

43.5.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons unless it meets the following minimum standards:

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.
- b) The tract shall be located in an R-20A zone.
- c) The tract shall be served by public water and public sanitary sewer.
- d) The tract shall have frontage on a state highway.

43.5.2 Classification. All Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons shall be considered Special Permits subject to the requirements and procedures of Section 40, in addition to those specified herein.

If a conflict arises between the requirements and procedures of this subsection (43.5) and Section 40, then this subsection (43.5) shall take precedence.

43.5.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven (7) days prior to such meeting for review and placement on the agenda.

43.5.4 Plan of Development. Simultaneous with the submission of the application for a Special Permit for the establishment of a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning and Zoning Commission and shall become part of the Special Permit application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed

development in the Town of Cheshire along with the applicant's qualifications to assure the successful completion of such a development.

The following shall be required as part of the Plan of Development:

- 1) A financing plan describing the Federal or State subsidy program and the subsidizing agency, if applicable, the estimated costs of land, site development, building, operation and maintenance, an approximation of the schedule of rents, leases or sale prices, and the number of units to be provided for occupants under HUD current rent subsidy guide lines.
- 2) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.
- 3) Descriptive material providing information about the owner and developer, the developer's experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, evidence of preliminary site approval under the subsidy program where applicable, the names of the architect, engineer, and landscape architect, if any, and other pertinent information.
- 4) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.
- 5) An evaluation of the probable impact of the proposed development on the Town of Cheshire's services, facilities and environment.
- 6) A description of the size and availability of permanent public open space in the immediate vicinity.
- 7) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.
- 8) A certified evidence of applicant's financial ability to complete and administer the proposed development.

43.5.5 Procedure. When the application for Special Permit for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons is accepted as a complete application at a regular monthly meeting, the Commission shall:

- a) hold a Public Hearing on said application, and
- b) decide upon such application, all in accordance with the provisions of Section 8-3C of The General Statutes of the State of Connecticut as amended.

43.5.6 Requirements. Requirements of a Special Permit for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.5 including the following, in addition to all requirements of Section 40 of these Regulations.

- a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use and the suitability of the proposed location for the proposed use.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.5 shall be part of the Special Permit requirements.

Where the proposed construction of subsidized housing is dependent upon obtaining approval and/or a commitment of financial assistance under relevant Federal or State Housing subsidy programs, it shall be a condition of any Special Permit issued hereunder that no building permit shall be issued for any portion of the proposed development until the applicant has filed with the Planning and Zoning Commission evidence that such approval and/or commitment has been obtained.

43.5.7 Design Standards. Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons. The following standards shall apply to the design and development of Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons:

- a) In a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, the maximum number of dwelling units shall be determined by dividing the total area of the tract by 2,904 square feet, and the maximum lot coverage requirements as set forth in Section 32, Schedule B, for an R-20A zone shall apply.
- b) No building designed exclusively for occupancy by elderly persons shall contain more than 16 dwelling units, and the size of the individual dwelling units shall not exceed 1000 square feet for a one-bedroom or efficiency unit and 1200 square feet for a two-bedroom unit.¹

¹ Amendment effective February 3, 1984.

- c) No tract shall have less than 75 feet of frontage at the point where the main entrance intersects with the public highway.
- d) No building shall extend within less than 150 feet of any street line or 50 feet of any other property line.
- e) No building shall extend within less than 20 feet of any other building except that where any facing walls contain a window or windows, the required distance between buildings shall be increased by one foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window to the wall facing it.²

Any walls which are facing at an angle of 30° or less shall be considered facing walls. Stairwells and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.

- f) Each dwelling unit shall be provided with its own separate entrance directly from the outside.
- g) Not less than 1,000 square feet of permanent usable open space per dwelling unit shall be provided for outdoor activities. Not less than 60 square feet of private outdoor space immediately adjacent to each dwelling unit shall be provided. Required paved vehicular areas, wetlands, and private outdoor space shall not be considered permanent usable open space.
- h) Such Planned Residential Development of the Elderly shall be served by an approved private street designed so as to discourage through traffic. Such street shall not extend within less than 30 feet of any dwelling and shall be built to Town of Cheshire standards for quality.¹
- i) One parking space shall be required for every 3 dwelling units. Parking shall be located within 200 feet from the farthest dwelling unit to be served if the average topographical grade between the parking spaces and the dwelling units is less than 5%. If the average topographical grade between the parking spaces and the dwelling units is greater than 5%, such parking shall be located within 100 feet of the farthest dwelling unit to be served. Provision shall be shown on the Project Plan of Development for additional parking for up to one space for each two dwelling units should they become necessary. All spaces to meet the requirements of Section 33.3.1. 2

(43-19)

² Amendment effective March 28, 1980.

^{1,2} Amendments effective March 28, 1980.

- j) All utilities shall be underground.
- k) No building shall exceed a length of 200 feet and no exterior wall of any building shall exceed 50 feet in length, in an unbroken plane, without an offset of at least 10 feet.
- l) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.
- m) A community space shall be required whose usable floor space is not less than 25 square feet for each dwelling unit in the development. This community space shall contain a community room suitable for large meetings with kitchen facilities suitable for group preparation of meals, a private clinic room for health and related care, an area suitable for recreation such as crafts, sewing, etc., and an area of suitable size for use as a library and/or chapel. These facilities shall be maintained and designed for use primarily by those actually living in the proposed development.

All accessory uses under this subsection shall be designed and planned as an integral part of the housing for the elderly, shall be located on the same site therewith, and shall be set forth and shown as part of the application for Special Permit.

43.5.8 Zone Modification and Limitations. An applicant applying for a zone change to an R-20A zone and thence to Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons, modifying the standards for the applicable R-20A zoning regulations, shall submit a Plan of Development and Special Permit application for the proposed Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons at the time an application is filed for said zone change.

The Plan of Development submitted for the Proposed Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons shall be deemed to conform to the requirements of those regulations for the proposed change to the applicable R-20A zone.

Such R-20A zone as modified by approval under this subsection shall be designated on the Official Zoning Map of the Town of Cheshire as a "Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons".

No other use, except the approved use, shall be allowed on the parcel of land approved for a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons. Said approved use shall be developed in compliance with the Commission approval.

43.5.9 Severability. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for Planned Residential Developments Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

(Note) – In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for Planned Residential Developments is \$300.00. A check to be made payable to "Collector, Town of Cheshire".

43.6 Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. This subsection is intended to implement the concern of the Planning and Zoning Commission as stated in the Town Plan of Development, regarding "the welfare, together with the unique and special needs of the elderly in Cheshire." It is also intended to provide for a working concept of community living with the advantage of medical assistance within one facility. In this subsection, standards and procedures are provided for Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons.

The design and development of Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons is an effort to meet the special and unique need of the elderly and to provide for their safety, health and general welfare. Specifically, the Sheltered Care Facility must be adjacent to and affiliated with a State licensed care facility and provide an unlicensed level of care for the elderly, the scope of which lies in between independent living and the State licensed levels of care. It is conceived as an integral aspect of a continuum of care provided by a long-term State licensed health care facility. The Sheltered Care Facility should provide:

- a) each resident with at least one nutritious meal each day;
- b) periodic on-going health monitoring by the Health Care's licensed nursing staff;
- c) community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents;
- d) a plan for transportation services if residents could not easily walk to shopping, banking, the senior center, and other community services.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to discuss the concept informally and ask any questions he or she may have in the interest of avoiding delays and excessive revisions after submission.

43.6.1 Qualifying Standards. No tract of land shall be considered for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons unless it meet the following minimum standards:

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than 10 acres.
- b) The tract shall be located within one or more of the following zones: R-20, R-20A or R-40.
- c) The tract shall have frontage on one of the State highways indicated below or on a Town road feeding such a State highway, provided the access drive to the tract is within one-half mile of such State highway (measured along the center line of the Town road):
 - State highway 10
 - State highway 42
 - State highway 68
 - State highway 70

43.6.2 Classification. All Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons shall require Special Permits subject to the requirements and procedures of Section 40 in addition to those specified herein. If a conflict arises between the requirements and procedures of this subsection (43.6) and any other section of the Zoning Regulations, then this subsection (43.6) shall take precedence.

43.6.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven days prior to such meeting for review and placement on the agenda.

43.6.4 Plan of Development. Simultaneously with the submission of the application for a Special Permit for the establishment of a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning and Zoning Commission and shall become part of the Special Permit application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed development in the Town of Cheshire, along with the applicant's qualifications to assure the successful completion of such development.

The following shall be required as part of the Plan of Development:

- a) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.
- b) Descriptive material providing information about the owner and developer, the developer's experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, the name of the architect, engineer, and landscape architect, if any, and other pertinent information.
- c) The types of services and facilities to be provided as part of the Sheltered Care Facility. The plans should include services such as: health care monitoring; meals to be served to the residents; accessibility to community services; laundry facilities; social interaction programs, etc.
- d) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.
- e) An evaluation of the probable impact of the proposed development on the Town of Cheshire's services, facilities and environment.
- f) A description of the size and availability of permanent public open space in the immediate vicinity.
- g) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.
- h) A certified evidence of applicant's financial ability to complete and administer the proposed development.

43.6.5 Procedure. When the application for Special Permit for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons is accepted as a complete application at a regular monthly meeting, the Commission shall :

- a) hold a public hearing on said application, and
- b) decide upon such application, all in accordance with the provisions of Section 8-3C of the General Statutes of the State of Connecticut as amended.

43.6.6 Requirements. Requirements of a Special Permit for a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.6, including the following, in addition to all requirements of Section 40 of these Regulations.

- a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use.
- b) The ability of the applicant to sustain the types and quality of services described in the application and required by this section.
- c) The assurance that, if necessary, residents of the Sheltered Care Facility can and will be provided with more intense levels of care (State licensed Home for the Aged, Intermediate Care Facility, and Skilled Nursing Facility) by the applicant or an affiliated facility.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.6 shall be part of the Special Permit requirements.

43.6.7 Design Standards. Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. The following standards shall apply to the design and development of Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons:

- a) In a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons, the maximum number of dwelling units shall be determined by dividing the total area of the tract by 2904 square feet, and the maximum lot coverage shall be 15% and the maximum height of structure shall be 50 feet.²
- b) No building shall contain more than 40 dwelling units, and the size of the individual dwelling units shall not exceed an average of 1,300 ^{1,2} square feet/unit for each building.
- c) No building shall extend within less than 150 feet of any street line or 100 feet of any other property line.
- d) One parking space shall be required for every 2 dwelling units. Provisions shall be shown on the Plan of Development for additional parking for up to one space for each dwelling unit should they become necessary. All spaces shall meet the requirements of Section 33.3.
- e) All utilities shall be underground. Use of alternate energy sources should be given consideration.

(43-24)

¹ Amendment effective March 3, 1995 at 12:01 a.m.

² Amendment effective January 31, 2009 at 12:01 a.m.

- f) No building shall exceed a length of 500 feet and no exterior wall of any building shall exceed 50 feet in length, in an unbroken plane, without an offset of at least 5 feet.
- g) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.
- h) Public sewer shall be required unless Chesprocott certifies in a detailed report that a satisfactory on-site sewage disposal system can be provided and the Water Pollution Control Authority certifies that public sanitary sewers are not anticipated within a reasonable time period. In no event shall approval be granted unless either public sewer or public water is utilized.
- i) The Sheltered Care Facility shall include community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents. The community area or areas shall total a minimum of 25 square feet per unit, and shall be conducive to activities, such as conversational seating, quiet areas for reading, television viewing, table games and puzzles, as well as space and equipment for other recreational and social activities.
- j) The Sheltered Care Facility shall provide safe and adequate sidewalks and walkways for residents to walk to nearby shopping, banking, and other community services and facilities. The adequacy of such sidewalks, walkways and community facilities shall be left to the discretion of the Planning and Zoning Commission. If such services and facilities are not within one-half mile of the Sheltered Care Facility, or if walkways and sidewalks are not available or not to be provided, or if the Planning and Zoning Commission determines that community facilities accessible by sidewalks would not be adequate to meet the needs of the residents, then the applicant shall provide for transportation services for the residents so that they can avail themselves of necessary community services.

43.6.8 Severability. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Sheltered Care Facility Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for Sheltered Care Facilities Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for sheltered care facilities is \$300.00. Check to be made payable to "Collector, Town of Cheshire".

43.7 Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services. This subsection is intended to implement the continuing concern of the Planning and Zoning Commission as stated in the Town Plan of Development regarding "the welfare, together with the unique and special needs of the elderly in Cheshire." It is also intended to provide for a working concept of community living with the advantage of nutritional and medical assistance within one development. This subsection is intended to recognize the current developments in housing, nutrition, and health care for the elderly. In this subsection, standards and procedures are provided for Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services (Planned Community Designed Exclusively for Occupancy by Elderly Persons).

The design and development of a Planned Community Designed Exclusively for Occupancy by Elderly Persons is a continuing effort to meet the special and unique needs of the elderly and to provide for their safety, health and general welfare. Each Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include a combination of residential and health care units of the following types:

- 1) **Independent Living Units:** Completely independent living units to be developed either as rental or as "condominium" units, wherein the residents live on an independent basis, without supervision, providing their own meals.
- 2) **Semi-Independent Living Units:** Living units developed either as rental or as "condominium" units ~~with laundry and housekeeping service provided. At least one meal per day shall be provided and shall be included in the basic services. An additional meal shall be optional.~~ Services, including laundry, housekeeping and meals shall be available and may be obtained at the option of the occupant of the semi-independent unit.¹
- 3) **Assisted Personal Care Living Units:** Living units to be developed either as rental or as "condominium" units providing for assisted living services pursuant to the Assisted Living Services Agencies regulations 19-13-D105, et. seq. of the Regulations of Connecticut State Agencies, including the provision of supportive services to assist those in need of assistance in the activities of daily living.²

(43-26)

¹ Amendment effective March 28, 1997 at 12:01 a.m.

^{2,3} Amendment effective March 27, 1998 at 12:01 a.m.

- 4) **Skilled Nursing Facility:** A state licensed care facility providing skilled care for the elderly or the assurance that, if necessary, residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons will have available such skilled care at off site facilities through arrangements made by the applicant.¹
- 5) **Related Services:** A medical office providing medical care to the residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons.

In addition to the foregoing, the Planned Community Designed Exclusively for Occupancy by Elderly Persons shall provide the following:

- a) Community area or areas suitably equipped to meet the social interactional, health and leisure time needs of the residents.
- b) Transportation services if residents cannot easily walk to shopping, banking, the senior center, and other community services.

Each Planned Community Designed Exclusively for Occupancy by Elderly Persons may also contain facilities providing for other related services or accessory uses which the applicant shall establish are directly related to the needs of the residents of the Planned Community Designed Exclusively for Occupancy by Elderly Persons and provide for their safety, health and general welfare.

It is recommended that the applicant meet with the Commission prior to the submission of an application under this subsection to give the applicant the opportunity to discuss the concept informally and ask any questions he or she may have in the interest of avoiding delays and excessive revisions after submission.

43.7.1 Qualifying Standards. No tract of land shall be considered for a Planned Community Designed Exclusively for Occupancy by Elderly Persons unless it meet the following minimum, standards:

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than 10 acres.
- b) The tract shall be located within one or more of the following zones: R-20, R-20A, or R-40.
- c) The tract shall have frontage on one of the State highways indicated below:
 - State Highway 10
 - State Highway 68
 - State Highway 70

(43-27)

43.7.2 Classification. All Planned Communities Designed Exclusively for Occupancy by Elderly Persons shall require Special Permits subject to the requirements and procedures of Section 40 in addition to those specified herein. If a conflict arises between the requirements and procedures of this subsection and any other section of the Zoning Regulations, then this subsection shall take precedence.

43.7.3 Application. An application for Special Permit under this subsection shall be submitted to the Planning and Zoning Commission on forms prescribed by that Commission. It shall be received by the Planning and Zoning Commission only at a regular monthly meeting but must be filed in the office of the Town Planner at least seven days prior to such meeting for review and placement on the agenda.

43.7.4 Plan of Development. Simultaneously with the submission of the application for a Special Permit for the establishment of a Planned Community Designed Exclusively for Occupancy by Elderly Persons, a Plan of Development for the entire tract shall be submitted to the Planning and Zoning Commission and shall become part of the Special Permit Application. The purpose of the Plan shall be to show the intent and arrangement of the proposed uses to be included in the development as well as to present the applicant's case for the need of the proposed development in the Town of Cheshire, along with the applicant's qualifications to assure the successful completion of such development.

The following shall be required as part of the Plan of Development:

- a) A tabulation of proposed buildings and types of units by type, size (number of bedrooms, floor area), ground coverage, and a summary showing the percentages of the tract to be occupied by buildings, parking and other paved vehicular areas, sidewalks and walkways, and the usable open space, as well as an overall map showing same at a scale of no smaller than 1"=100' with an accompanying A-2 survey map of the entire tract.
- b) Descriptive material providing information in narrative form about the owner and developer, the developer's experience in building and eligibility as a public, non-profit or limited dividend housing sponsor, the name of the architect, engineer, and landscape architect, if any, and other pertinent information.
- c) The types of services and facilities to be provided as part of the Planned Community Designed Exclusively for Occupancy by Elderly Persons. The plans should include services such as: health care monitoring; meals to be served to the residents; accessibility to community services; laundry facilities; social interaction programs, etc. The plans should also include a description in narrative form of the developer's program to interrelate the facilities, services and uses.

- d) A general description of the tract in question and surrounding areas, describing degree of compatibility of proposed use with existing neighborhood.
- e) An evaluation of the probable impact of the proposed development on the Town of Cheshire's services, facilities and environment.
- f) A description of the size and availability of permanent public open space in the immediate vicinity.
- g) The proximity of the proposed development to public transportation, recreation facilities, neighborhood shopping and service facilities.
- h) Evidence of applicant's financial ability to complete and administer the proposed development.
- i) A description of the transportation plan and traffic impact study.

43.7.5 Procedure. The Commission shall:

- a) hold a public hearing on said application, and
- b) decide upon such application, all in accordance with the provisions of Section 8-3c of the General Statutes of the State of Connecticut as amended.

43.7.6 Requirements. Requirements of a Special Permit for a Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include all information required in Section 43.7, including the following, in addition to all requirements of Section 40 of these Regulations.

- a) The applicant's demonstration of the need of the Town of Cheshire for the proposed use, and the suitability of the proposed location for the proposed use.
- b) The ability of the applicant to sustain the types and quality of services described in the application and required by this section.

All information submitted as part of the application requirements for a Plan of Development as required in Section 43.7.4 shall be part of the Special Permit requirements.

43.7.7 Design Standards. Planned Community Designed Exclusively for Occupancy by Elderly Persons. The following standard shall apply to the design and development of a Planned Community Designed Exclusively for Occupancy by Elderly Persons:

- a) The maximum number of the combination of all units shall be

determined by allocating the total area of the tract of land in accordance with the following schedule:

- i) Independent Living Units –8000¹ square feet per unit.
 - ii) Semi-independent Living Units - 8000¹ square feet per unit.
 - iii) Assisted Personal Care Living Units – 4000¹ square feet for each person accommodated or for each resident.
 - iv) Skilled Nursing Facility 4000¹ square feet for each person accommodated or for each resident.
- b) The maximum lot coverage shall be 25%.
- c) No building shall contain more than the number of units set forth in the following schedule:
- i) Independent Living Units – 16 Units/Bldg.
 - ii) Semi-Independent Living Units – 40 Units/Bldg.
 - iii) Assisted Personal Care Living Units – 60 Units/Bldg.
- d) The maximum size of each type of unit shall be determined in accordance with the following schedule:
- i) Independent Living Units – 1000 square feet for a one-bedroom or efficiency, and
-- 1500¹ square feet for a two-bedroom unit.
 - ii) Semi-Independent Living Units – 1200² square feet per unit.
 - iii) Assisted Personal Care Living Units -800 square feet per unit.
- e) No building shall extend within less than fifty (50) feet of any street line, side line or rear line; provided, however, that the setback from a side line or rear line may be reduced to thirty (30) feet when the buildings or structures adjacent to the setback line are residential in character, design and use.

- i) No building shall exceed forty (40) feet in height, except that any building or portion of any building located more than seventy-five (75) feet from any property line may be increased to fifty (50) feet in height.
- f) Parking spaces shall be provided in accordance with the following schedule:
 - i) Independent Living Unit- one space for every one (1) unit.
 - ii) Semi-Independent Living Units – one space for every one (1) unit.
 - iii) Assisted Personal Care Living Units – one space for every two (2) units.
 - iv) Skilled Nursing Facility – one space for every three (3) persons accommodated.

All spaces shall meet the requirements of Section 33.3 of these Regulations.

- g) All utilities shall be underground.
- i) No building containing Independent Living Units, Semi-Independent Living Units or Assisted Personal Care Living Units shall exceed a length of two hundred (200) feet, and no exterior wall of such building shall exceed fifty (50) feet in length in an unbroken plane, without an offset of at least five (5) feet. Enclosed links not containing Living Units shall not be considered a part of the building when computing the maximum length of such buildings. No building containing the Skilled Nursing Facility shall exceed a length of two hundred fifty (250) feet, and no exterior wall of such building shall exceed one hundred (100) feet in length in an unbroken plane, without an offset of at least five (5) feet.
- i) Interior and exterior design shall conform to American Standard specifications for the elimination of architectural barriers as provided by State and Federal legislation.
- j) Public sanitary sewer shall be required unless a satisfactory on-site sewage disposal system meeting all the requirements of the Connecticut General Statutes and the regulations of state and Town of Cheshire agencies having jurisdiction over such facilities can be provided and the Water Pollution Control Authority certifies that public sanitary sewers are not anticipated within a reasonable time period. In no event shall approval be granted unless either public sanitary sewer or public water is utilized.

- k) The Planned Community Designed Exclusively for Occupancy by Elderly Persons shall include community area or areas suitably equipped to meet the social interactional and leisure time needs of the residents. The community area or areas shall total a minimum of twenty-five (25) square feet per unit, and shall be conducive to activities, such as conversational seating, quiet areas for reading, television viewing, table games and puzzles, as well as space and equipment for other recreational and social activities. These facilities shall be maintained and designed for use primarily by those actually living in the Planned Community Designed Exclusively for Occupancy by Elderly Persons.
- l) The Planned Community Designed Exclusively for Occupancy by Elderly Persons shall provide safe and adequate sidewalk and walkways for residents to walk within the development. The applicant shall provide for adequate transportation services for the residents so that they can avail themselves of necessary community services.
- m) Each Independent Living Unit shall be provided with its own separate entrance directly from the outside.
- c) Not less than one thousand (1,000) square feet of permanent usable open space per Independent Living Unit shall be provided for outdoor activities. Not less than one hundred (100) square feet of private outdoor space immediately adjacent to each Independent Living Unit shall be provided. Required paved vehicular areas, wetlands, and private outdoor space shall not be considered permanent usable open space.
- d) Each Planned Community Designed Exclusively for Occupancy by Elderly Persons shall be served by a private street designed to discourage through traffic. Such street shall not extend within less than twenty (20) feet of any dwelling and shall be built to Town of Cheshire standards for quality.

43.7.8 Severability. No section or subsection of the Special Permit procedure established herein shall be deemed severable from other sections or subsections of the Special Permit procedure for the construction of a Planned Community Designed Exclusively for Occupancy by Elderly Persons. In the event that any section or subsection of such procedure shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of Special Permits for a Planned Community Designed Exclusively for Occupancy by Elderly Persons shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall remain valid.

43.7.9 Phases. The Planning and Zoning Commission may approve the construction of a Planned Community Designed Exclusively for

Occupancy by Elderly Persons in phases as proposed by the applicant. Each phase shall meet the minimum standards of these regulations; provided, however, that each phase shall not be required to meet the minimum land area of ten (10) acres, as long as the entire parcel subject to the application meets the ten (10) acre requirement.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for Planned Community Designed Exclusively for Occupancy by Elderly Persons Providing Interrelated Residential Units and Varying Levels of Nutritional and Health Care Units and Related Services, is \$300.00. Check to be made payable to "Collector, Town of Cheshire".

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SECTION 43.8 PLANNED RESIDENTIAL INFILL DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Infill Developments in an effort to expand the scope of land planning and development from the concept of individual lots and structures to the planning and development of small areas with groups of structures erected thereon as a coordinated entity and to provide for more efficient use of existing parcels and Town resources, but it is not intended to facilitate the conversion of non-residential uses.

43.8.1 Qualifying Standards. No tract of land shall be considered for a Planned Residential Infill Development unless it meets the following minimum qualifying standards.

43.8.1a The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than one-half (.05) acre nor more than two (2) acres, and shall be served by public water and public sanitary sewer.

43.8.1b The tract shall be located within the R-20A zone.

43.8.1c The tract shall have frontage on State Highway 10 between North Brooksvale Road and Maple Avenue. In addition to frontage on State Highway 10 as described above, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it or that is desirable to facilitate public safety.

Nothing herein shall be construed to require that access be required from State Highway 10.

43.8.1d Procedure. An application for a Planned Residential Infill Development use for a tract of land that meets the standards set forth in Subsection 43.8 must be approved as a Special Permit pursuant to Section 40 of these Regulations.

In addition to the requirements of Section 40, the applicant shall submit a report prepared by a professional engineer addressing the general characteristics of the surface water anticipated from the proposed development, and proposing the means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the

impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic.

The location, orientation, design scale, texture, materials, landscaping, general bulk, height and other features shall be consistent with the characteristics of the Town and neighborhood in which the proposed development is located and shall take into account, where appropriate, the nature of the surrounding area and the extent to which the proposed use and its features and appearances will be in harmony with the surrounding area, including the effect upon property values in the neighborhood.

The application shall include the following: (i) six (6) copies of an overall site plan prepared by a licensed professional engineer of the entire tract of a scale of Section 40.2.1 Site Plan, and (ii) six (6) copies of architectural drawings containing all of the information required by Section 40.2.2 Architectural Plans together with proposed textures, materials and colors of all buildings.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit. If the Commission finds the proposed use to be in accord with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject only to conditions imposed pursuant to Section 40.5.

43.8.2 Design Standards. The following standards shall apply to the design and development of Planned Residential Infill Developments:

43.8.2.a The maximum number of dwelling units shall be determined as follows:

R-20A Zone Total gross area ÷ 4,000 sq. ft. = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

43.8.2.b No dwelling shall contain more than six (6) dwelling units.

43.8.2.c¹ No dwelling unit shall extend within less than forty (40) feet of any Street Line or fifteen (15) feet of any other property line; provided however, at the request of the applicant made in writing at the time of the filing of the application, the Planning and Zoning Commission may waive the setback requirements where there is an existing structure on the tract of land which the Commission determines merits saving. Notwithstanding any other provision of these Regulations, detached accessory structures shall be located not less than five (5) feet from a side property line. Provided: 1) the side lot abuts a commercial or R-20A zone; 2) the height of the accessory structure shall not exceed 15 feet; and 3) the applicant demonstrates to the satisfaction of the Commission that the accessory structure is designed and located to be architecturally compatible with the principal structure(s) and neighborhood character. Provided adequate site lines are established a corner lot or a lot fronting on more than one (1) street. The lot shall only be required to have one (1) Street Line which shall be State Highway 10.

43.8.3.d At least 50 percent of the dwelling units shall be provided with a separate entrance directly from the outside and with private usable outdoor space, such space to be directly accessible by the occupants of the dwelling unit.

43.8.3.e Parking shall be provided at a rate of two (2) spaces per dwelling unit, including garage and driveway spaces.

43.8.3.f All utilities shall be underground.

Maximum Lot Coverage shall be twenty-five percent (25%).

43.8.3.g All land not utilized for dwellings and private usable outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, and other uses of the occupants of the dwelling units.

43.8.3.i Additional Requirements

a) Where dwelling units are to be individually owned, a community association must be established and maintained prior to the issuance of the first Certificate of Occupancy. Membership shall be mandatory for all owners of dwelling units within the development and shall be so stipulated in the declaration establishing the common ownership interest community and the deeds to the dwelling units.

b) The applicant shall provide the community association with a bond for all uncompleted common area improvements similar in all material respect to the bond required pursuant to Section 10 of the Subdivision Regulations.

¹ Amendment approved 7/22/19; effective 8/9/19

The amount of the bond, for all uncompleted common area improvements, shall be determined by a Licensed Professional Engineer. No portion of the bond shall be released until a Licensed Professional Engineer certifies to the community association that common area improvements covered by the bond and for which a release is sought have been completed. A copy of the certified documents shall be provided to the Planning staff who shall verify the completion of the improvements prior to the release of any portion of the bond.

43.8.3.j Certificate of Occupancy.

No certificate of occupancy shall be issued until the following items have been Submitted to the Planning Department:

1. Verification that the Community Association has been established.
2. Copies of all bonding documents for all uncompleted common area improvements.¹

¹ Effective 7/26/13

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SECTION 44 PLANNED RESIDENTIAL SUBDIVISION DEVELOPMENT.

It is the intent of this Section to provide standards and procedures for the design and development of Planned Residential Subdivision Developments in an effort to expand the scope of land planning and development from the concept of large individual lots to the planning and development of larger areas with structures erected thereon as a coordinated entity with smaller lots and/or greater density and to provide for more efficient allocation and maintenance of common usable Open Space for recreation and/or conservation and to provide for affordable housing within the Town of Cheshire.

All Planned Residential Subdivision Developments shall be considered subdivisions and shall be subject to the Subdivision and Other Land Use Regulations of the Town of Cheshire; however, in the event that the provisions of Subdivision and Other Land Use Regulations conflict with the provisions of this Section 44, the specific provisions of this Section 44 shall control.

44.1 Qualifying Standards. No Tract of land shall be considered for a Planned Residential Subdivision Development unless it meets the following minimum qualifying standards.

44.1.1 The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than ten acres.

44.1.2 The tract shall be located within one or more of the zones indicated in Section 30, Schedule A, providing that public sanitary sewers and public water are available to the site, except that no tract which lies within an R-80 zone may be developed as a Planned Residential Subdivision Development.

However, access to same may be over land in a zone not listed in Section 30, Schedule A, provided that the tract meets the 50' minimum frontage requirements of Section 44.1.3.

44.1.3 The tract shall have frontage on one or more of the following state or town roads or parts thereof:

- State Highway 10 north of King Road
- State Highway 70 between Marion Road and Wiese Road
- Country Club Road
- Higgins Road east of Oak Avenue
- Jarvis Street
- Oak Avenue
- Peck Lane between Sheridan Drive and Jarvis Street
- Weeks Road

In addition to frontage on the foregoing roads, the tract may have access on other roads if the Planning and Zoning Commission finds traffic conditions warrant it.

Nothing herein shall be construed to require that access be to any of the above-named roads, provided that the tract has frontage on any one of the above-named roads. (44-1)

44.2 Application. An application for a Planned Residential Subdivision Development use for a tract of land that meets the standards set forth in Subsection 44.1 must be approved as a Special Permit pursuant to Section 40 of these Regulations. Thereafter, parts or phases of the approved tract may be approved for development, provided an overall plan has been approved, by filing applications therefor, to be processed by the Commission pursuant to Section 41 of these Regulations and Section 10.2 of the Subdivision and Other Land Use Regulations.

An application for approval of a Planned Residential Subdivision Development use shall be filed with the Commission as required by Subsections 40.2 and 40.3, and by this Section of these Regulations.

44.2.1 Additional Requirements. In addition to the requirements of Subsection 40.2, the applicant shall submit a written report prepared by a professional engineer addressing the general characteristics of the surface water flow and/or drainage anticipated from the proposed development, and the proposed means and manner of disposition thereof. The applicant shall also submit a written report by a traffic expert, setting forth his findings and conclusions on the impact of traffic to be generated by the proposed development on the neighborhood, and as to the adequacy of the streets serving the proposed development to accommodate the prospective traffic.

The application shall include the following maps (four copies of each):

- a) An overall map of the entire tract of a scale of not less than 100 feet to the inch containing all the information required by paragraph 40.2.1.
- b) A detailed map, of that part or phase of the entire tract, which is proposed for immediate development.

Both maps shall be prepared by a licensed professional engineer or a registered landscape architect.

The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its responsibilities under Subsections 40.4 and 40.5 of these Regulations and the Subdivision and Other Land Use Regulations.

The Commission may also request other information such as building materials and the like, as it deems necessary to assist it in performing its responsibilities under Subsections 40.4 and 40.5 of these Regulations and the Subdivision and Other Land Use Regulations, and ensuring that the entire tract is developed in a consistent, aesthetically pleasing and functionally efficient manner that is in harmony with surrounding land use and in concert with the characteristics of neighboring properties.

The hearing described in Subsection 40.3 shall be for the purpose of determining whether the tract described in the application meets the standards contained in these Regulations for a Special Permit, particularly Section 40. If the Commission finds the proposed use to be in accordance with the public convenience and welfare and to meet the standards of these Regulations, it shall approve the Special Permit for the entire tract subject to conditions imposed pursuant to Subsection 40.5 and the provisions of Subsection 40.6.

The Commission shall review all applications for development of parts or phases of the entire tract, whether filed with the Special Permit application or thereafter, pursuant to the procedure described in Section 41 of these Regulations, and shall approve any such application as it finds meeting the approved Special Permit for the development of the entire tract and the requirements of Section 41 of these Regulations, either as submitted or modified. Each phase shall be such that it is complete and can stand alone as a fully finished development if subsequent phases are not completed. Work and disturbed areas are to be limited to the approved phase or phases.

The approval of an application for development of a part or phase of the entire tract shall be further conditioned upon the filing of a bond by the applicant, with surety, to assure completion of the common improvements, shown on the maps, submitted in connection with the Special Permit and approval for development of a part or phase of the entire tract, and satisfaction of any conditions of approval, within five (5) years after publication of notice of approval of the Special Permit.

Upon completion of the common improvements to the satisfaction of the Commission, the Commission shall release said bond; provided, however, that the applicant shall provide the Commission with a Maintenance Bond, until such time as the Commission shall determine that maintenance of the common improvements has been assumed by a fully organized and functioning homeowner's association which has demonstrated ability to assume this responsibility, and/or the developer has fully complied with the provisions Subsection 10.12 of the Subdivision and Other Land Use Regulations. Common improvements shall mean roadways, walkways, street lighting, storm and sanitary sewer facilities, and any other physical improvements on the premises not proposed for fee ownership by subsequent purchasers. Maintenance of common improvements, if applicable, shall be clearly outlined in the deeds to all prospective owners.

44.3 Design Standards. The following standards shall apply to the design and development of Planned Residential Subdivision Developments. In the event that any of the following provisions of this Section conflict with the provisions the Zoning Regulations or the Subdivision Regulations, the specific provisions of this Section shall prevail.

44.3.1 The maximum number of dwelling units shall be determined as follows:

R-40 Zone - Total gross area – 10% for roads divided by 43,560 square feet = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to the nearest whole lot.

R-20 Zone - Total gross area – 10% for roads divided by
R-20A Zone - 21,780 square feet = maximum number of dwelling units allowed.

Any fraction that results shall be rounded down to The nearest whole lot.

Note: For computational purposes, gross area shall not include any ponds or other substantial bodies of water.

In addition, only 50% of any acreage falling in each of the following categories may be utilized to compute the total gross area:

- 1) Slopes in excess of 25%.
- 2) Inland Wetlands soils as delineated on the Official Inland Wetlands maps or as delineated by a soils scientist in the field.
- 3) Any flood plain area as defined per Sec. 46.1 of the Cheshire Zoning Regulations.

44.3.2 No building shall contain more than one (1) dwelling unit.

44.3.3 Each dwelling unit shall be served by an approved private street or an approved public street. However, any street which services any of the dwelling units which connects two (2) existing or proposed public streets must be an approved public street constructed as set forth in Section 44.3.4 hereof. Further, any cul de sac street which is constructed to service any of the dwelling units, which has a length in excess of 600 feet, must be an approved public street constructed as set forth in Section 44.3.4 hereof.

44.3.4 If the dwelling units are served by an approved public street it shall be constructed at a width of 30 feet and conform to the town's typical roadway cross-section and shall have concrete sidewalks installed on both sides of the street and the curbing shall be concrete.

44.3.5 No cul de sac street shall be constructed which has a length in excess of 1,700 feet.

44.3.6 If the dwelling units are served by an approved private street, it shall be designed so as to discourage through traffic.

44.3.7 If the dwellings units are served by an approved private street, which is a cul de sac street which has a length of less than 600 feet, it may be constructed at a width of 26 feet, providing that it otherwise conforms to the town's typical roadway cross-section and shall have concrete sidewalks installed on one side of the street.

44.3.8 No street, whether it be an approved public street or an approved private street, shall have a right-of-way width of less than 50 feet.

44.3.9 No dwelling unit shall extend within twenty-five (25) feet of any public or private street line.

44.3.10 Parking shall be provided in accordance with the requirements of Section 33.

44.3.11 All utilities shall be underground.

44.3.12 No dwelling shall exceed a width of fifty-five (55) feet. For the purpose of this Section, a dwelling unit shall include any structure, designed as, intended for or used as a garage or workshop.

44.3.13 All land not designated as a lot in the subdivision shall be deemed to be Open Space which shall be held by the Owner/Developer in accordance with the Connecticut Common Interest Ownership Act until such time as it is turned over to the Homeowner's Association in accordance with the provisions of said Act or be otherwise designated for use and utilized in accordance with the provisions of Section 44.3.12.

44.3.14 Owner/Developer shall provide minimum landscaping on each lot prior to conveyance [i.e. minimum landscaping shall constitute grading, raking and seeding the disturbed areas and planting two (2) street trees (2 to 2 ½ inches caliper) and five (5) foundation plantings].

44.3.15 The Owner/Developer shall record a document to be known as Declaration of Restrictions, Covenants and Reservations which shall regulate the use of the Open Space, the further development of the property, landscaping and the storage of vehicles and materials on the individual lots, and maintenance of Open Space, if the Open Space is to be turned over to a homeowner's association in accordance with Section 44.3.12 (b) hereof, which Declaration shall be approved by the Planning and Zoning Commission at the time of any approval granted under this Section 44. (A sample of such a Declaration is attached hereto as Appendix A).

44.3.16 All land not utilized for dwellings and private usable outdoor space shall be considered Open Space. Such Open Space shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation for the members of the homeowner's association and/or conservation and shall be permanently reserved by one of the following means:

- a) Deeded to the Town, with appropriate restrictions concerning the future use of the land, provided the Town Council agrees to accept conveyance of the Open Space of the Town.
- b) Held in corporate ownership (i.e. homeowner's association) by the occupants of the dwelling units within the development. Membership in said homeowner's association shall be mandatory for all residents of the development and should be so stipulated, together with the beneficial right to use the Open Space by the members of the homeowner's association, and there deed or lease, as the case may be.

Nothing herein shall be construed to prohibit the Developer from retaining ownership of the Open Space until such time as it is turned over to the members of the homeowner's association in accordance with the provisions of the Connecticut Common Interest Ownership Act.

- c) Deeded to the Cheshire Land Trust or a similar organization with approval of the Planning and Zoning Commission and the organization in which the Open Space is intended to be conveyed to.
- d) A combination of the above.

Further, the Open Space shall be subject to tax liens as provided for in Connecticut General Statutes Section 12-171 et. seq., as they may be amended and the attaching lien shall attach to the lots in the subdivision on a pro rata basis, according to the number of lots in the subdivision.

44.4 Dimensional Requirements for Planned Residential Subdivision

Development.¹ In the case of any Planned Residential Subdivision Development, all building lots shall satisfy the minimum dimensional requirements listed below:

Minimum lot area (sq. ft.)*	10,000 sq. ft.
Minimum lot width	75 ft.
Minimum lot frontage	50 ft.
Minimum setback from street line	25 ft.
Minimum setback from side line	10 ft.
Minimum setback from rear line**	25 ft.
Maximum height of structure	40 ft.
Maximum lot coverage	20%
Minimum lot area per dwelling unit	10,000 sq. ft.

(44-6)

¹ Amended April 27, 1998; effective May 1, 1998 at 12:01 a.m.

- * In order to use minimum lot area of 10,000 square feet, a certain percentage of the dwelling units developed under this Section 44 shall be required, pursuant to the provisions of Section 44.5, to be set aside as “assisted housing” as defined in Section 8-30g of the Connecticut General Statutes, as amended, or “affordable housing units”, as defined in Section 8-39a of the Connecticut General Statutes, as amended, or housing which is financed by Connecticut Housing Finance Authority Mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended.
- ** Where lots abut land not included in the application, the dwellings on abutting lots shall be set back from such property line or lines, or street, a minimum of at least the required distance for the zone of the abutting lot, as required in Section 32, Schedule B, Dimensional Requirements.

This section shall come under the requirements of the following sections in regard to dimensional requirements as well: Sections 32.2.7, 32.2.8, 32.2.9, 32.2.10, 32.5, 32.6.

44.5 Affordable Housing. Except as otherwise provided for herein, not less than 5% nor more than 20% of the total number of dwelling units in the Planned Residential Subdivision shall be conveyed subject to an Affordable Housing Restrictive Covenant as set forth in Appendix B hereof, which shall require that for at least thirty (30) years from the initial sale or rental of the subject dwelling, each such dwelling unit shall be “assisted housing” as defined in Section 8-30g of the Connecticut General Statutes, as amended, or shall be financed by the Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended, or shall be sold or rented as an “affordable housing unit” as defined in Section 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of thirty (30) years after the initial occupation as calculated for each affordable housing unit.

As an exception to the foregoing rule, upon the written request of the applicant, the Commission may approve the application for a Planned Residential Subdivision wherein the number of dwelling units in the Planned Residential Subdivision shall be conveyed as “affordable units” may exceed the 20% maximum as previously set forth herein, but in no event shall the Commission approve an application for a Planned Residential Subdivision wherein the number of dwelling units in the Planned Residential Subdivision, which shall be conveyed as “affordable units” shall be more than thirty percent (30%).

In addition to the approved criteria set forth in Section 44.6, the following considerations shall be made by the Commission in the approval of an applicant’s request to exceed the 20% maximum as previously set forth herein:

- a) That the Commission makes a determination that the affordable housing requested in the application would satisfy an existing need in the Town of Cheshire. In making this determination the Commission shall review the following:
 - i) Dwelling type (single and multiple family) and form of occupancy (rental or ownership)
 - ii) Dwelling size
 - iii) Initial rental charge or sales price of dwelling
 - iv) The level of compliance of the Town with respect to Connecticut General Statutes Section 8-30g and 8-39a, as they may be amended
- b) That the Commission makes a determination that the infrastructure, including but not limited to schools, utilities and roadways, are sufficient to service the proposed affordable housing units.
- c) That the Commission makes a determination that the Planned Residential Subdivision Development will not have a significant adverse effect on surrounding properties or property values in the area.

As a condition of the approval each applicant shall be required to execute, in accordance with the laws of conveyancing in the State of Connecticut, an Affordable Housing Restrictive Covenant, in substantially the same form as that as attached hereto as Appendix B. The final form of the Affordable Housing Restrictive Covenant governing the sale and resale of dwelling units designated as “affordable units shall be subject to review and approval by the Town Attorney for the Town of Cheshire.

In addition, the applicant shall present to the Commission a marketing plan reasonably designed to assure that priority in the first sale of affordable units shall be as follows (in descending order):

- a) Current residents of the Town of Cheshire who have been so for at least two (2) continuous years.
- b) Non-resident children of current residents as defined at (a), above.
- c) Residents of the New Haven-Meriden metropolitan statistical area currently employed in the Town of Cheshire.
- d) All others.

44.5.1 Number of Building Lots. The maximum number of building lots to be approved in a Planned Residential Subdivision Development shall be the total of the “base number of lots” plus the “affordable density bonus”, determined in the following manner:

Steps to Determine Number of Building Lots:

- 1) Base Number of Lots. Divide the total gross area as defined in 44.3.1 by the minimum lot size requirement of the underlying residential district, namely; 40,000 in as R-40 zone, and 20,000 in an R-20 zone and an R-20A zone. This is the “base number of lots.”
- 2) Affordable Density Bonus. Add to the base number of lots the “affordable density bonus”, which shall be equal to a maximum of 20% of the “base number of lots” as determined above. Nothing herein shall be construed to require the Commission to permit or approve an “affordable density bonus” if less than 20% of the total number of units to be developed are to be “affordable units”.

For example:

- 1) Assume a property of 4,000,000 square feet with 10% of its total area in slopes above 25% and 10% of its total area in wetlands, watercourses and ponds, all in an R-40 zone. The total gross area is:

	4,000,000	
Less	400,600	10% for road
Less	200,000	5% of slopes over 25%
Less	<u>200,000</u>	wetlands, etc.
	3,200,000	

- 2) Base number of lots is 3,200,000 divided by 40,000 or 80 lots.
- 3) Density bonus is a maximum of 20%, and 120% of 80 is 96.
- 4) Affordable lots must be 20% of total number of lots approved, or 19.2 (rounded up to 20).
- 5) Thus the total number of lots will be 96 lots, of which 20 lots will be “affordable” and 76 will be “market rate”.

44.6 Approval Criteria. The following is a list of criteria which will be used, in addition to the design criteria and other requirements of this Section 44, to assist the Commission in determining whether benefits are sufficiently greater than conventional development to allow a Planned Residential Subdivision Development and whether all the requirements have been met:

- a) Application meets all the requirements of this Section and other pertinent sections of the Zoning Regulations and Subdivision and Other Land Use Regulations of the Town of Cheshire, Connecticut; however, in the event that the provisions of the Subdivision and Other Land Use Regulations conflict with the provisions of this Section 44, the specific provisions of this Section 44 shall control.

- b) Application has fulfilled the intent of this section as stated and implied.
- c) Applicant has provided adequately for the maintenance of private improvements and Open Space.
- d) Open Space and proposed use of Open Space is significant and beneficial.
- e) Benefits from the Open Space in this development are or will be valuable to the Town or residents of the development to the extent to warrant a Planned Residential Subdivision Development rather than a conventional subdivision development.
- f) Where applicable, Open Space preserved shall include an important natural or historic feature.
- g) In the opinion of this Commission, the pedestrian circulation system is adequate for pedestrian traffic anticipated in the development.
- h) In the opinion of this Commission, on-site traffic and circulation patterns do not create undue traffic safety hazards or congestion.
- i) In the opinion of this Commission, the development will not create increased traffic safety hazards or further congestion in the area of the development or create traffic safety hazards with intersecting public streets external to the site.¹

(44-10)

¹ Adopted February 1, 1993; effective February 5, 1993.
(See Appendix B)

APPENDIX B

PROVISIONS OF DECLARATION OF RESTRICTIONS, COVENANTS & RESERVATIONS

Use of Premises

- a) The premises shall be used solely for private dwelling purposes. No manufacturing or merchandising shall be permitted, and no advertising signs shall be erected or maintained upon the premises, except signs used to advertise the premises for sale during the period of development and construction.
- b) Commercial vehicles, recreational vehicles, boats, trailers and the like shall not be parked upon any lot so as to be visible from the street or any adjacent lot in the subdivision, except for commercial vehicles parked temporarily while engaged in providing products or services to the owner of said lot.

Buildings

- a) No more than one (1) single family dwelling and the normal outbuildings and improvements appurtenant thereto shall be constructed on each lot. Such dwelling shall contain not less than 1,200 square feet of living area for a single family residential home.
- b) No tents, trailers, satellite dishes, above-ground pools or temporary structures shall be erected or maintained upon any lot, except such temporary shelter as may be needed for construction materials during the period of development, or while a dwelling house and appurtenant structures are being erected on said lot.
- c) No lot owner shall construct any improvement, which is not within the set back lines as provided for in the Zoning Regulations of the Town of Cheshire.

Fences and Hedges

Fences and hedges within the subdivision, if installed, shall be not more than four (4) feet high, and shall consist exclusively of privet, or other growing hedges, paddock fences, split-rail fences or stone walls. No such fence or stone wall shall be installed any closer to the street than the exterior rear wall of the living space of the dwelling unit.

Animals

No livestock or poultry shall be raised or kept on the premises. Animals of varieties normally considered domestic pets may be kept on the premises as pets, but are limited to two (2) of each variety, and a total of no more than four (4) for each lot.

Clothesline

No outside clothesline, poles or other such devices shall be used upon said premises for the purpose of drying or hanging laundry.

Waste Control

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. Empty trash cans placed at the curb for pick-up, may not remain at the curb in excess of twelve (12) hours.

APPENDIX B

AFFORDABLE HOUSING RESTRICTIVE CONENANT¹

This Restrictive Covenant is made this _____ day of _____, 2000__, by and between _____, a Connecticut Corporation with an office and principal place of business located in the Town of _____, County of _____ and State of Connecticut, hereafter called the “Grantor”, and the TOWN OF CHESHIRE, or such other governmental entity as it may designate, hereinafter called “Grantee”.

WITNESSETH:

WHEREAS, the Grantor is the owner of real property, situated in the Town of Cheshire as more particularly described in Exhibit A attached hereto, hereinafter the “Property”; and

WHEREAS, the Grantor intends to develop the Property as residential housing, and to provide that it will be preserved as affordable for at least thirty (30) years after the initial occupancy of the property pursuant to Connecticut General Statutes Section 8-30g (f) (2) and 8-39a; and

WHEREAS, the Grantee is a governmental agency committed to the development and preservation of affordable housing, including the enforcement of General Statutes Section 8-30g;

NOW, THEREFORE, in consideration of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, said Grantor does hereby give, grant, bargain, sell and confirm unto said Grantee, its successors and assigns, the right, privilege and authority to enforce this Restrictive Covenant as follows:

- 1) The Property shall be “assisted housing” as defined in Section 8-30g of the Connecticut General Statutes, as amended; or
- 2) The Property shall be financed by the Connecticut Housing Finance Authority mortgages, as set forth in Section 8-30g (f) (2) of the Connecticut General Statutes, as amended; or
- 3) The Property shall be sold or rented as an “affordable housing unit” as defined in Section 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of thirty (30) years after the initial occupation as calculated for each affordable housing unit.

(B-3)

¹ Amended April 27, 1998; effective May 1, 1998 at 12:01 a.m.

For purposes of this covenant, “affordable housing unit” means housing for which persons and families pay thirty percent (30%) or less of their annual income, and the housing costs included in this definition are:

- a) for rental housing, the cost of housing includes the cost of rent, common charges in the case of a rental in a common interest community if the tenant is directly responsible, heat and utility costs, excluding costs of telephone and cable television. Reasonable estimates may be used to calculate the annual heat and utility costs.
- b) for ownership housing, the cost of housing includes periodic mortgage payments, taxes, insurance, common charges in the case of ownership of a unit in a common interest community, heat and utility costs, excluding costs of telephone and cable television. Reasonable estimates may be used to calculate the annual heat and utility costs.

If Connecticut General Statutes Section 8-30g is amended, or if the Connecticut Department of Housing promulgates regulations which effectively amend the standards set forth on this Section 3 with respect to the definition of affordable housing or applicable housing costs, then such amended statute or regulation shall be controlling.

- 4) The Grantor, or any subsequent transferor of the Property, collectively hereinafter the “Transferor”, shall certify to the Grantee that
 - a) a prospective purchaser or renter of the Property, hereinafter the “Transferee” qualifies within the income limitations set forth in Section 1, and
 - b) the rental amount or purchase price complies with the standards set forth in Section 3.

Grantee shall have ten days from the receipt of such certification to

- a) certify that such information satisfies the requirements of this Restrictive Covenant; or
- b) contest such income qualification or housing cost standard.

If the Grantee does not certify or contest within this time period, then the Transferor shall execute as affidavit, pursuant to Connecticut General Statutes Section 47-12a so stating and the transfer shall be deemed to satisfy the requirements of the Restrictive Covenant.

- 5) In the event that the Transferor conveys the Property to Transferee for an amount that exceeds the housing costs as set forth in Section 3, the Transferee shall be entitled to recover from Transferor an amount equal to:
 - 1) the difference between the housing costs charged and the allowable housing charge;
 - 2) the legal rate of interest on such difference over the period of time of the overpayment; and

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SECTION 44A AFFORDABLE HOUSING DEVELOPMENT¹

44A.1 Purpose. The purpose of this Section is to facilitate the development of affordable housing by detailing the procedures for approval of an Affordable Housing District Zone Change Petition and approval of a Special Permit Application for an Affordable Housing Development.

44A.2 Definitions.

44A.2.1 An "Affordable Housing Development" ("AHD") is a residential development which meets one or more of the following criteria:

- A) It is "assisted housing" which means that it is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code; or
- B) It is a "set-aside development" which means that not less than twenty-five percent (25%) of its dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units (designated as "Affordable Housing Units") shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income or of the state median income, whichever is less, as determined by the United States Department of Housing and Urban Development.

44A.2.2 An "Affordable Housing District" ("AH District") is an overlay zoning district within which Affordable Housing Developments are permitted in accordance with the requirements set forth in this Section 44A.

44A.2.3 "Monthly payment" for any Affordable Housing Unit that is sold or resold within a set-aside development is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum monthly payment for an Affordable Housing Unit that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs for which the tenant is directly responsible (including hot water and electricity, but excluding television, telecommunications, and information technology services).

44A.3 Qualifying Standards. For An Affordable Housing District Zone Change.

44A.3.1 No tract of land shall be considered for an AH District Zone Change unless it meets the following minimum qualifying standards:

- 1) The tract is located within one or more of the following zones: R- 20, R-20A, R-40, R-80 SARDD, C-1, C-2, and C-3.
- 2) However, access may be over land in a zone not listed above, provided that the tract meets the 50' minimum frontage requirements of this Section 44A.3.1.

This Section 44A shall not be varied by action of the Zoning Board of Appeals to permit affordable housing in districts within the Town in which an Affordable Housing Development is not otherwise permitted.

- 3) The tract shall have frontage on one or more of the following State or Town roads or parts thereof or have a minimum of 50' of frontage on a Town road within 500 feet of State Highway 10, State Highway 70 between the Cheshire-Waterbury boundary line and Wiese Road, Country Club Road, Higgins Road east of Oak Avenue, Jarvis Street, Oak Avenue. In addition to frontage on the foregoing roads, the tract may have access to other roads if the Planning and Zoning Commission finds traffic conditions warrant it.
- 4) The site is currently served by public water and by state or municipally approved private sanitary sewers or by public sanitary sewers, meeting state water quality standards for waste water at the property line.
- 5) The site is not less than 5 acres nor more than 25 acres.

44A.4 Procedure for an Affordable Housing Zone Change Petition.

44A.4.1 The applicant shall submit the original plus seven (7) copies of an Affordable Housing Zone Map Change Petition and of the submittals required by Section 44A.4.2 of these Regulations to the Commission in conformity with the requirements of Section 44A.4.2 and Section 70 of these Regulations. Where the submittal requirements of Section 70 and Section 44A differ, the submittal requirements of Section 44A shall control.

44A.4.2 The following documents, reports, and maps shall accompany the Zone Map Change Petition:

(44A-2)

- A) A map drawn to a scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the Cheshire Assessor's records.
- B) A conceptual site plan of the tract that is the subject of the Zone Change Petition drawn to a scale of not less than 100 feet to the inch containing the following information:
 - a) The approximate location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).
 - b) Proposed density of the site, delineated in units per acre.
 - c) The proposed percentage of Affordable Housing Units.
- C) **Fee.** A check made payable to the Collector, Town of Cheshire, Connecticut, for the applicable application fee.
- D) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development.
- E) A report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.
- F) A preliminary report by a professional engineer showing conceptually how stormwater would be managed on the site.
- G) Preliminary Conceptual architectural plans showing examples of the building designs.
- H) A preliminary traffic impact study prepared by a professional engineer showing that the site can be developed within accepted safety standards.

44A.5 Approval of an Affordable Housing Zone Change Petition.

44A.5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission shall approve a petition seeking creation of an Affordable Housing District unless it finds the following:

- A) Denial of the petition is required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; such substantial public interests clearly outweigh the need for affordable housing; and such substantial public interests cannot be otherwise protected by reasonable changes to the petition; or
- B) The petition would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses or the petition does not propose an Affordable Housing Development, as defined in Section 44A.2.2 of these Regulations or the Petitioner does not meet the Qualifying Standards of Section 44A.3.

44A.5.2 In determining whether or not to approve the petition, the Commission shall also consider the following factors:

- A) Consistency of the rezoning with the Town's Plan of Conservation and Development.
- B) The supply of affordable housing within the Town and the Central Naugatuck Valley Planning region.

44A.5.3 If the petition is approved, the Commission shall assign the parcel an AH District classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

44A.6 Procedure For An Affordable Housing Development Application.

44A.6.1 An Affordable Housing Development Application shall be filed in the office of the Cheshire Planning and Zoning Commission. The application shall be treated as a Special Permit application pursuant to Section 40 of these Regulations and shall be accompanied by the fee required for a Special Permit application. Additionally, to the extent that the submittal requirements of Section 44A.6.4 and Section 44A.4.2 (Zone Change Petition) are the same, the applicant is not required to submit duplicate submittals but may use the Section 44A.4.2 submittals to satisfy the requirements of Section 44A.6.4.

44A.6.2 If the applicant desires to develop the AHD in phases, that request must be set forth in the Affordable Housing Development application, and the Commission shall undertake Site Development review for all phases proposed for immediate development, simultaneously with its review of the AHD Special Permit application.

44.A.6.3. Affordable Housing Development Application

The applicant may file an Affordable Housing Site Development Application concurrently with the filing of an Application for an Affordable Housing Zone Change Petition or after its application for an Affordable Housing Zone Change has been approved by the Commission. In addition to the requirements of Section 40, SPECIAL PERMITS, the applicant shall submit the following with its Affordable Housing Development Application:

- 1) An A-2 survey map of the entire parcel of land on which the AH Development is proposed showing the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent records of the Town of Cheshire Assessor.
- 2) A Site Development Plan as required by Section 40.2.1 of the SPECIAL PERMITS regulations but at a minimum of 1 inch = 40 feet, including:
 - a) Existing and proposed property lines and the names and addresses of all current, abutting property owners (including those across any street) as indicated in the most recent Assessor's records.
 - b) Parcel size and dimensions.
 - c) Existing and proposed grade contours at 2 feet intervals.
 - d) Storm drainage, sewage disposal, and water supply facilities.
 - e) The location of each of the areas to be used at the site and their intended purpose (residential, Open Space, recreational, parking, etc.).
 - f) Locations of existing structures, uses, roads, and other features of the parcel.

- g) All existing and proposed, public and private, streets, highways, and rights of way; access to and from the existing town roads; proposed parking and loading areas; driveways; and other proposed points of access to residential and nonresidential uses.
 - h) All existing and proposed utilities and connections, including utility terminal boxes.
 - i) The existing and proposed pedestrian circulation system including its interrelationship with the vehicular circulation system, Open Space system, and other areas of common use.
 - j) A landscape plan describing the proposed treatment of the interior and perimeter of the AHD and the materials and techniques to be used, such as trees and/or shrubs, lawn, living screens, berms, fences, and all natural terrain to remain in its natural conditions (such as rocky outcrops, swamps, ponds, open space, etc.).
 - k) Proposed density of the site as authorized by the AH District within which the property is located.
 - l) The proposed percentage of deed restricted affordable housing units and their proposed location.
- 3) A report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements, if any, to accommodate projected traffic.
 - 4) A written summary of the proposed number of dwelling units broken down by number of bedrooms and the number of Affordable Housing Units, including the calculation used to determine the total number of dwelling units allowed pursuant to this Section 44A.
 - 5) A map showing topography at two (2) foot contour intervals and depicting all flood plain, flood hazard, wetlands areas, watercourses, and slopes above twenty-five percent (25%).
 - 6) A detailed map of that part or phase of the entire tract which is proposed for immediate development showing proposed location and building envelope of buildings, other structures, signs, outdoor illumination, and outside storage areas.

(44A-6)

- 7) Preliminary building plans detailing the following:
 - a) A typical floor plan.
 - b) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.
 - c) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.
- 8) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and dwelling units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.
- 9) A written report prepared by a professional engineer addressing the characteristics of the surface water flow and/or drainage anticipated from the proposed development and the proposed means and manner of its disposition, including appropriate sedimentation and erosion controls and detailing all necessary easements.
- 10) A copy of the feasibility approval or final approval issued for the project by Cheshire's Water Pollution Control Authority.
- 11) If applicable and upon issuance by the Cheshire Inland Wetlands and Watercourses Commission (IWWC), a report of the IWWC made pursuant to the Connecticut General Statutes, as amended, and a copy of the permit issued by the IWWC authorizing regulated activities, if any.
- 12) If applicable and upon issuance by the Cheshire Planning and Zoning Commission, a copy of the conclusions or report made by the Commission pursuant to Section 47 of these Regulations, concerning aquifer protection. If reports were received by the Commission from the South Central Connecticut Regional Water Authority, the Department of Environmental Protection, and/or adjacent towns in its review process, copies of those reports shall also be submitted to the Commission.
- 13) An "Affordability Plan" conforming with Section 8-30g of the Connecticut General Statutes and Section 8-30g-7 of the Regulations of the State of Connecticut Agencies.

44A.7 Approval of An Affordable Housing Development Application.

44A.7.1 The Commission shall approve an Affordable Housing Development Application unless it finds the following:

- A) Denial of the application is required to protect substantial public interests in health, safety, or other matters which the Commission May legally consider; such substantial public interests clearly outweigh the need for affordable housing; such substantial public interests cannot be otherwise protected by reasonable changes to the application; or
- B) The application would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; or the application does not propose an Affordable Housing Development, as defined in Section 44A.2 of these Regulations; or
- C) The application does not meet the requirements for an Affordable Housing Development Application as set forth herein.

44A.7.2 In determining whether or not to approve the application, the Commission shall also consider the following factors:

- A) Whether the application complies with all the requirements of this Section 44A and Section 40, of these Regulations.
- B) Whether provisions for water, sewerage, and stormwater, are adequate; and do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site.
- C) If applicable, whether the proposed development violates its aquifer protection approval, if any.
- D) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.
- E) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the AHD or at intersections of AHD access drives and existing, public streets.

44A.7.3 The Commission may attach appropriate modifications to an approval of an Affordable Housing Development Application to assure compliance with this Section 44A and to protect substantial public interests in health, safety, or other matters the Commission is legally authorized to consider which interest is

jeopardized by the proposed AHD and which clearly outweighs the need for affordable housing.

44A.7.4 Affordable Housing Restrictive Covenant:

- A) As a condition of approval of an Affordable Housing Development Application, the applicant shall be required to execute an “Affordable Housing Restrictive Covenant” complying with Section 8-30g of the Connecticut General Statutes and Section 8-30g-9 of the Regulations of Connecticut State Agencies.
- B) The final form of the Affordable Housing Restrictive Covenant shall be subject to review and approval by the Town Attorney for the Town of Cheshire.
- C) This covenant shall run with the land and be enforceable by the Town of Cheshire until released by the Town or until automatically released by operation of the Connecticut General Statutes as amended.
- D) Such restrictions shall also be contained in the lease for rental and/or deeds of Affordable Housing Units.

44A.7.5 Approval of an Affordable Housing Development Application shall be conditioned upon the applicant's filing a bond with surety with the Commission to assure completion of the public improvements for the development as shown on the approved map submitted in connection with the Affordable Housing Development Application.

44A.7.6 Upon completion of the public improvements to the satisfaction of the Commission, the Commission shall release the bond. Public improvements shall mean public streets, sidewalks, street lighting, storm and sanitary sewer facilities, and any other physical improvements proposed for public ownership.

44A.7.7 Where Affordable Housing Units are to be sold and owned by individual owner's maintenance of the common improvements shall be assumed by a fully organized and functioning homeowners' or unit owners' association which association has the authority and ability to assume this responsibility. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners.

44A.7.8 Except as otherwise provided in the Connecticut General Statutes, as amended, Site Development approval is conditioned on satisfaction of any conditions of approval for, and completion of all work in, the approved part or phase of the AHD within five (5) years after publication of notice of the Site Development approval.

44A.7.9 The Commission may extend its development approval upon application by the developer, or its successor, as provided in the Connecticut General Statutes.

44A.7.10 A zoning permit for non-affordable units in the AHD shall be issued only after the completion and issuance of a zoning permit for a pro rata number of units of restricted Affordable Housing Units. The pro rata allocation shall be based on the proportion of the number of affordable housing units to the total units approved in the whole AHD.

44A.8 Design Standards and Dimensional Requirements For Affordable Housing Developments. The following standards shall apply to the design and development of all AHDs:

44A.8.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Cheshire, the maximum number of dwelling units per net buildable acre in AHDs is as follows: **Ten (10)** units per net buildable acre. Net buildable acreage means gross acreage excluding all ponds or other substantial bodies of water and excluding fifty percent (50%) of any acreage designated as inland wetlands, flood plain areas (as defined in Section 46.1 of these Regulations), and all land having slopes in excess of twenty-five percent (25%). If the applicant proposes a density greater than the maximum density specified in this Section, the applicant shall submit to the Commission an economic analysis detailing why the project requires the higher density.

44A.8.2 All buildings in any AHD shall comply with the following, minimum dimensional requirements:

Minimum setback from street line	25 ft.
Minimum setback from side line	25 ft.
Minimum setback from rear line	50 ft.
Maximum height of structure	50 ft.
Maximum lot coverage	20 %

44A.8.3 No building shall exceed 240 feet in length. Building facades shall include relief and articulation to appear residential in character.

44A.8.4 All utilities shall be underground.

44A.8.5 Minimum floor areas shall be those as established by the State Health Department.

44A.8.6 Affordable Housing Units shall be substantially similar to market rate units in terms of building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

44A.8.7 Parking shall be provided as follows:

- A) Parking spaces within a multifamily phase of development shall be a minimum size of 9' x 18'.
- B) The following minimum number of spaces are required:
 - 1) Two (2) spaces for each dwelling unit.
- C) Adequate, unobstructed space shall be provided for snow storage.
- D) Pursuant to Section 44A.8.10 of these regulations the applicant may request a reduction of the minimum parking space requirements. It shall be the responsibility of the applicant to demonstrate that two (2) spaces per unit are not necessary to meet the needs of the proposed Affordable Housing Development.

44A.8.7 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.

44A.8.8 Exterior lighting shall be provided and maintained within the AHD to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities (if appropriate), and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the AHD shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town's street lighting policy.

44A.8.9 Open Space:

- A) All land not designated as a lot or utilized for dwellings, buildings, driveways, parking, sidewalks, or accessory structures and all common, usable, outdoor space shall be deemed "Open Space". Such Open Space shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.

44A.8.10 Modification Of Design Standards And Dimensional Requirements:

- A) The Commission may modify the design standards in this Section 44A if it finds the following:
- 1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider;
 - 2) Such substantial public interests do not clearly outweigh the need for affordable housing; and
 - 3) Such substantial public interests can be protected by reasonable changes to the application.
- B) Application for modification of any design standards shall be made at the time as the AHD Application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.

44A.9 Conflict. Where the provisions of Sections 40 conflict with the requirements of this Section 44A, the provisions of this Section 44A shall be controlling.

(44a-12)

¹ Approved 5/29/19; effective 6/21/19

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SECTION 45. SPECIAL DEVELOPMENT DISTRICT (S.D.D.)

45.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

45.1.1 To implement the Commercial Plan Chapter of the Plan of Development through legislation and in so doing, provide not only a concentration of future retail uses in the center, but also a flexibility in uses and design in the center;

45.1.2 To permit tracts of land to be developed and designed as harmonious units consistent with the character of the town and neighborhood, the purposes of these regulations, and any Plan of Development adopted by the Planning and Zoning Commission;

45.1.3 To permit the establishment of uses that are not otherwise permitted under these regulations in an established zone, but which would be beneficial to and consistent with the orderly development of the Town and its existing Town Center neighbors;

45.1.4 To permit residential use, as a secondary use in conjunction with a commercial application or by itself, when the size, scope and magnitude of such residential use is, by this application or collectively under all previous residential applications, subordinate to the primary use and purpose of the Special Development District which is to implement the Commercial Plan Chapter of the Plan of Development by encouraging primarily commercial growth;

45.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would be consistent with the Town and its existing Town Center neighbors and would show design merit.

45.2 Location.¹ Special Design applications shall be considered only when the proposed project is at least one and one-half acres² in size or is contiguous to and coordinated with an approved Special Development project. Contiguous shall mean abutting against or directly across a public street from a Special Development project. All projects must be located entirely within the Special Development District as shown on map entitled: "Generalized Location Special Development District on Page 7 of the Commercial Chapter, Plan of Development, Adopted August 25, 1975, Effective September 1, 1975, "and being more particularly bounded and described as follows:

(45-1)

¹ Amendment effective June 26, 1981.

² Amendment effective August 29, 1986.

1st Piece Beginning at the intersection of Maple Avenue and Hinman Street, thence moving easterly along Hinman Street to the intersection of Hinman Street and Highland Avenue (Route 10), thence southerly along Highland Avenue to the intersection of Highland Avenue and Main Street (Routes 68 and 70), thence northwesterly along Main Street to the intersection of Main Street and West Main Street, thence northerly along Maple avenue to the point or place of the beginning.

2nd Piece Beginning at the intersection of South Main Street (Route 10) and Academy Road (Routes 68 and 70), thence running southerly along South Main Street (Route 10) to a point, said point being the southwest corner of Lot #14 as shown on Assessor's Plate #126, thence running easterly along the southerly boundary of said Lot #14 and continuing on the same bearing across Lot #19, Plate #126, to a point, said point being located on the easterly boundary of Lot #19, Plate #126, thence running northerly along the easterly boundary of Lot #19, Plate # 126, to Wallingford Road, thence running westerly along Wallingford Road to the intersection of Wallingford Road and Walnut Street, thence running northeasterly along Walnut Street (shown as the Old Highway on Assessor's Plate #125) to Academy Road, thence running westerly along Academy Road to the place of the beginning.

45.3 Application. Application for approval of a Special Design Project for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by an application fee of \$300.00 made payable to "Collector, Town of Cheshire," together with six copies of the following:

45.3.1A Site Map: A map, sealed and prepared by a licensed land surveyor or a licensed professional engineer, to the quality of an A-2 survey of the area to be changed and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's record within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45.3.1B Architectural Plans:¹ Architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.

(45-2)

¹ Amendment effective June 30, 1978.

45.3.2 Special Regulations: A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special development project shall be drafted by the applicant. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

- a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer areas.
- b) Architectural and design control procedures.
- c) Sign standards.
- d) Landscaping standards.
- e) Standards for covenants for continued maintenance of utility, open space and recreational elements.
- f) Parking requirements.
- g) Time limits or consecutive limits for phase and total development.
- h) A list of proposed permitted uses, standards, and , if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45.3.3 Special Development Plan: A plan of the entire special development project showing in schematic fashion, the areas of proposed development with the following elements:

- a) Proposed use areas and the acreage assigned to each.
- b) Proposed vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access routes, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets.
- c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces.

- d) Proposed general landscaping including modifications to present treed, sloped, and water course areas, areas of formal plantings, and related treatment of open space, present screening and proposed topography.
- e) Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into water courses and ponds and the location of connections of the proposed utility system to present utilities.
- f) Proposed location of buildings and other structures, indicating feasibility in relation to the above elements.
- g) Proposed boundaries for stages of development within the district.

45.4 Prohibited Uses: Prohibited uses in a Special Development District shall include:

- a) All uses prohibited in Sections 31, 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.
- b) Industrial uses except for arts and crafts and those industrial uses allowed by the Zoning regulations in commercial zones;
- c) Gasoline stations;
- d) Automobile repair shops;
- e) Automobile washing and cleaning establishments;
- f) Motor vehicle dealers;
- g) Regional Shopping Centers;¹
- h) Consumption of food and/or beverage off the premises where served;²
- i) The use of shopping carts in parking areas;
- j) Single occupancies of over twenty thousand (20,000) square feet except when used for a retail food supermarket, restaurant, office space, movie theater or other public assembly hall, hotel or motel.

(45-4)

¹ A Regional Shopping Center is one that has one or more large major department store tenants. See Characteristics of Shopping Centers, Planning Design Criteria, Joseph DeChiara & Lee Koppelman, Van Nostrand Reinhold Company, 1969.

² For the purposes of this section, premises shall mean an area owned, rented or leased by the dispenser of said food and/or beverage. This shall not be construed to prohibit retail food markets dealing primarily in packaged and processed goods for home consumption.

45.4.1 Limitations: Outdoor food and/or beverage consumption shall be allowed on the premises where served when all of the following conditions shall have been met:

- a) The dispensing and receipt of said food and/or beverage takes place within the enclosed building where the food and/or beverages are prepared or by waiter or waitress service.
- b) There shall be no pedestrian access from the outdoor consumption area to automobile parking areas except through the building or other indirect means. Said outdoor consumption area shall be completely screened from all parking areas.

45.4.2 Further Limitations: The Commission may limit the amount of development approved in any application for either of the following reasons:

- a) The application exceeds the 15-year projection of need.
- b) The application has an excessive amount of commercial use proposed for a given site when compared to the projection of need, or the size of the site.

In order to assist the Commission in comparing the application to the 48-acre maximum 15-year projection¹, the following calculation shall be submitted as part of the application under this section:

The applicant shall divide the commercial and business square footage proposed, by the square footage per acre allowed in a C-3 zone under the Town of Cheshire Zoning Regulations, including the required parking and all requirements of Sec. 32, Schedule B, for the C-3 zone.

The resultant figure shall be an acreage equivalent figure showing how many acres would be needed by the applicant had his proposal been submitted under C-3 zoning.

45.5 Special Design Project: In acting on any application for a special design project, the Planning and Zoning Commission shall conform to the following procedure:

45.5.1 Procedure: The Planning and Zoning Commission shall hold a public hearing on the application in the same manner as required for amendment of these regulations. Not less than 14 days prior to the hearing, in addition to the information required by law, the applicant shall cause to be submitted the following:

(45-5)

¹ See Page 2, Commercial Plan Chapter - Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, as may be amended.

45.5.1 cont'd.

- a) A report of the Fire Marshal;
- b) A report from the Traffic Authority and, if deemed necessary, a traffic survey prepared by a qualified professional engineer, including traffic counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;
- c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;
- d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;
- e) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information on which to arrive at a decision on a special design application.

45.5.2 Waiver: The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for a special development project.

45.6 Standards and Findings: The Commission may approve a zone change to a Special Development District provided that, in its judgement, the applicant has met the following standards:

- a) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of this Special Development District regulations, the Cheshire Plan of Development, and the laws and standards for zone changes and amendments in the State of Connecticut.
- b) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.
- c) The report from the Fire Marshal, Town Engineer and Traffic Authority does not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided.
- d) Any internal circulation system encourages pedestrian use and discourages automobile traffic.
- e) Separation of vehicular and pedestrian traffic is maintained wherever possible.

Adequate on-site parking for the proposed development is provided.

- f) Increased storm water run-off will be minimized wherever retention is possible and that all proper and necessary easements will have been obtained by the applicant.
- g) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and its existing Town Center neighbors and would show design merit.
- h) The perimeter edge of the proposed development relates to existing development with respect to such things as scale, setback, and the like.
- i) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.
- j) The amount of commercial use proposed (in equivalent commercial acres) is not excessive for the site as proposed, as a portion of the 48-acre Special Development District maximum commercial development.¹
- k) The Open Space System including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.
- l) Open Space set aside or established pursuant to the proposed application site plan shall be made available for public use. The Open Space land shall be held in ownership by the applicant landowner and shall be subject to an agreement with the Town to be filed on the Land Records at the time of approval regarding the applicant landowner's responsibility for maintenance of said Open Space.
- m) In applications which include residential units, the density of proposed residential units per acre is stated clearly with a comparison to that which would normally be allowed in the zone, and that such increased density request is not excessive and is of benefit to the Town.
- n) In applications which include residential units, related recreational or park-like areas shall be shown and that access to residential units and facilities shall be adequately separated from access to other uses and also shall be adequately buffered from traffic and noise.
- o) The residential units proposed will assist in meeting the housing needs of Cheshire.
- p) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.

(45-7)

¹ Commercial Plan Chapter – Plan of Development, Town of Cheshire, Adopted August 25, 1975, Effective September 1, 1975, Page 2.

- q) Phases of development as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.
- r) The Special Development District will be served by public water and public sewers and that all utilities will be underground.

45.7 Approval of Special Development District: The Commission shall approve, disapprove, or approve with conditions, the special regulations and plan, in the manner as required by law for approval of a zone change.

45.7.1 Performance Bond: As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45.7.2 Time Limitation: Any development authorized as an approved Special Development District shall be established and any construction authorized thereby shall be completed within a period of two (2) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

45.7.3 Filing: A certified mylar or equivalent black and white copy of the approved Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved special plans and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

45.7.4 Establishment of District: Upon approval of the special regulations and plan, the Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The special design project shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

45.8 Amendments: Amendments to any previously established Special Development District may be made by the Commission following the same procedure used for the establishment of a Special Development District. Such amendments need not meet the three acre minimum requirements as per Section 45.2.

SECTION 45A

SPECIAL ADAPTIVE REUSE DEVELOPMENT DISTRICT (S.A.R.D.D.)

45A.1 Purpose: The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Special Adaptive Reuse Development District Regulations, is to permit modification of the strict application of the plan and standards of these Zoning Regulations for the following purposes:

45A.1.2¹To permit the adaptive reuse of existing building(s) and other structure(s), for uses otherwise permitted in these Regulations, compatible with the surrounding neighborhood and in a manner beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations, and any Plan of Development adopted by the Planning and Zoning Commission; Provided, however, any proposed uses that are **not** permitted in the original zoning district per Section 30, Schedule A shall be clearly identified in the Special Regulations required by Section 45.A.3.4, along with any additional restrictions to be placed upon them; and

45A.1.3.To permit in pursuit of this purpose the reconstruction and/or rehabilitation of building(s) and other structure(s), where because of their historical significance, architectural merit, design merit, or present condition, their reconstruction or rehabilitation is performed in a manner consistent with the character of the Town, the neighborhood and within the purposes of the Regulations, would be beneficial to the Town, provided (a) the tract is of sufficient size to justify the application of a Special Adaptive Reuse Development, and (b) the Special Adaptive Reuse Development is not inconsistent with particular elements of any Plan of Development adopted by the Planning and Zoning Commission.

45A.2 Qualifying Standards: No tract of land shall be considered for a Special Adaptive Reuse Development District unless it meets the following minimum qualifying standards.

- a) The tract shall consist of a single lot or a number of contiguous lots under one ownership or control having a total area of not less than (3) acres;
- b) The tract shall be located in an R-20A, R-20, R-40, C-1, C-2, C-3, R-80, I-1 or I-2 Zone;
- c) The tract shall be in a Special Adaptive Reuse (SAR) Overlay Zone as specified below in Section 45A.2.1; and
- d) The tract shall be served by public water and public sanitary sewer.

45A.2.1 Establishment: The establishment of a SAR Overlay Zone within an existing zone shall be considered a zone change subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, and, except as noted herein, the

(45A-1)

¹ Amendment approved 12/9/2013; effective 12/27/13 at 12:01 a.m.

provisions of Section 70 and Section 26 of the Cheshire Zoning Regulations shall apply. A SAR Overlay Zone shall be established only in conjunction with the approval of a Special Permit for a Special Adaptive Reuse Development by the Planning and Zoning Commission. The establishment of a SAR Overlay Zone with respect to any tract shall not preclude the tract from being put to other uses permitted in the underlying zone in the event the plans to develop a S.A.R.D.D. are formally abandoned or the use of the tract as a S.A.R.D.D. is completely discontinued.

45A.3 Application: Completed applications for a zone change, meeting the requirements of Section 45A.3.3, and for a Special Permit for a Special Adaptive Reuse Development, with the required fees made payable to "Collector, Town of Cheshire," shall be submitted to the Commission accompanied by six (6) copies of the following:

45A.3.1 Site Map: An A-2 survey map, sealed and prepared by a licensed Land Surveyor, of the area to be changed and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's record within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; watercourses; wetlands as shown on the Official Cheshire Inland Wetlands and Watercourses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45A.3.2 Architectural Plans: Architectural plans of all proposed buildings, structures and signs, including general exterior elevations, perspective drawings and generalized floor plans and including drawings for proposed signs.

45A.3.3. Certification: A Certification by an appropriate licensed professional that the structure(s) meet one or more of the criteria set forth in Section 45A.1.3.

45A.3.4 Special Regulations: A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the special adaptive reuse development project shall be drafted by the applicant. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

(45A-2)

- a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer area.
- b) Architectural and design control procedures.
- c) Sign standards.
- d) Landscaping standards.
- e) Standards for covenants for continued maintenance of utility, open space and recreational elements.
- f) Parking requirements.
- g) Time limits or consecutive limits for phase and total development.
- h) A list of proposed permitted uses, standards, and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45A.3.5 Special Adaptive Reuse Development: Plans prepared by the appropriate licensed professional(s), of the entire Special Adaptive Reuse Development project showing in schematic fashion, the areas of proposed development with the following elements:

- a) Proposed use areas and the acreage assigned to each;
- b) Proposed vehicular and pedestrian circulation patterns, including location, size and adequate number of parking stalls, access routes, parking barriers, walk, recreational and bicycle ways, curb cut and crossing locations on existing and proposed streets;
- c) Proposed open space areas, such as parks, lawn areas, recreational and natural spaces;
- d) Proposed general landscaping including modifications to present treed sloped, and watercourse areas, areas of formal plantings ,and related treatment of open space, present screening and proposed topography; and

(45A-3)

- e) Schematic layouts of utility systems, including water, sewerage, and drainage including capacity and additional flow into watercourses and ponds and the location of connections of the er

45A.3.6 Public Hearings: After receipt of the completed applications for zone change and for Special Permit, together with the required application fees, the Commission shall hold public hearings and take action to approve, approve with modifications, or deny the zone change and Special Permit applications within the time limits provided in Sections 8-3 and 8-7d of the Connecticut General Statutes. When acting on any application for a zone change as set forth herein, the Commission shall be deemed to act in its legislative capacity.

45A.4 Prohibited Uses: Deleted¹

45A.5 Standards and Findings: The Commission may approve an application for a Special Permit for a Special Adaptive Reuse Development provided that, in its judgment, the applicant has met the following standards:

- a) The Special Adaptive Reuse Development, as proposed, shall retain at least fifty (50%) of the gross floor area of the existing building(s) and the total gross floor area of the Special Adaptive Reuse Development, as proposed, shall not exceed 150% of the gross floor area of the existing structures on the lot or lots;
- b) The reports from the Fire Marshal, and Traffic Authority do not indicate that there will be any significant public safety or fire protection problems and that emergency access is adequately provided;
- c) Any internal circulation system encourages pedestrian use and discourages automobile traffic;
- d) Separation of vehicular and pedestrian traffic is maintained wherever possible;
- e) Adequate on-site parking for the proposed development is provided;
- f) There shall be a zero increase in net storm water run-off;

(45A-4)

¹ Amendment approved 12/9/13; effective 12/27/13 at 12:01 a.m.

- g) The design and construction of building(s) and other structure(s), which by virtue of their historical significance, architectural merit, and design merit, are reconstructed and/or rehabilitated pursuant to this regulation, shall be consistent with the character of the Town and the neighborhood, and shall be reconstructed and/or rehabilitated in a manner consistent with and most likely to preserve the historic nature, architecture and design of the existing building(s) and other structure(s);
- h) The perimeter edge of the proposed development relates to existing development with respect to such things as scale, setback, and the like;
- i) Landscaping, lighting, graphics, and street furniture, if any, have been coordinated to create a pleasing public environment;
- j) The amount of commercial use proposed (in equivalent commercial acres) is not excessive for the site as proposed;
- k) The Open Space System, if any, including pedestrian walks is usable, and beneficial;
- l) In applications which include residential units, the density of proposed residential units per acre is stated clearly with a comparison to that which would normally be allowed in the zone, and that any request for increased density of residential units over the prior use is not excessive;
- m) In applications which include residential units, related recreational or park-like areas, if any, shall be shown and that access to residential units and facilities shall be adequately separated from access to other uses and also shall be adequately buffered from traffic and noise;
- n) The residential units, if any are proposed, will assist in meeting the housing needs of Cheshire; and
- o) Phases of development, if any, as submitted are capable of sustained and independent existence within the standards of this section without development of subsequent phases.

45A.6 Approval of Special Adaptive Reuse Development District: The Commission shall approve, deny, or approve with conditions and safeguards as set forth in Section

40.5 of these Regulations, the application for a Special Permit for the Special Adaptive Reuse Development, after considering the factors set forth in Section 40.4 of these Regulations.

45A.7.1 Performance Bond: As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit a Cash Bond or Performance Bond in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45A.7.2 Time Limitation: Any development authorized as an approved Special Adaptive Reuse Development District shall be established and any construction authorized thereby shall be completed within a period of two (2) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown.

45A.7.3 Filing: A certified mylar or equivalent black and white copy of the approved Special Adaptive Reuse Development shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety (90) days shall be void. A certified mylar or equivalent black and white copy of the approved Special Adaptive Reuse Development Plans and four paper copies shall also be filed with the Commission.

45A.8 Amendments: Amendments to increase the area of any previously established Special Adaptive Reuse Development District may be made by the Commission following the same procedure used for the establishment of a Special Adaptive Reuse Development District. Such amendments need not meet the three (3) acre minimum requirement as per Section 45A.2.

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**SECTION 45B¹ INTERCHANGE SPECIAL DEVELOPMENT DISTRICT
(I-C.S.D.D.).**

45B.1 Purpose. The purpose and intent of this Section of the Cheshire Zoning Regulations, to be known as the Interchange Special Development District Regulations, is to permit modification of the strict application of these Zoning Regulations for the following purposes:

45B.1.1 To create diversity in the economic base of the Town of Cheshire by providing for a zone classification known as the Interchange Special Development District (I-C.S.D.D.) within which developments, including Mixed Use Development(s), providing for flexibility in use and design shall be allowed pursuant to this section of the Cheshire Zoning Regulations. Only areas within the Interchange Zone (I-C), but not the R40/I-C Zone, as of the effective date of these regulations may be considered for a change to Interchange Special Development District (I-C.S.D.D.). Developments within the I-C.S.D.D. shall be known as Interchange Special Development Projects;

45B.1.2 To permit tracts of land, including subdivisions of tracts, to be developed and designed as harmonious units consistent with the character of the town, the purposes of these regulations, and any Plan of Conservation and Development adopted by the Planning and Zoning Commission;

45B.1.3 To permit the establishment of uses that are not otherwise permitted under Section 48, Interchange Zone Regulations, but which would be beneficial to and consistent with the orderly development of the properties located in the Interchange Zone (I-C);

45B.1.4 To permit residential uses that shall be integrated with and demonstrably enhance the overall development, and which complement the other uses in the proposed I-C.S.D.D.;

45B.1.5 To permit the design and construction of buildings, other structures and facilities, that by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features, would create a friendly pedestrian atmosphere. Such development shall include design ambiance, and open, activated edges to open space areas.

45B.2 Location. Interchange Special Development Project applications shall be considered only when the proposed project is served by public water and sewer and has frontage and access on Connecticut Route 10 (Highland Avenue), or is contiguous to and coordinated with an approved Interchange Special Development Project. Contiguous shall mean abutting against an approved Interchange Special Development Project. All projects must be located on property entirely within the Interchange Zone and designated I-C (Not R-40/I-C) on the official zoning map of the Town of Cheshire.

(45B-1)

¹ Approved 5/29/19; effective 6/21/19

45B.3 Application. Application for approval of an Interchange Special Development District for one or more of the purposes set forth herein shall be submitted in writing on forms supplied by the Planning and Zoning Commission, accompanied by a Petition For a Zone Map Change pursuant to the provisions of Section 70 of these Regulations requesting a change in the underlying I-C Zone to I-C.S.D.D., and the required application fee made payable to "Collector, Town of Cheshire," together with nine (9) copies of the following:

45B.3.1 Site Map. A map compiled from the Town of Cheshire Assessor's Maps and Town Topographical Map, sealed and prepared by a licensed land surveyor showing the area to be changed to I-CSDD and all land within 500 feet of such area, showing all lot lines; the proposed zone boundaries; the names and addresses of all owners as appearing on the latest assessor's records within the proposed zone to be established and within 500 feet of such area; streets; highways; rights-of-way; water courses; wetlands as shown on the Official Cheshire Inland Wetlands and Water Courses map; existing and proposed contours at a two-foot interval; Flood Plains designated by the Federal Insurance Administration, existing zone designations; and existing zone boundaries. There shall be a key map at a scale of not less than 1"=400' showing the proposed zone change boundaries.

45B.3.2 Special Regulations. A proposed set of special regulations listing the elements of the existing regulations, limitations and conditions of the underlying zone which are to be modified or eliminated, and new regulations, limitations and conditions which shall be applicable to the Interchange Special Development Project shall be drafted by the applicant, approval of which shall be subject to review and modification at the discretion of the Planning & Zoning Commission as provided herein. All words and terms which are defined in Section 23 of the existing regulations shall be used as so defined. The standards shall follow the typographic format of the existing regulations. The special regulations may divide the district into areas, and assign different standards to each area, provided the intent of such action and the relationship of the areas to each other are consistent with the purpose of this section. The regulations shall include the following elements and standards:

- a) Bulk regulations, regulations covering lot width, front yards, side yards, rear yards, height limitations, minimum and maximum floor areas, open space, lot coverage or natural or screening buffer areas. Any increase to the existing height limitation of 50' for the ICZ must be accompanied by additional setback requirement of two feet for each one-foot of structure height for that portion of any building where increased height is requested. No portion of any structure may exceed 65' of building height as defined within these regulations. Residential structures shall not exceed 50 feet in height.
- b) Sign standards

- c) Architectural and Landscaping standards including:
 - i) Physical elements which shall include the relationships between the buildings and proposed and existing streets, pedestrians and vehicles, and public and private spaces
 - ii) Site design and building forms which create a place that establishes a continuous neighborhood
 - iii) Architectural characteristics that fit and enhance the character of the local neighborhood within which they are set
 - iv) Landscaping elements that provide screening, visual contrast, protect scenic views and integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation
- d) Standards for covenants for continued maintenance of utility, open space and recreational elements.
- e) Parking requirements
- f) Time limits or consecutive limits for phase and total development
- g) A list of proposed permitted uses, standards, and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements.

45B.3.3 Special Development Plan. A plan of the entire proposed Interchange Special Development District (the “Special Development Plan”) showing in schematic fashion, the areas of proposed development with the following elements:

Potential use areas and the acreage assigned to each.

Preliminary vehicular and pedestrian circulation patterns including location, size and adequate number of parking stalls, access management strategies, parking barriers, walk, recreational, and bicycle ways, curb cut and crossing locations on existing and proposed streets.

Potential open space areas, such as parks, lawn areas, recreation and natural spaces.

Schematic layouts of utility systems, including water, sewerage, and drainage.

Potential location of buildings and other structures, indicating feasibility in relation to the above elements.

Proposed Architectural and design features.

Proposed boundaries for stages of development within the district, if applicable.

45B.4 Prohibited Uses. Prohibited uses in an Interchange Special Development District shall include:

- a) All uses prohibited in Sections 31.1 and 31.2 of the Zoning Regulations of the Town of Cheshire.
- b) Industrial uses except for arts and crafts, those industrial uses allowed by the Zoning Regulations in commercial zones, and industrial uses allowed in the I-C Zone;
- c) Motor vehicle repair shops, requiring licensing by the State of Connecticut; provided this section shall not prohibit the installation of aftermarket accessories sold by the primary occupant, including but not limited to cell phone accessories, stereo systems, alarms, remote starters and the like;
- d) Motor Vehicle washing and cleaning establishments;
- e) Motor vehicle dealers

45B.5 Interchange Special Development Project. Prior to acting on any application for an Interchange Special Development Project, the Planning and Zoning Commission shall adhere to the following procedure:

45B.5.1 Procedure. The Applicant shall file an application in the same manner as required for a Special Permit Approval, under Section 40~~4~~ of these Regulations. Each lot within a subdivision approved as an Interchange Special Development District (I-C. S.D.D.) shall be considered separately for approval as an Interchange Special Development Project and shall comply with the Interchange Special Development Project requirements and the Special Regulations approved pursuant to Section 45B.3.2 at the time of application pursuant to Section 45B.5. In addition, if not required by the Special Permit Regulations and the Special Regulations, the applicant shall cause to be submitted the following:

- a) A report of the Fire Marshal;
- b) A report from the Local Traffic Authority and a traffic study prepared by a qualified professional engineer, including traffic counts, flow pattern, and capacity analysis of present and proposed intersections, roads and entrances within and serving the development;
- c) A report from the Town Engineer with respect to the adequacy of drainage, the engineering soundness of the street layout, traffic considerations, and the utility plan;
- d) Reports of other departments, commissions and agencies as may be required by the Planning and Zoning Commission;
- e) A storm water management study that calculates existing and post development drainage and discusses the choices and rationale for management of these flows;

- (f) A fiscal impact study including, but not limited to: the anticipated change in the Grand list, the effect on Town services to be provided and their anticipated costs, and a projection of the changes in these items for the next five years;
- g) An Environmental Assessment of the site;
- h) A report, when applicable, describing the Archaeological Characteristics of the site;
- i) A market study for any residential units proposed within the development;
- j) It shall be the sole responsibility of the applicant to provide sufficient data in all areas through consultant or other means to give the Planning and Zoning Commission adequate information on which to arrive at a decision on an Interchange Special Development Project application.

45B.5.2 Waiver. The Planning and Zoning Commission by majority vote may waive the submission of all or part of the information required by any part of this section of the Zoning Regulations if it finds that the information is not necessary in order to decide on the application for an Interchange Special Development Project.

45B.6 Standards and Findings. The Commission may approve a zone change to an Interchange Special Development District and an Interchange Special Development Project, only if in its judgment, the applicant has met all the following standards and the Commission finds that the zone map change and Special Development Project are in the best interests of the town:

- a) The special regulations, as proposed, as well as the proposed development, are consistent with the intent of these Interchange Special Development District (I-C.S.D.D.) regulations, the Cheshire Plan of Conservation and Development, and the laws and standards for zone changes and amendments in the State of Connecticut.
- b) The proposed project is designed with recognition of a site's context and character.
- c) That the natural features of the land have been considered as design determinants.
- d) That important historic and archaeological characteristics have been respected and considered as design determinants.
- e) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.

- f) There will not be any significant public safety or fire protection problems and that emergency access is adequately provided.
- g) Any internal circulation system encourages pedestrian use and provides linkage throughout a development to the maximum extent possible.
- h) Separation of vehicular and pedestrian traffic is maintained to the greatest extent possible.
- i) Adequate on-site parking for the proposed development is provided, consistent with items f) through h), above.
- j) Storm water run-off will be controlled wherever retention or detention is possible and that all proper and necessary easements will have been obtained by the applicant.
- k) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features would be consistent with the Town and would show design merit.
- l) The perimeter edge of the proposed development relates to existing development with respect to scale and setback.
- m) Landscaping, lighting, graphics, and street furniture have been coordinated to create a pleasing public environment.
- n) The open space system including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.
- o) Open space set aside or established pursuant to the proposed Special Permit application and Special Regulations shall be made available for public use or established as a conservation area. Unless approved by action of the Town Council, the Town of Cheshire shall have no responsibility for the open space areas or their uses.
- p) Recreational or park-like areas related to residential units shall be shown.
- q) Any residential units proposed will be beneficial to the Town of Cheshire, satisfy a demonstrated need within the local housing market, and be integrated with and demonstrably enhance the overall development.
- r) There is a reasonable assurance that the developer has the financial and organizational capability to complete the project as submitted.
- s) Interchange Special Development Projects will include provisions for suitable water supply and sewage disposal in accordance with applicable standards of the Town of Cheshire, the Connecticut State Health

Department, and the Connecticut State Water Resources Commission. All utilities will be underground, except those items customarily placed aboveground such as hydrants, lighting fixtures, transformers, communications equipment and the like.

- t) The overall project is in the best interest of the Town.
- u) In the event the Commission does not approve the Petition For a Zone Map

Change from I-C to I-C.S.D.D., it shall not approve an application for an Interchange Special Development Project.

45B.7 Approval Conditions. Applications for Interchange Special Development Projects may be filed concurrently with the application for a Zone Change to And Approval As An Interchange Special Development District or subsequent to the Planning and Zoning Commission's approval of an Interchange Special Development District.

45B.7.1 All Applications for an Interchange Special Development Project, including those filed subsequent to the approval of a Zone Change to and Approval As an Interchange Special Development District, shall conform with the overall intent and context of the Special Development Plan; provided however, that allowed uses and their locations may differ from those shown on the Special Development Plan. As part of the Application for Interchange Special Development Project and the Special Permit application, the applicant shall file a revised Special Development Plan showing the proposed Interchange Special Development Project.

45B.7.2 Performance Bond. As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit or cause its contractors to submit a Cash Bond or Performance Bond, or another form of surety in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

45B.7.3 Time Limitation. Any development authorized as an approved Interchange Special Development Project shall be established and any construction authorized thereby shall be completed within a period of five (5) years after approval is given. The Commission may extend its approval for one (1) year periods after a public hearing for a good cause shown, provided no approval, including all extensions, shall be valid for more than ten (10) years from the date the Interchange Special Development Project was first approved.

45B.7.4 Filing. A certified mylar or equivalent black and white copy of the approved Interchange Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved Special Development Plan and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

45B.7.5 Establishment of District. Upon approval of the Special Regulations and Special Development Plan, the Interchange Special Development District shall be considered established and these regulations and the zoning map shall be considered to be modified to permit establishment of the development as approved. The Interchange Special Design District shall be shown on the zoning map with a reference to the records of the Planning and Zoning Commission where the approved standards and plans may be seen.

45B.8 Amendments. Amendments to any previously established Interchange Special Development District may be made by the Commission following the same procedure used for the establishment of a Interchange Special Development District.

SPECIAL REGULATIONS FOR I-C.S.D.D.¹

I-C.S.D.D. The development of I-C.S.D.D. shall generally conform to the applicable sections of the Zoning Regulations of the Town of Cheshire and specifically the dimensional provisions applicable to the I-C Zone set forth in Section 48, Interchange Zone Regulations, of the Zoning Regulations of the Town of Cheshire as modified by Section 34.11 Signs Allowed in the Interchange Zone, Section 45B, Interchange Special Development District (I-C.S.D.D.) and as further modified below.

I. Development Standards:

a)	<u>Dimensional Requirements -</u>	
	Minimum Lot Area – Sq. Ft.	40,000 sq. ft.
	Minimum Lot Width	200'
	Minimum Lot Frontage	50'
	Minimum Setback Highland Avenue	50'
	Minimum Setback from Street Line*	25'
	Minimum Setback from Side Line	25'
	Minimum Setback from Rear Line	50'
	Maximum Height of Structure***	75'
	Maximum Lot Coverage	No requirement
	Landscaped space, undisturbed areas, lawns, watercourses and other non-impervious areas	20% of the entire I-C.S.D.D.

* 1-691 shall not be considered a street line, pursuant to Section 32, Schedule B, Dimensional Requirements, Footnote #3.

** Any increase to the height of a building in excess of 50' must be accompanied by an additional setback requirement for that portion of any building in excess of 50 feet in height. The additional setback requirement shall be one foot for each foot of additional structure height over 50'.

*** Any structure 75' in height shall be located no less than 150' from the Highland Avenue property line.

b) Residential Dimensional Requirements.

- i) No dwelling shall extend within less than 15 feet of any other dwelling.
- ii) No building shall exceed a length of 300 feet. Building facades shall include relief and articulation to appear residential in character.
- iii) Dwelling units in single-family dwellings shall be limited to five (5) units per acre. Multi-family dwellings shall be limited to ten (10) units per acre.

- c) Gasoline stations subject to the following conditions and certifications as required by the Connecticut General Statutes as amended.
- a. The facility shall be located on a lot having a frontage of at least 150 feet on a street and having a land area of at least 40,000 square feet.
 - b. All gasoline pump islands shall be located at least 25 feet from all lot lines.
 - c. No curb-cut shall be greater than 30 feet in width. All curb-cuts shall be clearly defined by curbing.
 - d. All accessory equipment or merchandise displayed outside shall be no more than 10 feet from the building with the exception that such merchandise and accessory equipment shall be permitted to be displayed on the pump island.

Gasoline Stations with Convenience Store.

Gasoline stations may include not more than a total of 6,500 sq. ft. of gross floor area, the use of which is for the sale of goods, primarily at retail, provided the site includes the required parking for both uses (pursuant to Sec. 33).

- d) Off-Street Loading Areas. Side or rear loading areas shall be located a minimum of twenty (20) feet from any external property line. Said loading areas must be screened from view from adjacent streets and shall be located in such a way that in the process of loading or unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.
- e) Storage Areas.
- 1) All outdoor storage shall be visually screened from access streets, highways and adjacent property. Said screening, which may include fencing, shrubs and trees, or any combination thereof, shall form a complete opaque screen up to a point eight (8) feet in vertical height, but need not be opaque above that point.
 - 2) Outdoor storage shall include all company owned and operated motor vehicles, apart from passenger vehicles.
 - 3) No storage shall be permitted within a street line set back.
- f) Refuse Collection Areas.
- 1) All outdoor refuse collection areas shall be visually screened from access streets, highways, and adjacent property. Said screening shall form a complete opaque screen.
 - 2) No refuse collection area shall be permitted within a street line set back.

- g) Telephone and Electrical Service. All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent property.
- h) Exceptions. Whenever by declarations, easements, restrictions, covenants, or other appropriate documentation to be recorded on the land records of the Town of Cheshire, the Planning and Zoning Commission is assured that the approved Interchange Special Development District (I-C.S.D.D.) shall continue to comply with these Special Regulations and all approval conditions, Interchange Special Development Projects on contiguous lots which may be in separate ownership and except for the external property lines adjacent to properties not included in the Interchange Special Development District and the street lines adjacent to Highland Avenue, Dickerman Road, and any public Town roads within the Interchange Special Development District, shall not be required to meet these dimensional requirements, these landscaping requirements, the dimensional regulations of Section 32, Schedule B, the dimensional requirements of Section 48 or the requirements of Section 32.9 of the Zoning Regulations of the Town of Cheshire.

II. Parking Requirements:

Except where specific requirements are included below, the parking requirements of Section 33 of the Zoning Regulations of the Town of Cheshire shall apply in the I-C.S.D.D.

- a) Adequate off-street parking shall be provided to accommodate all parking needs of the site. Required parking shall be provided on the site of the use served, or on a contiguous site, or on a site within 300 feet of the approved Interchange Special Development Project. Where parking is provided on a site other than the site of the use, the applicant shall insure the permanent availability of said parking site for the benefit of the use site by the filing in the Cheshire Land Records of a permanent easement running to the benefit of the use site (Dominant Estate) on and over the parking site (Subservient Estate); provided however, the easement may be mutual to both sites. Such easement shall be approved as to form by the Town Attorney prior to its recording. Said easement shall not be released or transferred so long as the use site requires the parking site in order to meet the provisions of these Regulations.

Parking Design Standards.

- 1) Each parking space, except for compact car spaces, shall constitute an area of not less than 162 square feet with a minimum width of nine (9) feet. Compact car spaces shall not be less than nine (9) feet in width and sixteen (16) feet in length. Compact spaces shall not exceed 25% of the total number of required parking spaces for the site. The location of the compact spaces is subject to approval by the Planning and Zoning Commission.
- 2) Layout: All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow

safe and convenient use of each required parking space by providing:

- a) suitable driveways giving access to parking aisles and stalls;
 - b) safe pedestrian circulation within parking areas;
 - c) channelized traffic flow within parking areas;
 - d) suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space;
 - e) except for property lines adjacent to I-691, no space shall be located less than 10' from any external property line or 20' from any street line, and
 - f) parking areas shall be divided by permanent barriers, landscaped strips or raised walks. Said dividers shall be a minimum of eight (8) feet in width.
- 3) Lighting: Any lighting used to illuminate any required off-street parking or loading area shall be so arranged that the illuminated areas shall be confined essentially to the limits of the approved Interchange Special Development Project property where it originates. The maximum height shall be 25 feet.
- 4) Handicap Parking: Handicap Parking shall be provided pursuant to State of Connecticut Regulations.
- 5) Construction: All off-street parking and loading areas shall be suitably improved, graded, stabilized, drained, and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent, nor greater than 3 percent or 6 ½ percent in access drives. All parking areas shall be surfaced with asphalt or asphaltic concrete or other materials acceptable to the Planning and Zoning Commission and shall be defined by concrete, granite, asphalt or asphaltic concrete curbs, and all parking spaces shall be defined with lines.
- 6) Landscaping: Parking areas shall be landscaped in accordance with Section 33.8.1, Landscaping Design Standards.
- 7) Parking lots shall be designed to avoid creating large expanses of paving.
- 8) The parking areas shall contain interior landscaped areas equal to at least 5% of the gross parking lot area excluding perimeter drive aisles. One (1) shade tree not less than two (2) inches in caliper shall be planted within the interior landscaped areas for each ten (10) parking spaces or fraction thereof.
- 9) All landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barrier, curbs, or other means from damage by vehicles and snow plowing.

- 10) Trees used in parking lots shall be Evergreen, Thornless Honey Locust, Sugar Maple, Oak or similar hardy varieties, or existing trees where appropriately located.
 - 11) The landscaped areas shall be designed and located to minimize unattractiveness of parking lots.
 - 12) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
- b) Requirements. All parking requirements for I-C.S.D.D. (1) shall be based upon the following parking criteria:
- 1) Retail, office and all other non-residential uses: One (1) space for each 200 square feet of floor area of finished space.
 - 2) Residential: 1.5 spaces for each one bedroom dwelling unit, 1.75 spaces for each two bedroom dwelling unit and two spaces for each three bedroom unit.
 - 3) Assisted Living, Convalescent Homes and the Like: One (1) space per every three (3) dwelling units and one (1) for every employee on the largest shift.

III. Landscaping: The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening, and landscaping material. A detailed landscaping plan shall be required as part of the final site plan. The landscaping plan shall include a detailed planting layout, planting schedule, and shall note the type and size of all plantings.

- a) General Requirements.
- 1) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
 - 2) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.

b) Standards. The following minimum landscaping standards shall be met:

- 1) Streetline Setback. There shall be a landscaped strip equal to at least 30% of the required streetline setback along the property. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs.

One shade tree having a caliper of not less than 2" shall be planted within the front landscaped area for each 25' or fraction thereof of lot frontage.

- 2) Side and Rear Yards. All unpaved areas not utilized for parking and storage shall be landscaped utilizing lawn ground cover and/or shrub and tree material.

Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition but need not be landscaped.

Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, highways and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement when initially installed.

- 3) Boundary Areas. Boundary landscaping, if natural area is disturbed, is required on all exterior property lines. Said areas shall be placed along the entire length of these property lines or be of sufficient length to accommodate the number of required trees. Trees, equal in number to one (1) tree per twenty-five (25) lineal feet of each disturbed property line, shall be planted along such boundaries in addition to required ground cover and shrub material. Minimum width of exterior property line landscaping shall be twenty (20) feet.

- 4) Sloped Banks. All sloped banks greater than five to one and adjacent to public right-of-way shall be stabilized, planted and irrigated with full coverage in accordance with plans submitted and approved by the Planning and Zoning Commission.

- 5) Pedestrian Access. The Special Development Plan to be submitted to the Planning and Zoning Commission shall detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

IV. Signs Allowed in I-C.S.D.D.(1):

Unless modified by these Special Regulations, signage is controlled in I-C Zone by Section 34.11 of the Zoning Regulations of the Town of Cheshire and shall apply in the I-C.S.D.D.

The following signs are allowed in the I-C.S.D.D. (1), in addition to those allowed under Section 34.6.

The following signs may be illuminated and are allowed by permit, except if otherwise noted:

- A) One freestanding sign at the northerly Route 10 intersection which may be a business identification, area identification, directory sign or a combination of the above, not exceeding the following dimensions: two-hundred (200) square feet in area per side, up to twenty (20') feet in height, and set back ten (10') feet from the street line

Two (2) freestanding signs at the southerly Route 10 intersection which may be a business identification, area identification, directory sign or a combination of the above, each not exceeding the following dimensions: two-hundred (200) square feet in area per side, up to twenty (20') feet in height, and set back ten (10') feet from the street line.

One freestanding sign located adjacent to Route 691 which may be a business identification, area identification, directory sign or a combination of the above, not exceeding the following dimensions: five-hundred (500) square feet in area per side, up to fifty-five (55') feet in height, and set back ten (10') feet from the Route 691 ROW line and two hundred (200') feet from Highland Avenue.

One freestanding sign at the Dickerman Road access driveway which may be a business identification, area identification, directory sign, or a combination of the above, not exceeding the following dimensions: one-hundred (100) square feet in area per side, up to ten (10') feet in height, and set back ten (10') feet from the street line.

- B) Building Signs are allowed as follows:

- 1) One Primary Wall Sign per building occupant, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.
- 2) One Secondary Wall Sign per building occupant and/or customer entrance, which may be either a business, area identification or directory sign, not exceeding five (5) percent of the wall to which it is attached.
 - a) For those lots bordering I-691 one additional wall sign is allowed for walls facing the highway. Such signs shall not exceed five (5) percent of the building wall to which it is attached.

- b) For multi-tenanted buildings, a sixteen (16) square foot directory sign may be affixed to the entrance wall of buildings with a common entry.
- 3) One Blade Sign per building occupant which may be either a business, area identification or directory sign, not exceeding 6 sf in area per face.
- 4) One Door Identity / Logo per occupant entrance to be affixed at height of pull hardware. Not to exceed 12” in height.
- 5) One Window Decal per glass panel – to be affixed to inside face of tenant’s storefront glass. Not to exceed 4” in height.
- 6) Mailing Address – occupant address number discretely affixed to storefront.
- 7) Site Banners – up to two banners per light pole – not to exceed 16 sq. ft. per face.
- 8) Awnings – Signage integral to storefront awnings shall be permitted.
- C) Multiple freestanding directory/directional signs are allowed on properties with businesses located in two or more buildings. Such signs shall be located in areas designed to facilitate proper vehicular and/or pedestrian circulation. The sign shall contain only the names of occupants and an indication of where they are located. The sign area shall not exceed 60 square feet per face.
- D) Off-Site directional signs: Signs described in Section 34.9G are allowed in the Interchange Special Development District Zone.
- E) One (1) freestanding temporary identification sign listing the name of future tenants, responsible agent or realtor and the identification of the complex. The sign may remain until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or the tenant(s) are occupying said building(s), whichever occurs first. The sign may not exceed a maximum of forty (40) square feet, and may not be illuminated.
- F) The provisions of Sections 34.14 and 34.15 shall not apply.
- G) One freestanding sign for each parcel of land having frontage on a town or state road which may be either a business, identification, area identification, directory sign, or a combination of the above, not exceeding the following dimensions: thirty-two (32) square feet in area per side, up to ten (10’) feet in height, and set back ten (10’) feet from the street line.

V. Lighting: All lighting shall comply with Section 33.9 and Section 48.5 b) 3) of the Cheshire Zoning Regulations.

VI. Standards for covenants for continued maintenance of utility, open space and recreational elements:

A stipulation for approval of the Interchange Special Development Project shall require that all landscaped areas, undisturbed areas, conservation areas, and recreation areas, as shown on the approved plans shall remain as landscaped, undisturbed, conservation and recreation areas, and that it shall be the property owner's responsibility to maintain and preserve such areas.

VII. Time limits or consecutive limits for Phase and total development: Each Interchange Special Development Project will be completed within five (5) years of the date of approval of the Special Permit for that Special Development Project.

VIII. Proposed Permitted uses and, standards and, if applicable, a method of minimizing or eliminating the emission of objectionable or polluting elements:

Permitted uses shall include businesses where goods are sold or services are rendered primarily at retail, restaurants and other food service establishments with or without liquor permits and with or without outdoor seating, breweries, hotels, banks and other financial institutions, business and professional offices, health and exercise facilities, movie theaters, service businesses, entertainment facilities, public spaces and facilities, gas stations with convenience stores with a total of not more than 6,000 square feet of gross retail floor area, and residential uses, including, but not limited to, multi family, assisted living, age restricted, convalescent homes and the like; provided, however, that none of the residential uses shall be allowed in Area A shown on the Special Development Plan.

IX. Property Owner's Association: The developer shall form a property owner's association, require all property owners within the I-C.S.D.D. to become members of the association, and require the association to maintain and repair all drainage facilities not owned by the Town of Cheshire and common areas according to town requirements.

¹ Approved 7/22/19; effective 8/9/19.

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SECTION 46 FLOOD PLAIN MANAGEMENT REGULATION^{1,3}

46 Intent. It is the intent of the regulation to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Cheshire by: the establishment of standards designed to

- a) protect human life and public health;
- b) minimize expenditure of money for costly flood control projects;
- c) minimize the need for rescue and relief efforts associated with flooding;
- d) insure that purchasers of property are notified of special flood hazards;
- e) assume responsibility for their actions; and
- f) to ensure continued eligibility of owners of property in Cheshire for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.
- g) **46.1 Area of Applicability.**^{2,4,5} The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated May 16, 2017, and accompanying Flood Insurance Rate Maps (FIRM), dated May 16, 2017 (Panels-09009C0134J, 09009C0142J, 09009C0144J, 09009C0161J, 09009C0163J, 09009C0281J, 09009C0282J, 09009C0283J, 09009C0284J, 09009C0303J), and December 17, 2010 (Panels – 09009C0136H, 09009C0137H, 09009C0138H, 09009C0139H, 09009C0141H, 09009C0143H, 09009C0280H, 09009C0301H), and other supporting data applicable to the Town of Cheshire, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on the FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS and FIRM are on file with the Town Clerk.

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¹ Revisions per DEP, approved October 23, 1995; effective October 27, 1995 at 12:01 a.m.

² Amended 3/25/2002; effective 2/29/02 at 12:01 a.m.

³ Amended 4/26/10; effective 5/14/2010 at 12:01 a.m.

⁴ Amended 11/22/10; effective 12/17/2010 at 12:01 a.m.

⁵ Amended 5/8/17; effective 5/8/17.

46.2 Requirement. 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, may be made within the “special flood hazard area” only in accordance with the requirements of this regulation.

46.2.1 Other Restrictions. This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

46.2.2 Interpretation. In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

46.2.3 Warning and Disclaimer. The degree of flood protection established by this regulation is considered reasonable for town wide studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside of “special flood hazard areas” will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Cheshire, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made hereunder.

46.3 Definitions.

General: Certain terms and phrases used in this regulation are hereinafter defined and explained. Otherwise, the words in this regulation shall have the meaning commonly attributed to them.

Addition (to an existing building) – means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal – means a request for a review of the Building Officer’s interpretation of any provision of this regulation of a request for a variance.

Base Flood – means the flood having a one percent change of being equaled or exceeded in any given year.

Base Flood Elevation – is the particular elevation of the base flood as specified on the Flood Insurance Rate Map for Zone A-A1-30.

Basement - means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway Wall – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building – means any structure built for support, shelter, or enclosure for any occupancy or storage.

Cost – means as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure.. In order to allow the Commission to determine the cost, the landowner must provide a detailed written contractor’s estimate, but such estimate shall not be binding upon the Commission if other evidence of cost is available and the Commission finds that such evidence is more reliable or accurate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, shed, and gazebos.¹

Development – means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.¹

Elevated Building – means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads,) is completed before June 26, 1981², the effective date of the floodplain management regulations adopted by Cheshire.¹

(46-3)

¹ Amended on April 26, 2010; effective May 14, 2010 at 12:01 a.m.

² Amended on 11/22/10; effective 12/17/10 at 12:01 a.m.

Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

¹Federal Emergency Management Agency (FEMA) – means the federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – means fully enclosed areas that are suitable for regular occupancy by persons and not designed primarily for storage of goods or materials or for utility purposes. Such areas may be evidenced by heating or cooling fixtures, finished floors (tile, linoleum, hardwood, etc.), sheetrocked walls (whether or not painted or wallpapered), or other amenities such as furniture, appliances, lavatory facilities, and fireplaces.

Flood or Flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from

- a) the overflow of inland waters and/or
- b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study – is the official report by the Federal Emergency Management Agency. The report contains flood profiles, and the water surface elevation of the base flood.

Floodproofing – means any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town. The regulatory floodway is delineated on the Flood Insurance Rate Map, which is a part of this Regulation. For the purposes of these regulations, the term “regulatory floodway” is synonymous in meaning with the term “floodway.”

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¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

Floor – means the top surface of an enclosed area in a building (including basement) i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Functionally Dependent Facility - means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.¹

Historic Structure – means any structure that is: a) listed individually in the National Register of Historic Places (a listing by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: 1) by an approved state program as determined by the Secretary of the Interior or 2) directly by the Secretary of the Interior in states without approved programs.²

Lowest Floor - means 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, provided that such an enclosure fully meets the requirements set forth in Section 46.9.¹

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

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

Market Value – means the market value of the structure, as determined by an independent appraisal by a professional real estate appraiser prior to the start of

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¹ Amended March 25, 2002, effective March 29, 2002 at 12:01 a.m.

² Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

³ Amended November 22, 2010; effective December 17, 2010 at 12:01 a.m.

the initial repair or improvement, or in the case of damage, prior to the occurrence of the damage.²

Mean Sea Level – means, for purposes of the National Flood Insurance Program, North American Vertical (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.²

New Construction – means structures for which the “start of construction” commenced on or after June 26, 1981,³ the effective date of this regulation (not the revision date), and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 26, 1981, the effective date of the floodplain management regulations adopted by Cheshire.^{1,2}

North American Vertical Datum (NAVD) – as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.¹

Recreational Vehicle – means a vehicle which is

- 1) built on a single chassis,
- 2) 400 square feet or less when measured at the largest horizontal projections;
- 3) designed to be self-propelled or permanently towable by a light-duty truck; and
- 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this ordinance.

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¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

² Amended November 22, 2010; effective December 17, 2010 at 12:01 a.m.

Start of Construction – includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufacture 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 the 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 as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.¹

Special Flood Hazard Area¹ – means the land in the floodplain within Cheshire subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined using the base flood elevations (BFEs) provided on the flood profiles in the Flood Insurance Study (FIS) for Cheshire. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH. The SFHA is also called the Area of Special Flood Hazard¹

Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a (trailer) manufactured home.

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

Substantial Improvement – means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure, which is:

- 1) the appraised value of the structure prior to the start of the initial repair or improvement, or
- 2) in the case of damage, the value of the structure prior to the damage occurring.

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¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. “The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living condition.
- 2) or: any alterations of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Trailer – includes “mobile home”: and means any vehicle which is used, or is designed or intended to be used, for human habitation as sleeping or living quarters and which is or may be mounted on wheels or may be propelled either by its own power or by another power-driven vehicle to which it may be attached or by which it may be carried.¹

Variance – is a grant of relief from the requirements of this regulation, which permits construction in a manner otherwise prohibited by this regulation where specific enforcement would result in unnecessary hardship.

Violation – means a failure of a structure or other development to be fully compliant with Cheshire’s floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.¹

Water Surface Elevation – means the height, in relation to the North American Vertical Datum (NAVD) 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.¹

46.4 Standards.

46.4.1 General: In Special Flood Hazard Areas, all development shall conform to the standards hereinafter specified:

46.4.2 Anchoring: All new construction and substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.¹

46.4.3 Construction Material and Methods: All new construction and substantial improvements shall be constructed with materials resistant to flood damage and by using methods and practices that minimize flood damage.

¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.4.4 Utilities: Water supply and sanitary systems shall conform to the following:

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

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

46.4.5 Facilities: Electrical, Heating, Ventilation, Plumbing, Air Conditioning Equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

46.4.6 Building Location and Floor Location: No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any Special Flood Hazard Area. Any new construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

- a) be floodproofed so that, below the base flood elevation, the structure is watertight with wall substantially impermeable to the passage of water;
- b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- c) be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Inspector of the Town of Cheshire as set forth in Par. 46.13.3.

¹46.4.7 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 in a location not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to an

(46-9)

¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

including the 100-year 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 may be approved off-site only if approved by the Commission .

- 46.4.8 Equal Conveyance: Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance rate Map (FIRM) for the community, 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 (0.0 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.¹
- 46.4.9 Aboveground Storage Tanks: Above-ground storage tanks (oil, propane, etc.) which are located outside or inside the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.¹
- 46.4.10 Portion of Structure in Flood Zone: If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.¹
- 46.4.11 Structures in Two Flood Zones: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)¹

(46-10)

¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.4.12 No Structures Entirely or Partially Over Water: New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.¹

46.5 Floodways: Located within areas of special flood hazard are areas designated as floodways on the community's Flood Boundary and Floodway Map or as determined in Section 46.14.2. Floodways are extremely hazardous areas due to the velocity of floodwaters, which cause erosion and carry debris and potential projectiles. The following additional standards are applicable to development in relation to floodways:

46.5.1 Encroachment:¹ There shall be no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other development unless certification with supporting technical data, by a registered professional engineer is

provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments will not result in any (0.0 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

46.5.2 If the requirement of Sec. 46.5.1 is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this article.

46.6 Manufactured Homes. Manufactured homes shall be prohibited in special flood hazard areas, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a **lot** provided that it is elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and is anchored to an adequate foundation system 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.¹

All recreational vehicles placed on sites within a special flood hazard area must be either: i) on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, Or ii) meet the elevation and anchoring requirements of a manufactured home. 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.¹

46.7 In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.

46.8 A structure already in compliance with the provisions of this regulation shall not be made non-compliant by any alteration, repair, reconstruction or improvement to the structure.

(46-11)

¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.9 Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i) Provide 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;
 - ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- B) Electrical, plumbing and other utility connections are prohibited below the base flood elevation;
- C) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

46.10 Standards for Streams without Established Base Elevations and/or Floodways.

46.10.1 Located within the areas of special flood hazard established in Section 46.1, where small streams exist but no base flood data has been provided, or where no floodways have been provided, the following provisions apply:

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

- A) The Building Official may request or accept floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or from any other source, the Town of Cheshire shall adopt a regulatory floodway. It shall be based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse. All developments must then meet the standards in subsections 46.4 to 46.9.

- B) Where no base flood elevation (BFE) or floodway is available, the Building Official shall obtain, review and reasonably utilize any base flood elevation and/or floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding within the community, meet the standards in Subsections 46.4 to 46.10, as appropriate.

46.11 Administration. The Building Official of the Town of Cheshire is hereby designated to administer and implement the provisions of this regulation. The

Building Official shall have the responsibility and authority to grant or deny permit applications for development in Special Flood Hazard Areas in accordance with the provisions of this regulation. The Town Council may appoint deputies to assist and act for the Building Official.

Flood Hazard Area Permit: Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within Special Flood Hazards areas only after a Flood Hazard Area Permit therefore has been obtained. Application for a Flood Hazard Permit shall be made to the Building Official on forms furnished for that purpose by such Official and shall include at least

- a) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question,
- b) existing or proposed structures, fill, storage of materials and drainage facilities, and
- c) the location of the foregoing.

46.11.1 Application Stage:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- 2) Elevation in relation to mean sea level to which any structure has been or will be floodproofed;

46.11.2 Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Sec. 46.4.6.

46.11.3 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

46.11.4 Plans for any walls to be used to enclose space below the base flood elevation.

46.11.5 A statement as to whether there will be dry access to the structure during the 100-Year Storm Event. Where applicable, the following certifications by a registered engineer or architect are required, and must be provided to the Building Official. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of Sec. 46.4.

46.12 Construction Stage: Upon completion of the application portion of construction, the applicant shall provide verification to the Building Official of the following as is applicable:

46.12.1 Lowest floor elevation – the elevation to be verified for:

- 1) a structure in a Numbered A Zone is the top of the lowest floor (including basement);
- 2) a structure which has been floodproofed is the elevation to which the floodproofing is effective. Deficiencies detected by the review of the above listed shall be corrected by the permit progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

46.13 Duties and Responsibilities of the Building Official: Duties and responsibilities of the Building Official in the administration of the Regulation shall include but not be limited to the following:

46.13.1 Permit Application Review:¹

- a) Review all Flood Hazard Area Permit applications to determine that the requirements of this regulation have been satisfied and to determine whether the proposed development and building sites will be reasonably safe from flooding
- b) Review all such permit applications to determine that all other necessary permits have been received from those Federal, State or Town government agencies from which prior approval is required;
and
- c) Require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: Water Division Dam Safety, Corps of Engineers 404.

46.13.2 Other Base Flood Date: When Base flood elevation data or floodway data have not been provided in accordance with Section 46.1, then the Building Official shall 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 standards of this Regulation.

¹ Amended April 26, 2010; effective May 14, 2010 at 12:01 a.m.

46.13.3 Information To Be Obtained and Maintained:

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- b) For all new and substantially improved floodproofed structures:
 - i) verify and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed; and
 - ii) maintain the floodproofing certification required in Section 46.13.1 (3).
- c) Maintain for public inspection all records pertaining to the provisions of this Regulation; and
- d) Submit an annual report to the Federal Emergency Management Agency.

46.13.4 Alteration of Watercourse:

- a) Notify adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
- b) Require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

46.14 Appeals and Variances

46.14.1 Appeal Board: The Zoning Board of Appeals of the Town of Cheshire shall hear and decide appeals and requests for variances from the standards of this regulation. Such Board shall have the following duties:

To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this regulation.

To issue variances from the standards of this Regulation, under the general considerations set forth in Sec. 46.14.2 and the conditions for variance specified in Sec. 46.14.3; and

To issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of Section 46.14.2.

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Section 46.14.3.

46.14.2 General Considerations: In passing upon applications for variance, the Zoning Board of Appeals shall consider

- a) the technical evaluations and studies that are the basis for this regulation;
- b) the standards of this regulation; and
- c) the following:
 - The danger that materials may be swept onto other lands to the injury of others;
 - the danger of life and property due to flooding or erosion damage;
 - the susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
 - the importance of the services provided to the community by the proposed development;
 - the necessity of a waterfront location for the function of the development;
 - the availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
 - the compatibility of the proposed development with the existing and anticipated other development;
 - the relationship of the proposed development to the Plan of Development for the Town and the flood plain management program for that area;
 - the safety of access to the property; in times of flood for ordinary and emergency vehicles;
 - the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - 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.

46.14.3 Conditions for Variance. The following are applicable to the issuance of variances by the Zoning Board of Appeals:

No variances shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.

Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:

- a) a showing of good and sufficient cause;
- b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing Town laws, ordinances and regulations.

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

When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

46.15 Effective Date and Filing. A variance issued under this regulation shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the Office of the Cheshire Town Clerk and in the land records of the Town of Cheshire in the same manner as required for filing of variances from Zoning Regulations.

46.16 Notice and Records. The Town Planner shall notify the applicant for variance in writing that

- a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance; and
- b) such construction below the vase flood elevation increases risks to life and property.

The Town Planner's Office shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance, and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

46.17 Appeal to Court. Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this regulation, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Cheshire, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

46.18 Severability. If upon interpretation and/or application, any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

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SECTION 48 INTERCHANGE ZONE REGULATION¹

48.1 Purpose: The purpose of these regulations is to encourage the effective and timely development of land for high quality office Industrial development surrounding the I-691/Route 10 Interchange. The delineation of the area to be known as the Interchange Zone (IC) is shown on the map entitled: “Proposed Zoning, Land Use Analysis and Plan of Development”, dated April, 1985.

48.2 Permitted Uses. The following uses shall be permitted in the Interchange Zone by Special Permit, pursuant to Section 40. Used not specifically listed in this section shall be prohibited.

- a) **Corporate Headquarters, Professional and Business Offices.** The facility shall be located on a lot of not less than 3 acres in area.²
- b) **Laboratories, Offices & Light Manufacturing.** Research and development laboratories, offices, light manufacturing and uses devoted to the following, located on a lot of not less than 3 acres in area.²

- 1) Scientific Research and Development –

Research uses shall include theoretical and applied research in all the sciences, product development and testing, engineering development and marketing development.

- 2) Light Technology and Light Manufacturing –

Light industrial uses shall include manufacturing, fabricating, processing, converting, altering, assembling and testing, engineering development and marketing development of products. All activity of the industry shall be totally contained within the structure. There shall be no external indication of the inside processes by way of noise, smoke, odor, vibration or waste; menace by reason of fire, explosion, radiation or other physical hazards; harmful discharge of waste materials or unusual traffic hazards or congestion due to type or amount of vehicles required by or attached to the use. There shall be no outside storage, and the structure shall be architecturally compatible with other permitted uses in the Interchange Zone.

Permitted, incidental and accessory uses shall include offices, sales rooms, and storage for the wholesale distribution of items manufactured and/or assembled on the premises.

Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use. Truck terminals are prohibited.

(48-1)

¹ Adopted September 25, 1995, effective September 29, 1995 at 12:01 a.m. (Delete a Regional Mall as a permitted use in the Interchange Zone specifically Section 48, para. 48.1, 48.2.d, 48.3c., 48.5.a., 48.5.c.5.)

² Amended June 11, 2018, effective June 29, 2018 at 12:01 a.m.

3. Office and Administrative Functions.

- c) Hotel and Conference Centers¹ – Or a combination, containing a minimum of 150 guest rooms. On-site ancillary activities may include restaurants, meeting rooms, retail stores, and recreation facilities. Recreation facilities shall be for the use of the guests and may be located outside the primary building but shall not be generally visible from outside the primary building. The facility shall be located on a lot having an area of 3 acres in area.²
- d) The following shall be permitted as matter of right in the Interchange Zone: (1) Farms; (2) Truck Gardens; (3) Nurseries; (4) Forestry.
- e) Residential – In the R-40/IC Zone, single family residential housing shall be allowed as a matter of right, subject to the dimensional requirements of Section 32, Schedule B, for the R-40 zone. Development other than residential shall be subject to the IC Regulations and the appropriate approvals. Birch Drive may not be used for access to development in the IC zone, other than for single family residential.
- f) Existing Residential in the IC Zone – Notwithstanding the provisions of Section 24, Paragraph 24.7 of these Regulations, if any existing residential structure or non-conforming use located in the IC zone is destroyed by fire or casualty to the extent of more than 75% of the replacement cost at the time of its casualty, such structure may be reconstructed or repaired on its existing lot, provided that setback dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for a R-40 zone. Variances of setback requirements shall be obtained only through action of the Zoning Board of Appeals. In the event of failure to start such reconstruction or repair within a period of one year from such casualty and to complete the same within 24 months from such casualty, the right under this Section to reconstruct or repair such structure and the right to resume such non-conforming use shall be lost and terminated.
- g) Parking Lots – Parking lots created to serve a use, which use is not located in the Town of Cheshire, are not permitted uses.

48.3 Application. All applications for development within the IC zone shall be subject to the requirements of Section 40 of the Cheshire Zoning Regulations. In addition to the requirements of Section 40, the following additional information shall also be submitted to assist the Commission in reviewing applications:

- a) Structure Analysis
 - 1) Building Shape and Location
 - 2) Building Compatibility to Adjacent Sites
 - 3) Elevations
 - 4) Roof Line

(48-2)

¹ Amended May 27, 1986, effective June 6, 1986 – word “motel” deleted.

² Amended June 11, 2018; effective June 29, 2018 at 12:01 a.m.

- 5) Aesthetics (including architectural design)
 - 6) Screening of Mechanical Equipment – location and screening of refuse materials.
 - 7) Exterior Materials
 - 8) Storage Facilities
- b) Traffic Impact Analysis A traffic impact analysis by a licensed traffic engineer registered in the State of Connecticut shall be required. The report shall include existing and projected traffic volumes (including average daily traffic, peak a.m. and peak p.m.), existing roadway capability, traffic accidents, existing and projected volume/capacity ratios, existing and projected levels of service, general assessment of the local and regional road network and recommended improvements, where applicable.

48.4 Development Standards.

a) Dimensional Requirements - 3 Acres¹

Minimum Lot Area – Sq. Ft.	3 Acres ¹
Minimum Lot Width	300'
Minimum Lot Frontage	60'
Minimum Setback from Street Line*	100'
Minimum Setback from Side Line	50'
Minimum Setback from Rear Line	50'
Maximum Height of Structure**	50'
Maximum Lot Coverage	No requirement
Landscaped Space	40% of the site shall be developed as landscaped areas.

* I-691 shall not be considered a street line, pursuant to Section 32, Schedule B, Dimensional Requirements, Footnote #3.

** Maximum height of structure may be up to 65' but only if all setback requirements are increased by two feet for each one foot structure height over 50 feet.

- b) Off-Street Loading Areas. Side or rear loading areas shall be located a minimum of seventy (70) feet from any property line. Said loading areas must be screened from view from adjacent streets and shall be located in such a way that in the process of loading or unloading, no truck will block or extend into any drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.

(48-3)

¹Amended 6/11/18; effective 6/29/18 at 12:01 a.m.

- c) Storage Areas.
- 1) All outdoor storage shall be visually screened from access streets, highways and adjacent property. Said screening shall form a complete opaque screen up to a point eight (8) feet in vertical height, but need not be opaque above that point.
 - 2) Outdoor storage shall include all company owned and operated motor vehicles, with the exception of passenger vehicles.
 - 3) No storage shall be permitted between a frontage street and the building line.
- d) Refuse Collection Areas.
- 1) All outdoor refuse collection areas shall be visually screened from access streets, highways, and adjacent property. Said screening shall form a complete opaque screen.
 - 2) No refuse collection area shall be permitted between a frontage street and the building line.
- e) Telephone and Electrical Service. All on-site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent property.

48.5 Parking Requirements.

- a) Adequate off-street parking shall be provided to accommodate all parking needs of the site. Required parking shall be provided on the site of the use served, or on a contiguous site, or on a site within 300 feet of the subject site. Where parking is provided on a site other than the site of the use, the applicant shall insure the permanent availability of said parking site for the benefit of the use site by the filing in the Cheshire Land Records of a permanent easement running to the benefit of the use site (Dominant Estate) on and over the parking site (Subservient Estate). Such easement shall be approved as to form by the Town Attorney prior to its recording. Said easement shall not be released or transferred so long as the use site requires the parking site in order to meet the provisions of these Regulations.

b) Parking Design Standards.

- 1) Each parking space shall constitute an area of not less than 180 square feet with a minimum width of nine (9) feet.

Compact car spaces shall not be less than nine (9) feet in width and sixteen (16) feet in length. Compact spaces shall not exceed 25% of the total number of required parking spaces for the site. The location of the compact spaces is subject to approval by the Planning and Zoning Commission, but shall be in one contiguous area.

- 2) Layout: All off-street parking areas shall be provided with parking stalls of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such stalls as to allow safe and convenient use of each required parking spaces by providing:
 - a) suitable driveways giving access to parking aisles and stalls;
 - b) safe pedestrian circulation within parking areas;
 - c) channelized traffic flow within parking areas;
 - d) suitable markings, curbs, and islands, fences or other devices to encourage proper and efficient use of each parking space;
 - e) no space shall be located less than 20' from any property line or street line, and
 - f) parking areas shall be divided into areas containing not more than 60 automobiles by permanent barriers, landscaped strips or raised walks. Said dividers shall be a minimum of eight (8) feet in width.
 - g) Parking lots shall be designed in accordance with an overall Access Management strategy that maintains mobility with effective ingress and egress to a facility, efficient spacing of driveways, and design to preserve the functional integrity and overall operational viability of the street system.¹
- 3) Lighting: Any lighting used to illuminate any required off-street parking or loading area shall be so arranged that the illuminated areas shall be confined essentially to the property where it originates. The maximum, height of such lighting shall be 25 feet.
- 4) Handicapped Parking: Parking shall be provided for the physically handicapped.
- 5) Construction: All off-street parking and loading areas shall be suitably improved, graded, stabilized, drained, and maintained so as to cause no nuisance or danger from dust or from surface water flow. No such area shall have a slope of less than ½ percent, nor greater than 3 percent. All parking areas shall be surfaced with asphalt, asphaltic concrete or portland cement concrete and shall be defined by portland cement concrete, granite curbs, and all parking spaces shall be defined with lines.
- 6) Landscaping: Parking areas shall be landscaped in accordance with Section 33.8, Landscaping Design Standards.
- c) Requirements. Parking requirements for specific sites shall be based upon the following parking criteria:

(48.5)

¹Amended 6/11/18; effective 6/29/18 at 12:01 a.m.

- 1) Business and Professional Offices. Four (4) spaces for 1,000 square feet of net rentable area. The net rentable area of a building shall be computed using the definition found in the American National Standard, Z65.1-1980, copyright 1980.
- 2) Medical and Dental Offices. Five (5) spaces for each doctor or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.
- 3) Laboratories, Offices & Light Manufacturing. Two (2) parking spaces for each three (3) employees, but in no event less than three (3) spaces for each one thousand (1,000) square feet of gross floor area.
- 4) Hotels¹ One space for each guest unit plus employee parking on a demonstrated formula. Parking for restaurants, banquet rooms, retail shops shall be in accordance with Sections 33.1.5 and 33.1.7 of the Cheshire Zoning Regulations, and shall be in addition to guest and employee parking.

48.6 Landscaping. The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation and planting of vegetation, screening, and landscaping material. A detailed landscaping plan shall be required as part of the application. The landscaping plan shall include a detailed planting layout, planting schedule, and shall note the type and size of all plantings.

- a) General Requirements.
 - 1) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material.
 - 2) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
- b) Standards. The following minimum landscaping standards shall be met:
 - 1) Front Yard Setback. There shall be a landscaped strip equal to at least 60% of the required front yard along and contiguous to the front lot line of the property. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs.

(48-6)

¹ Work "motel" deleted. Amendment adopted May 27, 1986; effective June 6, 1986.

One shade tree having a caliper of not less than 2" shall be planted within the front landscaped area for each 25' or fraction thereof of lot frontage.

- 2) Side and Rear Yards. All unpaved areas not utilized for parking and storage shall be landscaped utilizing ground cover and/or shrub and tree material.

Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition but need not be landscaped.

Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, highways and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement when initially installed.

- 3) Boundary Areas. Boundary landscaping is required on all interior property lines. Said areas shall be placed along the entire length of these property lines or be of sufficient length to accommodate the number of required trees. Trees, equal in number to one (1) tree per twenty-five (25) lineal feet of each property line, shall be planted in the above-defined areas in addition to required ground cover and shrub material. Minimum width of property line landscaping shall be twenty-five (25) feet.
- 4) Sloped Banks. All sloped banks greater than five to one or six to one feet in vertical height and adjacent to public right-of-way shall be stabilized, planted and irrigated with full coverage in accordance with plans submitted and approved by the Planning and Zoning Commission.
- 5) Pedestrian Access. It is required of all developments in the area to submit a plan of pedestrian access to the Planning and Zoning Commission. Said plan will detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

48.7 Sign Requirements.

- a) Sign Standards.

- 1) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, blink, or move in any

animated fashion, or to be directed so as to blind any vehicular traffic. Signs shall be restricted to advertising only the persons, firm, company, or corporation operating the use conducted on the site or the products sold thereon.

- 2) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line.
- 3) All signs attached to the building shall be surface mounted.

b) Permanent Identification Signs.

- 1) Ground Signs. One detached sign per lot not exceeding 100 square feet and located at least 20 feet back from the front property line. Ground signs shall not exceed ten (10) feet above grade in vertical height.
- 2) Wall Signs. In no event shall an identification sign placed on a wall comprise more than five (5) percent of the area of the elevation upon which the sign is located.

In the case of covered walls, interior walls or multiple tenancy buildings, one addition sign per occupancy, not in excess of four square feet, may be used to identify the major entrance to the occupancy, provided all such signs are of uniform design and construction.

Said signs shall be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.

Facia mounted identification signs shall be limited to two (2) facades for each building and structure.

c) Temporary Identification Signs

- 1) Sale or Lease Sign. A sign, advertising the sale, lease, or hire of the site, shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed a maximum area of forty (40) square feet.
- 2) Construction Sign. One (1) construction sign denoting the architects, engineers, contractor, and other related subjects, shall be permitted upon the commencement of construction. Said sign shall be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying said building(s), whichever occurs first. Said sign shall not exceed a maximum area of forty (40) square feet.

- 3) Future Tenants Identification Sign. A sign listing the name of future tenants, responsible agent, or realtor and identification of the complex shall be permitted. Said sign will be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or tenant is occupying said building(s), whichever occurs first. Said sign shall not exceed a maximum area of forty (40) square feet.
 - 4) Directional Sign. Signs used to give directions, traffic or pedestrians or give instructions as to special conditions shall not exceed a total of six (6) square feet (double face) in area and shall be permitted in addition to the other signs in this section.
 - 5) Exceptions. The above information may be grouped on a single sign when the aggregate surface area does exceed the summation of the individual areas for each use. This area may be distributed on all surfaces of the sign. This sign may not exceed four (4) feet above grade.
- d) Special Purpose Signs. The following permanent sign shall be permitted:

Permanent Directional Sign. Signs used to give directions to traffic or pedestrians as to special conditions shall not exceed a total of six (6) square feet in area per face, double faced, and shall be permitted in addition to other signs permitted in these standards.

Note: In accordance with amended Code of Ordinances of the Town of Cheshire, Section 12.7, Land Use Agencies' Fee Schedules, dated November 10, 1988, the application fee for development within the Interchange Zone is \$300.00. Check to be made payable to "Collector, Town of Cheshire."

SECTION 49 SOIL EROSION AND SEDIMENT CONTROL REGULATIONS¹

49.1 Purpose. To minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development.

49.2 Activities Requiring a Certified Erosion and Sediment Control Plan. Any proposal for development that will cumulatively create more than one-half acre in area on land being developed must have a certified Erosion and Sediment Control Plan.

49.3 Exemptions. The grading activities associated with the construction of a single family dwelling that is not part of a subdivision will not require a certified Erosion and Sediment control Plan.

49.4 Erosion and Sediment Control Plan Submission.

- 1) To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.²

- 2) Said plan shall contain, but not be limited to:
 - A) A Site Plan drawn to a scale of not smaller than 100 feet to the inch shall include:
 - 1) existing and proposed topography;
 - 2) disturbed areas, identifying the extent of all clearing and grading activities;
 - 3) proposed area alterations, including proposed structures, utilities, roads and property lines;
 - 4) location of and detailed information concerning erosion and sediment control measures and facilities, which shall include:
 - a) soil types

(49-1)

¹ New section added effective July 26, 1985.

²Amended 9/22/08; effective 10/11/08

- b) wetlands
 - c) watercourses
 - d) water bodies
 - e) design details and/or specifications
 - f) schedule of application/installation
 - g) application, installation and maintenance procedures
 - h) any storm water management facilities
 - i)
- 5) elements B.2 and B.3 of Section 4.2's narrative below.
- B) A narrative describing the:
- 1) development project
 - 2) application, construction details and maintenance program during and after installation of:
 - a) soil erosion and sediment control measures
 - b) any storm water management facilities
 - 3) time schedule of:
 - a) development indicating the anticipated start and completion of the project
 - b) the stages of creating and stabilizing disturbed areas
 - c) grading operations
 - d) other major construction activities
 - 4) design criteria including soil characteristics of the site relevant to erosion and hydrology;
 - 5) background data, methodology and calculations used to design structural measures or facilities
- C) Other information deemed necessary and appropriate by the Planning and Zoning Commission.

49.5 Minimum Acceptable Standards.

- 1) Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control,

as amended. Planning shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation. Planning shall consider off-site effects as well as on-site effects.¹

- 2) The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control, as amended. The Planning and Zoning Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.¹
- 3) An appropriate method as set forth in the Connecticut Guidelines for Erosion and Sediment Control, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.¹
- 4) Planned erosion and sediment control measures shall be installed as scheduled according to the plan.
- 5) All control measures shall be maintained in effective condition to ensure the compliance of the certified plan.

49.6 Issuance or Denial of Certification.

- 1) The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation; or certify with limitations or modification; or deny certification when the development proposal does not comply with these regulations or may cause hazards or damages adverse to the public safety and welfare.
- 2) The time limit for certification or denial of a soil Erosion and Sediment Control Plan shall be consistent with those stipulated in Chapters 124, and 126 of the General Statutes. The Soil Erosion and Sediment Control Plan will be reviewed simultaneously with the development proposal.¹
- 3) The Commission may forward a copy of the development proposal to the conservation and/or Inland Wetlands Commission or other review agency/consultant for review and comment.

(49-3)

¹Amended 9/22/08; effective 10/11/08

49.7 Conditions Relating To Soil Erosion and Sediment Control.

- 1) The estimated costs of measures required to control soil erosion and sedimentation during and after development that are a condition of certification of any modified site plan shall be covered in a performance bond acceptable to the Planning and Zoning Commission.
- 2) Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures scheduled prior to site development are installed and functional.
- 3) The Commission may require the applicant submitting the erosion and sediment control plan to certify in writing upon installation of control measures or facilities, that such controls were installed according to the plan.

49.8 Inspection. Municipal inspection during development shall ensure compliance with the certified plan and that control measures are properly performed, installed and maintained.

49.9 Enforcement. Enforcement of this regulation shall be carried out as specified under General Statute Sections 8-3 and 8-12.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION 50 INTENT.

It is the intent of these Regulations that all questions arising in connection with the enforcement or the interpretation of these Regulations (except as otherwise expressly provided herein) shall be first presented to the Zoning Enforcement Officer and that such questions or actions shall be presented to the Zoning Board of Appeals only on appeal from the Zoning Enforcement Officer, or decisions of the Planning and Zoning Commission where applicable, and that from the decisions of the Zoning Board of Appeals, recourse shall be taken to the courts as provided by law.

SECTION 51 ENFORCEMENT OFFICER.

These Regulations shall be enforced by the Zoning Enforcement Officer, subject to appropriate supervision and direction by the Planning and Zoning Commission. The Zoning Enforcement Officer is authorized to cause any building, structure, premise or use to be inspected or examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations. The Enforcement Officer shall review with the Commission any action of his which is disputed.

SECTION 52 ZONING PERMIT REQUIRED.

No land shall be used and no building or structure shall be used, erected, moved, enlarged, or structurally altered (and no building permit shall be issued) until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer.

Agricultural greenhouses used for plant production shall be exempt from obtaining a zoning permit provided the applicant submit a copy of their valid "Farmer Tax-Exemption Permit" to the Building Inspector. All Greenhouses shall comply with Section 32.5, Visibility at Intersections.

A zoning permit is not required for repairs or alterations to existing buildings or structures, the cost of which, including a reasonable charge for labor, shall not exceed the sum of \$3000.00 and does not change the use thereof. A zoning permit shall also be required for signs as specified in Section 34.¹

52.1 Applications. An application for a permit shall be accompanied by a fee of \$25.00 and filed with the Zoning Enforcement Officer in triplicate on a form to be provided by the Planning and Zoning Commission. For new buildings or structures or external structural changes to a building or structure, the application shall include a plot plan of the premises showing the location and size of the proposed building, dimensions of the lot and of all required open spaces. Other information may be required by the Planning and Zoning Commission to determine that the proposed project complies with these Regulations.

52.2 Time Limits. A permit shall be void if the work described therein is not commenced within a period of one year from the date of issue and diligently prosecuted to completion.

52.3 Sanitary Permit. No zoning permit shall be issued by the Zoning Enforcement Officer for the erection of a new building or structure until a Sanitary Permit shall have been first obtained from the Town Health Officer of the Town of Cheshire or his agent.

52.4 Structures to Have Access. See Section 32.9.²

SECTION 53 VIOLATIONS.

Any person, firm or corporation violating any provision of these Regulations shall be subject to the remedies and penalties prescribed by the Connecticut General Statutes as amended.

¹ Amended November 24, 2003; effective December 5, 2003 at 12:01 a.m.

² Amended September 1, 1975.

ARTICLE VI ZONING BOARD OF APPEALS

SECTION 60 POWERS AND DUTIES.

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

60.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations (Section 8.6 of the State Statutes).

60.2 Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of these Regulations where, owing to special conditions, a literal enforcement of the provisions of these Regulations would result in unnecessary hardship. (Financial detriment shall not be considered an unnecessary hardship.) A variance from the terms of these Regulations shall not be granted by the Zoning Board of Appeals unless and until:

60.2.1 A written application for a variance is submitted demonstrating:

- a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- b) That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Regulations;
- c) That special conditions and circumstances do not result from the actions of the applicant. Purchase or lease of property shall not constitute such an "action" in this instance;
- d) That granting the variance requested will not confer upon the applicant any special privilege that is denied by these Regulations to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

60.2.2 Notice of public hearings shall be given as prescribed in Section 8-7, Chapter 124 of the 1958 Revision of the Connecticut General Statutes as amended. Enhanced notice shall be given as required by Section 26 of these Regulations.¹

(60-1)

¹ Amendment effective December 1, 1995.

60.2.3 The public hearing shall be held. Any party may appear in person, or by agent or by attorney;

60.2.4 The Board of Appeals shall make findings whether or not the requirements of Section 60.2.1 have been met by the applicant for a variance;

60.2.5 The Board of Appeals shall further make a finding whether or not the reasons set forth in the application justify the granting of the variance, and assure that the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure;

60.2.6 The Board of Appeals shall further make a finding whether or not the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

60.2.7 Approval of a variance under this section shall be conditioned upon the applicant's filing of the variance on the Cheshire Land Records as per the requirements of Public Act 75-317. Said filing must take place within 30 days of the approval.²

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and punishable under Section 53 of these Regulations. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of these Regulations in the district involved, or any use expressly or by implication prohibited by the terms of these Regulations in said district.

60.3 Board Has Powers of Zoning Enforcement Officer on Appeals; Reversing Decision of Administrative Official. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of these Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Enforcement Officer from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer to decide in favor of the application of any matter upon which it is required to pass under these Regulations, or to effect any variation in the application of these Regulations.

60.4 Other. The Board shall have such other powers and duties as provided in the Connecticut General Statutes as amended.

(60-2)

² Amendment effective April 29, 1976.

ARTICLE VII AMENDMENTS AND LEAGAL STATUS PROVISIONS

SECTION 70 AMENDMENTS.

These Regulations and the Official Zoning Map may be amended by the Planning and Zoning Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the Connecticut General Statutes. For petitions covering Zoning Map changes, enhanced notice shall be given as required by Section 26 of these Regulations. All petitions for amendment shall be submitted in writing at a regular meeting of the Planning and Zoning Commission on forms prescribed by the Commission and shall be accompanied by the following:¹

70.1 Map. For petitions concerning the Zoning Map, two copies of a map shall be submitted, drawn to a scale of not smaller than 200 feet to the inch, covering the area of the proposed change and all area in the Town within 500 feet of the proposed change, and showing for such area the existing and proposed zoning district boundary lines, the existing property lines and the names and addresses of the current property owners as indicated in the Cheshire Assessor's records.

70.2 Fee. A check made payable to the Collector, Town of Cheshire, Connecticut, in the Amount of \$100.00.

SECTION 71 CONFLICTING REGULATIONS.

These Regulations are not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Town of Cheshire, or any easements, covenants or other agreements between parties. However, if the requirements of any other lawfully adopted rules, regulations or ordinances of the Town of Cheshire or with easements, covenants or agreements between parties, the more restrictive or that imposing the higher standards shall govern.

SECTION 72 VALIDITY.

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 73 EFFECTIVE DATE.

These Regulations, and any amendment or change, hereto, shall be in full force and effect from the date established by the Planning and Zoning Commission in accordance with the Connecticut General Statutes as amended.

(70/71/72/73)

¹ Amendment effective December 1, 1995.

SECTION 80 WIRELESS TELECOMMUNICATION FACILITIES¹

Section 80.1. Legislative Findings

80.1.1 The Commission adopts the findings of the Connecticut State Legislature, set forth in Section 16-50g of the General Statutes, as amended, that wireless telecommunication facilities have had a significant impact on the environment and ecology of the State and that continued operation and development of such facilities, if not properly planned and controlled, could adversely affect the quality of the environment and the ecological, scenic, historic, recreational, and public safety values of the State, including the Town of Cheshire.

80.1.2 The Commission adopts the findings of the Connecticut State Legislature, set forth in Section 16-50aa of the General Statutes, as amended, that the sharing of wireless telecommunication towers for fair consideration whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers and is in the public interest.

Section 80.2. Statement of Purposes

80.2.1 This Section 80 is adopted to establish standards and procedures for reviewing and deciding permit applications filed with the Commission concerning the siting of those proposed wireless telecommunication facilities which are subject to the Commission's jurisdiction.

80.2.2 This Section 80 is adopted to establish standards and procedures for review of and comment on "consultation filings" regarding proposed wireless telecommunication facilities which are subject to review and comment by the Commission to the Connecticut Siting Council pursuant to Section 16-50l(e) of the General Statutes, as amended.

80.2.3 This Section 80 is adopted to establish standards and procedures to enable the Commission to review and decide or review and comment on (as appropriate) the placement of proposed wireless telecommunication facilities in order to protect the health, safety, and welfare of the residents of the Town of Cheshire;

80.2.4 This Section 80 is adopted to provide for placement locations for wireless telecommunication facilities consistent with the Town Plan of Conservation and Development and these Regulations;

80.2.5 This Section 80 is adopted to minimize the adverse effects of wireless telecommunication facilities through proper design, siting, and screening;

80.2.6 This Section 80 is adopted to avoid damage to adjacent properties from wireless telecommunication facilities; and

(80-1)

¹ Amendment Adopted June 23, 2003; effective June 27, 2003 at 12:01 a.m.

Section 80.2 (continued)

80.2.7 This Section 80 is adopted to promote the sharing of towers and co-location of wireless telecommunication facilities whenever technically, legally, environmentally, and economically feasible to avoid the unnecessary proliferation of towers in the Town.

Section 80.3. Definitions

80.3.1 When used in this Section 80, the following words shall have the meanings set forth as follows:

Antenna: A device used to receive and/or transmit radio-frequency signals.

Antenna Height (Tower Height): The vertical distance measured from the ground elevation of the antenna support structure to the highest point of the structure (including any antenna or other appurtenances).

Applicant: The person or entity filing and pursuing a permit application with the Commission pursuant to Section 80.5 of these Regulations.

Base: The top of the foundation or equivalent surface which will bear the vertical load of the tower.

Co-Location (Co-Located): The use of a single mount by more than one licensed provider and also means locating a wireless telecommunication facility on or in an existing structure (for example, a water tower) or building.

Commission: The Planning and Zoning Commission of the Town of Cheshire.

Consultation Filer (Filer): The person or entity filing and pursuing a consultation filing with the Commission pursuant to Section 80.5 of these Regulations.

Consultation Filing: The filings required to be made with a municipality pursuant to Section 16-50-1(e) of the General Statutes, as amended, and with Section 80.5 of these Regulations.

Equipment Shelter: An enclosed structure, cabinet, shed, or box located at the base of the mount designed or used to house equipment used in connection with wireless telecommunication facilities.

Facility (“Facilities” or “Wireless Telecommunication Facility”): All facilities (including mounts, towers, antennas, associated equipment, and other appurtenances designed or used to provide wireless telecommunication services.

Filer (Consultation Filer): The person or entity filing and pursuing a consultation filing with the Commission pursuant to Section 80.5 of these Regulations.

Land Mobile Provider (“Provider”): A company authorized by the Federal Communications Commission (FCC) to construct and operate a wireless telecommunication facility.

Mount: The structure or surface upon or within which antennas and associated equipment are installed, including the following four types of mounts: Roof-mounted (mounted on the roof of a building or structure), Side-mounted (mounted on the side of a building or structure), Ground-mounted (mounted on the ground), and Structure-mounted (mounted on or within a building or structure).

Municipal Telecommunications Facility or Facilities: Wireless telecommunication facilities intended solely for municipal use (for example, fire, police, ambulance, etc. purposes).

Permit Application: The filings required to be made with the Commission pursuant to Section 80.5 of these Regulations.

Provider (“Land Mobile Provider”): A company authorized by the Federal Communications Commission (FCC) to construct and operate a wireless telecommunication facility.

Regulation(s): The Zoning Regulations of the Town of Cheshire, as amended.

Security Barrier: A locked, impenetrable wall, fence, or berm that completely seals an area from trespass or other unauthorized entry.

Siting Council: The Connecticut Siting Council.

Tower: A mount structure (whether freestanding or attached to a building or other structure) that is designed or used to support one or more antennas.

Tower Height (Antenna Height): The vertical distance measured from the ground elevation of the antenna support structure to the highest point of the structure (including any antenna or other appurtenances).

Wireless Telecommunication Facility (“Facility” or “Facilities”): All facilities (including mounts, towers, antennas, associated equipment, and other appurtenances designed or used to provide wireless telecommunication services.

80.3.2 Doubts as to the precise meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the following sources: First to Section 23 of these Regulations, then to the General Statutes, and finally to Webster’s Third New International Dictionary, all as may be amended.

80.3.3 Reference to federal, state, and local laws and regulations in this Section 80 include those laws and regulations as they may be amended from time to time.

80.4.1 Subject to the provisions of Section 80.4.4, below, the Commission has permitting jurisdiction over the following wireless telecommunication facilities:

- A. Municipal telecommunication facilities.
- B. Replacements of municipal telecommunication facilities.
- C. Antennas on, or within, non-towers, that is, buildings or structures (e.g., water towers, steeples etc.).

80.4.2 All other wireless telecommunication facilities are under the jurisdiction of the Siting Council.

80.4.3 If by judicial, legislative, or regulatory act, the permitting jurisdiction of municipalities or their agencies is expanded to include other types of wireless telecommunication facilities, these Regulations shall be interpreted to include such facilities within the Commission's permitting jurisdiction as set forth in subsection 80.4.1 of this Section.

80.4.4 Waiver for Municipal Telecommunication Facilities

- A. In accordance with the purposes of this Section 80 and pursuant to this Section 80.4.4, the Commission may waive all or part of the provisions of this Section 80 for municipal telecommunication facilities.
- B. All waiver requests shall be in writing and shall be submitted to the Planning Office at the same time the application/filing is submitted. The waiver request shall set forth the reasons for the waiver and the specific provisions sought to be waived.
- C. The Commission shall not approve a waiver request unless it makes the following findings:
 - 1. Strict compliance with provisions of this Section 80 is not required to protect the public health, safety, and welfare;
 - 2. Due to special circumstances and conditions, compliance is not reasonably feasible or would result in unnecessary municipal costs; and
 - 3. The waiver granted is the minimum necessary to enable construction of the municipal telecommunication facility.
- D. When deciding whether or not to grant a waiver request, the Commission shall consider the following:
 - 1. All documentation and information (including technical evaluations and studies) submitted to support the request;

Section 80.4.4(D) (continued)

2. The purposes and standards of review of this Section 80 set forth in Sections 80.2 and subsection 80.7, respectively;
 3. The importance of the municipal telecommunication services to be provided to the community and the public by the proposed facility;
 4. The necessity of using the proposed location for the proposed municipal telecommunication facility and the availability of alternative locations;
 5. The necessity of using the proposed design for the proposed municipal telecommunication facility and the availability of alternative designs;
 6. The compatibility of the proposed municipal telecommunication facility with the Town Plan of Conservation Development; and
 7. The impact of the waiver on the public health, safety, and welfare.
- E.** Approval of a waiver request requires an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes, after a duly noticed and held public hearing.
- F.** The Commission shall state upon the record the reasons for granting the waiver and shall impose such conditions as the Commission deems necessary to protect the public health, safety, and welfare; to mitigate the facility's visual impact on, and to enhance its compatibility with, the neighborhood and the Town; and to implement the purposes of this Section 80.

Section 80.5. Permit Applications and Consultation Filings

80.5.1. Commission Action Required

- A. Permit Application**
1. No wireless telecommunication facility set forth in Section 80.4.1 of these Regulations shall be located in the Town of Cheshire unless a permit application has first been reviewed and approved by the Commission.
 2. The permit shall be a special permit; however, in lieu of the special permit regulations set forth in Section 40 of these Regulations, the requirements of this Section 80 shall control and supercede the Section 40 requirements.

Section 80.5.1. (continued)

- B. Consultation Filing.** No wireless telecommunication facility set forth in Section 80.4.2 of these Regulations shall be located in the Town of Cheshire unless a consultation filing has first been reviewed and commented on by the Commission.

80.5.2. Pre-Submission Meeting With Staff. Prior to submitting a permit application or consultation filing, applicants/filers are encouraged to meet with the Commission's staff to informally discuss the proposed facility and the requirements of this Section 80.

80.5.3 Information Required to be Submitted with a Permit Application and a Consultation Filing. Permit applications and consultation filings shall be submitted to the Planning Office, with the appropriate fee, and, unless the Commission grants a waiver pursuant to Section 80.5.3(G), shall include the following documentation, maps, and information:

- A. Compiled Report.** The applicant/filer shall file a compiled report providing the Commission with the following information:
- 1.** Name, address, and telephone number of the applicant/filer, co-applicant/co-filer (and their agents), the landowner of the subject property, the tenant(s), proposed tenants of the facility.
 - a.** If the applicant or co-applicant/filer or co-filer is a licensed provider, it shall provide documentation of that fact.
 - b.** The report shall contain the original signatures of the applicant/filer, co-applicant/co-filer, and landowner of the subject property. If the applicant/filer, co-applicant/co-filer, and/or landowner of the subject property will be represented by an agent, the application/filing shall include an original, signed authorization for such representation.
 - 2.** Identification of the subject property by the following: Street address, Assessor's map and parcel number, and zoning district designation (including an excerpt of the Zoning Map with the parcel identified).
 - 3.** A description of the proposed facility, including dimensions, special design features, utilities, and its capacity to accommodate co-location as required by this Section 80 and a statement as to whether the Commission or the Siting Council has jurisdiction over the siting of the facility.
 - 4.** A description of the means of access to the proposed facility, including access roads, public and/or private roads, and driveways.

Section 80.5.3 (A) (continued)

5. A description of the land uses and zoning district designations of the subject property and of the properties located within a five hundred (500) foot radius of the subject property.
6. A description of the scenic, natural, historic (including designated historic properties), environmental, and recreational characteristics of the subject property and of the properties located within a five hundred (500) foot radius of the subject property and a statement describing the effects of the proposed facility on those characteristics.
7. A statement describing the environmental effects of the proposed facility and identifying and assessing the impact of the facility on areas located within a five hundred (500) foot radius of the subject property recommended for conservation as presented in the Town's Plan of Conservation and Development.
8. A statement describing the measures which the applicant/filer proposes to mitigate the adverse effects of the facility, including, but not limited to, the following:
 - a. Construction techniques designed specifically to minimize adverse effects on the scenic, natural, historic, environmental, residential, and recreational characteristics of the subject property and of neighboring properties;
 - b. Special design features made specifically to avoid or minimize adverse effects on the scenic, natural, historic, environmental, residential, and recreational characteristics of the subject property and of neighboring properties;
 - c. Establishment of vegetation proposed near the scenic, natural, historic, environmental, and recreational characteristics of the subject property and of neighboring properties; and
 - d. Methods for preserving vegetation for wildlife habitat and screening on the subject property and on neighboring properties.
9. A list of the location, type, and amount (including trace elements) of any materials proposed for use within the facility that are declared hazardous by federal, state, and/or local rules, regulations, or laws.
10. A statement describing any hazards to human health to be anticipated from the proposed facility, including documentation, data, and references to authoritative sources of information to support the applicant's/filer's conclusions concerning those hazards and to assist the Commission in understanding any hazard

Section 80.5.3 (A) (10)(continued)

presented. The statement shall include information concerning signal frequency and power density to be transmitted or received by the proposed facility.

- 11.** A statement of the need for the proposed facility which shall include as much specific information as is practicable to demonstrate the need.
- 12.** A statement of the benefits to the public expected from the proposed facility which shall include as much specific information as is practicable to demonstrate the benefits.
- 13.** A statement demonstrating the applicant's/filer's efforts to co-locate with other providers.
 - a.** If the applicant/filer intends to co-locate or to permit co-location, it shall submit the following to the Commission:
 - 1.** Drawings and studies showing the ultimate appearance and operation of the facility at full build-out and providing estimates of radio-frequency radiation emissions for all facilities, including proposed and future facilities; and
 - 2.** Written certification from a structural engineer licensed to do business in the State of Connecticut that, at full build-out, the proposed facility will have the capacity to support the other users proposed by the applicant and written certification from a radio-frequency engineer licensed to do business in the State of Connecticut that, at full build-out, the proposed facility will comply with FCC requirements concerning radio-frequency exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.
 - b.** In the event that the applicant/filer determines that co-location is not feasible and appropriate, it shall submit a written statement of the reasons for that conclusion, certified and signed by a radio-frequency radiation engineer, and including a statement of the applicant's/filer's attempts to co-locate, including, but not limited to, the following:
 - 1.** Surveying all existing structures that may be feasible sites for co-locating wireless telecommunication facilities;

Section 80.5.3 (A) (continued)

2. Contacting all other wireless telecommunication facility operators in the service area of the proposed facility; and
 3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
14. A statement justifying selection of the subject property for the facility. This statement shall include a description of the applicant's siting criteria and the process by which alternate sites were considered and rejected. The alternate sites shall be described, and their locations shall be marked on a copy of a portion of the current U.S.G.S. topographic quadrangle map (scale 1" = 24,000') and on a map (scale 1" = 100' or larger scale) which shall also show the acreage and dimensions of the alternate sites, the name and location of the nearest public roads, the names of abutting property owners, and the portions of the abutting property owners' lands which abut the alternate site.
 15. A description of technological alternatives to the proposed facility and a statement justifying the facility proposed.
 16. A list of all federal, state, regional, district, and municipal agencies which conducted a review of the proposed facility, including a copy of any agency statement or decision with respect to the facility.
 17. Copies of any easements necessary to construction of driveways and/or access roads proposed to serve the facility.
- B. Surveys.** The applicant/filer shall file the following surveys which shall be A-2 surveys at a scale no smaller than 1" = 40' prepared by a Connecticut-licensed professional engineer or a Connecticut-registered land surveyor:
1. **Existing Conditions Survey.** The Existing Conditions Survey shall contain the following information:
 - a. The acreage, dimensions, and lot lines of the subject property.
 - b. The names of the owners of all properties within five hundred (500) feet of the subject property and showing the portions of their properties which are within five hundred (500) feet of the subject property.

Section 80.5.3(B)(1) (continued)

- c.** The outline of all structures (including accessory structures) on the subject property and on all properties within five hundred (500) feet of the subject property. The survey shall include notes which describe the purpose or use of those structures (for example, dwelling, garage, etc.) and the zoning district designations of all properties shown on the survey and of the properties.
 - d.** The locations and dimensions of all existing utilities, antennas, mounts, equipment shelters, cable runs, parking areas, etc. at the subject property.
 - e.** Two (2) foot contours of the subject property and of all properties within five hundred (500) feet of the subject property.
 - f.** The locations of any wetlands or watercourses within or adjoining the subject property and of any special or unusual features, such as significantly large or old trees, buildings, monuments, or areas of local interest, within or adjoining the subject property.
- 2. Proposed Facilities Survey.** The Proposed Facilities Survey shall contain the following information:
- a.** The locations, elevations, and dimensions of all proposed antennas, mounts, equipment shelters, cable runs, parking areas, etc. for the subject property, also displaying property boundaries and the setback distances from the boundaries to the base of the towers and/or the nearest corners of all facilities.
 - b.** The locations of proposed utilities, including the distances from the source of power and location of any proposed emergency generator, including the type of fuel to be used and projected noise level from the generator.
 - c.** The proposed security barrier, indicating the type and the point of controlled entry.
 - d.** The location of all driveways and/or access roads proposed to serve the facility and the location of all public and private roads (and their names) on or adjacent to the subject property and on or adjacent to all properties within five hundred (500) feet of the subject property.
 - e.** The distances, at grade, from the proposed facility to each structure shown on the Existing Conditions Survey.

Section 80.5.3(B)(2) (continued)

- f. All proposed changes to the subject property, including grading, vegetation removal and planting, and temporary or permanent roads and driveways.
- g. Proposed drainage of surface and/or subsurface water and proposed sedimentation and erosion control measures both during and after construction.
- h. Sight line representations depicting the sight line from any public road within five hundred (500) feet of the facility and the sight line from the closest and the second closest points of each residential building within five (500) feet of the proposed facility to the closest visible point of the facility. Each sight line shall be depicted in profile, drawn in a one inch equals forty feet (1" = 40") scale. The profiles shall show all intervening trees and buildings. The sight line representations shall show at least two (2) sight lines from the habitable structure and public roads.

C. Additional Maps and Plans. The applicant/filer shall also file the following maps and plans:

- 1. A copy of a portion of the current U.S.G.S. topographic quadrangle map (scale 1" = 24,000') and a map (scale 1" = 100' or larger scale) showing the locations and coverage areas of the proposed facility and of all existing wireless telecommunication facilities in the Town and within three (3) miles of the Town's boundaries. The map shall include notes detailing the height and types of all of those facilities.
- 2. A copy of the current Zoning Map of the Town of Cheshire marked to show the locations and coverage areas of all of the applicant/co-applicant-provider's existing, proposed, and future wireless telecommunication facilities in the Town. The map shall include notes detailing the height and types of those facilities.
- 3. A map (scale 1" = 100') prepared by a Connecticut-licensed and registered land surveyor map marked to show the approximate location of the proposed facility and any significant changes proposed to be made within a one mile radius of the site.
- 4. Floor plans, elevations, and cross sections at a scale no smaller than 1/4" = 1' of all proposed buildings, including the equipment shelter.

D. Additional Filings. The applicant/filer shall also file the following materials:

Section 80.5.3(D) (continued)

1. At least two (2) color photographs, measuring at least four inches by six inches (4" x 6"), showing what can currently be seen from any public road within five hundred (500) feet of the proposed facility. The applicant/filer shall also submit duplicates of each photograph on which the proposed facility has been superimposed to show the appearance and dimensions of the facility (including antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.) and to show what will be seen from public roads if the proposed facility is built.
2. Equipment brochures for the proposed facility (such as manufacturer's specifications, trade journal reprints, etc.) for the antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.
3. A description of the colors of the facility represented by a color board showing actual colors proposed for the antennas, mounts, equipment shelters, cables, cable runs, security barrier, etc.
4. Specifications of the construction materials for the facility, specified by generic type and specific treatment, for example, anodized aluminum, stained wood, painted fiberglass, etc.
5. The Commission may require the applicant/filer to detail the tree cover on adjacent properties within five hundred (500) feet of the site, providing dominant species and average height of such tree cover (as measured by, or available from, a verifiable source).
6. Such additional information as the Commission deems necessary to review and comment on the proposed facility.

E. Documentation of Compliance With Section 80.7 "Standards of Review". The applicant/filer shall submit the following documentation to establish that the proposed facility complies with the standards of review set forth in Section 80.7 of these Regulations:

1. A landscape plan prepared by a landscape architect, licensed to do business in the State of Connecticut, demonstrating compliance with the landscape standards of Section 80.7.3(B) of these Regulations. The plan shall show all existing and proposed trees and shrubs, identifying them by species and size of specimen at installation. The plan shall also show the depth of the vegetated buffer.
2. A statement, certified and signed by a soil scientist or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the wetland and watercourse standards of Section 80.7.4(A) of these Regulations.

Section 80.5.3(E) (continued)

3. A statement, certified and signed by a professional engineer or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the hazardous waste standards of Section 80.7.4(B) of these Regulations.
 4. A statement, certified and signed by a professional engineer or other qualified professional, licensed to do business in the State of Connecticut, demonstrating compliance with the storm water runoff standards of Section 80.7.4(C) of these Regulations.
 5. A statement, certified and signed by an acoustical engineer, licensed to do business in the State of Connecticut, demonstrating compliance with the noise standards of Section 80.7.4(D) of these Regulations.
 6. A statement, certified and signed by a radio-frequency radiation engineer, licensed to do business in the State of Connecticut, demonstrating compliance with FCC requirements concerning radio-frequency exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.
- F. The original and fourteen (14) copies of the application/filing and supporting documentation shall be submitted to the Commission. In addition, the applicant/filer shall provide an index of all documents, maps, plans, reports, etc. being filed, and the separate documents, etc. shall be numbered as noted in the index.
- G. **Waiver of Submittal Requirements.**
1. Upon written request made by the applicant/filer, the Commission may waive the submission of all or some of the documentation, maps, and information required pursuant to Section 80.5.3 of these Regulations.
 2. All requests for waiver of submittal requirements shall be submitted with application/filing and shall set forth the reasons for the waiver and the specific submittal requirement(s) sought to be waived.
 3. The Commission may, by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes, grant the waiver request, in whole or in part, if it finds that the information, etc. is not necessary in order to make a decision on the permit application or consultation filing.
 4. Any proposal to waive submittal requirement based upon the fact that the applicant/filer only proposes the construction of antenna(s) shall be made pursuant to this Section 80.5.3(G).

80.5.4. Balloon Simulation.

- A. The applicant/filer shall arrange to raise a brightly-colored balloon, with a diameter of at least three (3) feet, at the proposed site and alternate site(s) to illustrate the antenna height/tower height.
- B. Notice of the date, time, and location of the balloon simulation shall be included in the published public hearing notice required by Section 80.6.1 of these Regulations.
- C. The balloon simulation shall be performed on the day of the public hearing, or on such other day as the Commission requires if weather prevents the simulation on the day of the hearing.
- D. The balloon shall be flown continuously from 9:00 a.m. to 5:00 p.m., but not later than sundown, on the day of the simulation.

Section 80.6. Commission Review of Permit Applications and Consultation Filings

80.6.1 Public Hearing Requirements

A. General Provisions

- 1. The Commission shall hold a public hearing on all permit applications and consultation filings.
- 2. The applicant/filer shall provide “enhanced notice” of the public hearing as detailed in Section 26 of these Regulations.
- 3. The Commission’s staff, in addition providing for the published notice of the public hearing, shall also send the applicant/filer written notice of the public hearing by certified mail, return receipt requested, not fewer than five (5) days before the date of the hearing.
- 4. The mailed and published notice shall state the date, time, and place of the public hearing; the name of the applicant/ filer; the location of the subject property; and the purpose of the hearing, including a reference to any material available for public inspection.

B. Permit Application

- 1. The Commission shall cause notice of the time and place of its hearing on a permit application to be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not fewer than two (2) days, the first not more than fifteen (15) days, nor fewer less than ten (10) days, and the last not fewer than two (2) days before the date of the hearing.

Section 80.6.1 (continued)

2. The Commission’s hearing on a permit application shall commence within sixty-five (65) days after receipt of the application and shall be completed within thirty-five (35) days after the hearing commences. Receipt of the application shall be deemed to be the day of the next regularly scheduled meeting of the Commission immediately following the day the application is submitted to the Cheshire Planning Department or thirty-five (35) days after the date of such submission, whichever is sooner.

C. Consultation Filing

1. In order to give the Commission sufficient time to conduct a public hearing, to review the record, and to act on a consultation filing, the filer shall submit the filing to the Cheshire Planning Department no fewer than 10 days, nor more than 14 days prior to a regular public hearing meeting date; and the Commission shall schedule the consultation filing for a public hearing to be held at that regular public hearing meeting.
2. The Commission shall cause notice of the time and place of its hearing on a consultation filing to be published in a newspaper having a substantial circulation in the Town, at least once, not more than ten (10) days but not fewer than five (5) days before the date of the hearing.

80.6.2 Time Frame for, and Notice of, Commission Action

A. Permit Application

1. The Commission shall render its decision on a permit application within sixty-five (65) days after completion of the public hearing. The applicant may consent to one or more extensions of time for the Commission to render its decision, provided the total extension of any such period shall not be for longer than sixty-five (65) days, or the applicant may withdraw the application.
2. The Commission shall cause notice of its decision to be mailed by certified mail, return receipt requested to the applicant and to be published once, both not later than fifteen (15) days after the decision was rendered. The published notice shall be placed in each newspaper which carried the public hearing notice required by Section 80.6.1(B)(1) of these Regulations.

B. Consultation Filings

1. The Commission shall render its decision on a consultation filing within sixty (60) days of the filer’s “initial consultation” with the Town. For the purposes of this Section 80.6.2(B)(1), “initial consultation” is defined as the date the filer submits the consultation filing to the Cheshire Planning Department.

Section 80.6.2(B) (continued)

2. The Commission shall cause notice of its decision on the consultation filing to be mailed by certified mail, return receipt requested to the filer and to the Siting Council and to be published once, not later than fifteen (15) days after the decision was rendered. The published notice shall be placed in each newspaper which carried the public hearing notice required by Section 80.6.1(C)(2) of these Regulations.
3. The Commission shall also cause its decision to be reported to the Siting Council at the Council's hearing held pursuant to Section 16-50n(f) of the General Statutes, as amended.

80.6.3 Form of The Decision

- A. The Commission shall use the Standards of Review set forth in Section 80.7 below to review permit applications and consultation filings.
- B. When reviewing a permit application or consultation filing, the Commission shall make findings concerning the following:
 1. Whether or not there is a public need for the facility and the basis of that need;
 2. The nature of the probable environmental impact of the facility, including a specification of every significant, adverse effect (whether alone or cumulatively with other effects) on, and conflict with, the policies of the Town and the State concerning the natural environment, ecological balance, public health and safety, scenic, historic, environmental, and recreational values, forests and parks, air and water purity, and fish and wildlife;
 3. Whether any adverse effects or conflicts referred to in Section 80.6.3(B)(2) above are sufficient reason to deny the application and the reasons for that finding;
 4. The feasibility of requiring co-location;
 5. Whether such facility, if constructed, may be shared with any public or private entity which provides telecommunication or community antenna television service to the public. In making a finding on this point, the Commission shall consider the interests of the parties and whether such shared use is technically, legally, environmentally, and economically feasible at fair market rates and whether it meets public safety concerns;
 6. Whether the proposed facility would be located in an area of the State which the Council, in consultation with the Department of Environmental Protection and the Town of Cheshire, finds to be a relatively undisturbed area that possesses scenic quality of local, regional, or State-wide significance;

Section 80.6.3(B) (continued)

7. Whether construction and operation of the proposed facility would substantially affect the scenic quality of its location and whether public safety concerns require that the proposed facility be constructed in such a location; and
 8. The existence, and feasibility of requiring the use of, alternative site(s), structure(s), antenna(s), access, and/or technology.
- C. The Commission's decision on consultation filings shall also include comments and recommendations to assist the Siting Council in making its own findings on the issues set forth in Section 80.6.3(B), above, and the Commission shall also provide the Siting Council with the following documents with its decision:
1. The record upon which the Commission bases its findings, comments, and recommendations;
 2. The minutes of all meetings and the public hearing at which the consultation filing was considered by the Commission and any of its committees; and
 3. A copy of the Zoning Regulations; the Plan of Conservation and Development; and, if relevant, a copy of the Inland Wetland and Watercourses Regulations.
- D. The Commission shall impose such conditions on its approval as the Commission deems necessary to protect the public health, safety, and welfare; to mitigate the facility's visual impact on, and to enhance its compatibility with, the neighborhood and the Town; and to implement the purposes of this Section 80.
- E. The Commission's decision shall be in writing and shall include its findings and the reasons for its decision, including appropriate, supporting references to the record, these Regulations, and the Plan of Conservation and Development.

Section 80.7. Standards of Review

80.7.1 General Statement. Wireless telecommunication facilities shall be constructed in accordance with the following standards which are designed to minimize any adverse effects of the facility on the public health, safety, and welfare and to mitigate their visual impact on, and to enhance their compatibility with, the neighborhood and the Town.

80.7.2 Locational Standards.

- A. Wireless telecommunication facilities shall be located in the following order of preference (the most preferred location is listed first; the least preferred location is listed last):

Section 80.7.2(A) (continued)

1. On or within existing, approved wireless telecommunication facilities.
 2. Within existing structures, including, but not limited to, buildings, water towers, steeples, and spires.
 3. On existing structures, including, but not limited to, buildings, water towers, steeples, spires, and utility towers and poles.
 4. In locations which provide the greatest amount of screening due to existing topography, vegetation, buildings, or other structures.
- B. Zoning District:
1. To the extent possible, wireless telecommunication facilities shall be located in industrial districts or commercial districts.
 2. Wireless telecommunication facilities are prohibited in the Interchange Zone unless they are located on or in an existing structure (for example, a water tower) or on or in a building.

80.7.3 Visual Standards

- A. **Wireless Telecommunication Facilities on Existing Buildings or Structures**
1. Roof Location. To the extent feasible, the facility shall be concealed within or behind existing architectural features to restrict or to limit its visibility.
 2. Side Mount. Side mounts shall blend with the existing architectural features. Side mounts which exceed five (5) square feet, shall be painted or shielded with material consistent with the design features and materials of the building.
- B. **Wireless Telecommunication Facilities on Ground-Mounted Towers**
1. The perimeter of the sites of ground-mounted towers shall be screened so as to minimize their visual impacts on, and to enhance their compatibility with, the neighborhood and the Town.
 2. If the facility is in a wooded area, a natural, vegetated buffer strip of undisturbed trees shall be retained for at least fifty (50) feet in depth and at least six (6) feet in height at all times around the perimeter of the site and only minimally disturbed where the accessway is located.

Section 80.7.3(B) (continued)

3. If the facility is not in a wooded area, a vegetated buffer strip of at least fifty (50) feet in depth and at least six (6) feet in height shall be planted around the perimeter of the site. The buffer strip shall be planted with vegetation of a type that has the potential to reach thirty (30) feet at maturity.
4. To the greatest extent possible, existing trees, vegetation, and unique site features shall be retained and protected.
5. The Commission may require additional landscaping and screening in excess of the standards of this Section 80.7.3.B if the Commission finds that it is necessary to mitigate their visual impact on, and to enhance their compatibility with, the neighborhood and the Town.
6. Landscaping, trees, and plants required by this Section 80 shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of this Section 80 shall be replaced by the property owner during the next planting season for the particular plant material.

80.7.4 Environmental Standards

- A. Facilities shall not be located in wetlands or watercourses. Locating facilities in wetland buffer areas shall be avoided to the extent possible, and disturbance to wetland buffer areas shall be minimized.
- B. No hazardous waste shall be discharged on the site of any facility. The storage of hazardous materials on site shall conform to the requirements of Section 47.4.5(A)(1) of these Regulations.
- C. Facilities shall comply with the requirements of Section 47 (“Aquifer Protection”) of these Regulations.
- D. Noise-producing equipment shall be sited, constructed, and insulated so as to comply with State noise laws and regulations.

80.7.5 Radio-Frequency Emissions Standards

All facilities shall comply with FCC requirements concerning radio-frequency emissions and exposure, found in the Code of Federal Regulations at 47 C.F.R. Section 1.1307(b), as amended.

80.7.6 Co-Location Standards

- A.** In order to reduce the number of facilities that are stand-alone, facilities and sites shall be shared whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers, and is in the public interest.
- B.** In order to reduce the number of facilities that are stand-alone, facilities and sites shall be designed and constructed so that they may be shared by at least seven (7) total providers whenever technically, legally, environmentally, and economically feasible and whenever such sharing meets public safety concerns, will avoid the unnecessary proliferation of such towers, and is in the public interest.

80.7.7 Lot Size and Setbacks

- A.** All ground-mounted facilities shall be located on a lot of not less than the minimum lot size for the district within which the facility is proposed to be located.
- B.** The minimum setback between the base of the ground-mounted facility and any property line; public or private road; habitable dwelling; public recreational area; or commercial, industrial, governmental, or other business or institutional use shall be the height of the tower including any antennas or other appurtenances.
- C.** The Commission may permit a reduced setback or the Commission may allow the setback to be measured into a neighboring property, in the following circumstances:
 - 1.** The reduced setback will not adversely affect the visual and safety aspects of the proposed facility;
 - 2.** The reduced setback will permit a tower site plan with better camouflage and overall design than is feasible on alternative sites;
 - 3.** The setback area within a neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place;
 - 4.** The setback requirement cannot be met on the parcel of land upon which the facility is proposed to be located, and the alternative is to locate the tower at another site which is closer in proximity to residentially zoned land; and
 - 5.** The Commission votes in favor of the change in setback by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes.

80.7.8 Equipment Shelter Standards

- A. Equipment shelters located on the ground shall comply with the setback requirements of Section 32.2 of these Regulations.
- B. Wireless telecommunication facilities shall be served by a single equipment shelter designed to house the equipment of all users of the facility at full build-out.
- C. Equipment shelters shall be designed with an architectural style which is in harmony with the neighboring properties.
- D. At least one (1) foundation planting shall be planted every five (5) feet around equipment shelters.

80.7.9 Driveway and Access Road Standards

- A. Driveways and access roads which provide access to towers and equipment shelters shall be at least fifteen (15) feet wide; shall be constructed to permit access by, and to support the weight of, emergency vehicles and apparatus; and shall enable emergency vehicles and apparatus to maneuver around the tower and equipment shelter.
- B. The grade of the driveway or access road shall not exceed ten percent (10%).
- C. At the end of the driveway or access road, a turnaround shall be constructed with a minimum radius of twenty-five (25) feet.
- D. If the topographical conditions require drainage pipes, drainage basins, and/or curbing, they shall be constructed as a part of the construction of the driveway or access road.

80.7.10 Lighting Standards

- A. Except as may be otherwise required by the Federal Aviation Administration, all external illumination of telecommunication facilities shall be directed or shielded in such a manner that the source of light (bulb, tube, etc.) will not be visible from any street or from any adjoining property.
- B. Except as may be otherwise required by the Federal Aviation Administration, the illuminated areas shall be confined essentially to the property where the illumination originates.

80.7.11 Safety and Security Standards

- A. Wireless telecommunication facilities shall be constructed in accordance with applicable construction codes and standards for the tower, mount, antenna, equipment, structure, etc. at issue.

Section 80.7.11 (continued)

- B.** An eight (8) foot high, chain-link fence with 1-inch squares, shall be installed to enclose the tower and equipment shelter.
- C.** A sign no larger than two (2) square feet shall be posted adjacent to the gate into the fence-enclosed area. The sign shall provide the name of the facility owner and the name and telephone number of an emergency contact, available twenty-four (24) hours a day.
- D.** “No Trespassing” and other warning signs may be posted on the fence.
- E.** An emergency access key box, approved by the Cheshire Fire Department, shall be provided for all equipment shelters and fence gate(s) associated with the facility.

80.7.12 Height Standards

- A.** Wireless telecommunication facilities are exempt from the maximum height restrictions of the districts where located.
- B.** Wireless telecommunication facilities are permitted to a maximum height of 150 feet.
- C.** The Commission may permit the height of a wireless telecommunication facility to exceed 150 feet in the following circumstances:
 - 1.** The extra height is necessary for one or more of the following reasons:
 - a.** To facilitate the co-location of wireless telecommunication facilities in order to avoid construction of a new tower; or
 - b.** To meet the coverage requirements of the applicant’s/filer’s wireless telecommunication system. These requirements shall be documented with written, technical evidence (certified and signed by a radio-frequency radiation engineer) that demonstrates that the height of the proposed facility is the minimum height required to function satisfactorily. No facility that is taller than such minimum height shall be approved
 - 2.** The Commission votes in favor of permitting the extra height by an affirmative vote of two-thirds (2/3) of all the members of the Commission, that is, by not fewer than six (6) votes.

Section 80.8. Modifications

Any substantial and material modification of a previously reviewed and approved facility shall require prior review and decision or review and comment by the Commission in the same manner as the Commission considered the original permit application or consultation filing as provided for in this Section 80 and as may be provided for by law.

Section 80.9. Reconstruction or Replacement of Existing Facilities

The Commission shall review and decide or review and comment on proposals to reconstruct, alter, extend, or replace facilities which are legally in existence at the time of adoption of this Section 80 to the extent and in the same manner as the Commission reviews and decides or review and comments on (as appropriate) applications for new facilities as provided for in this Section 80 and as may be provided for by law.

Section 80.10. Monitoring and Maintenance

80.10.1 The applicant/filer shall submit with its application for a Certificate of Occupancy the report of an acoustical engineer, licensed to do business in the State of Connecticut, which report shall certify that the noise emissions at and from the facility meet the noise standards specified in Section 80.7.4(D) of these Regulations. After the facility commences operations, the operator(s) shall continue to monitor noise at and from the facility to ensure that such emissions meet those noise standards, and the operator(s) shall, at least annually, provide a report to the Commission containing the results of that monitoring.

80.10.2 The owner(s) and operator(s) shall maintain the facility in good condition. Such maintenance shall include, but shall not be limited to, painting, maintaining the structural integrity of the mount and security barrier, and maintaining the buffer areas and landscaping.

Section 80.11. Abandonment or Discontinuance of Use

80.11.1 The owner(s) and operator(s) shall notify the Commission if the facility is to be abandoned or if operations will be discontinued. This notice shall be made in writing and mailed to the Commission certified, United States mail, return receipt requested. This notice shall be given no fewer than thirty (30) days prior to abandonment or discontinuation

80.11.2 Upon abandonment or discontinuation, applicant, co-applicant, owner, and/or operator shall physically remove the facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically removed" shall include, but is not limited to, the following:

Section 80.11.2 (continued)

- A. Removal of antennas, mount(s), equipment shelter(s), all above-ground structures (including risers, pull boxes, and related structures), and security barriers from the subject property;
- B. Proper disposal of the waste material from the site in accordance with local and state solid waste disposal regulations;
- C. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain.

Section 80.12. Performance and Maintenance Bonds

- 80.12.1** The applicant shall file with the Commission proof of the posting of any performance bond and/or maintenance bond required by the Connecticut Siting Council.
- 80.12.2** The Commission may require the applicant to post a bond to secure compliance with the approved installation of any facility permitted by the Commission.
- 80.12.3** The Commission may require the applicant to post a bond to ensure the timely and proper removal of any facility permitted by the Commission upon abandonment or discontinuation of use of the facility.

APPENDIX A DESIGN STANDARDS

PUBLIC IMPROVEMENTS

Public Improvements: In order to protect the public health, safety and general welfare under the conditions created by the development of vacant land, the following public improvements shall be required:

STREETS

Arrangement of Streets: The arrangement of streets shall be compatible with existing and planned streets, topographical conditions, public convenience, safety, and the proposed uses of the land to be served by such streets. Provision may be required by Planning and Zoning for the continuation of the principal streets in adjoining property and for proper projection of principal streets when adjoining property is not developed.

Where the land to be developed does not abut an accepted town street or state road, the developer shall purchase the necessary right-of-way and construct at his expense access streets between the development and such town street or state road. The location of such access streets shall be subject to approval by the Planning and Zoning Commission. Any such development not abutting an improved town street or state road shall have not less than two separate access streets unless it is of such size and so located that it can meet the requirements of a cul-de-sac street as stated in Section 5.6 of the Cheshire Subdivision and Other Land Use Regulations.

Access to Town Street System: Where a development is near a municipal boundary, wherever possible, it shall be directly connected with the Cheshire street system to provide access for school buses, police, fire and emergency vehicles and public works department equipment, within the boundaries of Cheshire.

Street Right-of-Way Width: No new street or highway shall have a right-of-way width of less than 50 feet. A wider right-of-way may be required if recommended by the Cheshire Town Engineer and the Cheshire Traffic Authority. See Appendix A in the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Intersections: Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees. Property lines at street intersections shall be rounded with a radius to conform to standards as found in Appendix A in the Subdivision and Other Land Use Regulations of the Town of Cheshire. Streets intersecting town streets shall be opposite existing intersections or be separated by a distance measured between centerlines of not less than 250 feet. Intersections of side streets on the same side of an existing town street shall be located at least 350 feet apart, as measured between centerlines. The above distances may be varied by the Planning and

Zoning Commission when credible and convincing evidence proves that the proposed layout of streets would be as safe as a street layout which complies with the established distance requirements.

To enhance traffic safety, all intersections shall conform with the sightline requirements of the most current CONNDOT Geometric Design Standards.

Residential Street Grades: Grades of all streets shall conform in general to the terrain and shall not exceed 7% for major streets and 10% for minor streets. Reduction of sustained grades to less than the maximum may be required by the Planning and Zoning Commission subject to review by the Town Engineer. No street shall have a grade of less than 1%. No minor street shall have a grade of more than 4% within 75 feet of its intersection with the center line of another street.

Street Construction: Construction of all streets required with development shall conform to the specifications outlined in the “Road and Drainage Standards, Town of Cheshire.” (See Appendix A, Subdivision and Other Land Use Regulations.) Curbs shall be constructed for property facing on existing streets. Construction of new pavement shall be required between edge of existing pavement and the new curb on existing streets which bound or intersect the proposed development. Any damage to existing pavement due to construction shall be repaired at the developer’s expense. For further information on street construction, consult the Town Engineer.

Street Names: All street names shall be shown on the Site Plan and must be approved by the Planning and Zoning Commission.

Proposed street names shall be substantially different from any present names to avoid confusion in sound or spelling. Streets that become extensions of existing streets shall generally bear the same name. All cul-de-sac streets shall bear a street name and be designated as a “Court” or “Place.” See also Section 5.6.3 of the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Driveways: Driveway grades between the street line and the building setback line shall not exceed 10% at any point. Driveways shall be constructed so that the slope of the driveway commences at the street line, not the curb line.

Curbs: Curbs shall be required on all new streets and may be required on existing streets and shall conform to construction and design standards as required in Appendix A of the Subdivision and Other Land Use Regulations of the Town of Cheshire.

Sidewalks: All sidewalks, walkways, and footpaths, where required, shall conform to construction and design standards, as shown in Appendix A of the Subdivision and Other Land Use Regulations of the Town of Cheshire, and shall include ramps for the handicapped in accordance with State of Connecticut specifications.

Traffic Control Devices: The developer shall be responsible for the cost and installation of any traffic control devices deemed necessary by the Town of Cheshire Traffic Authority.

Such Traffic Control Device shall meet the standards of the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23 U.S. Code Sections 109 (b), 109 (d), and 402 (a) as may be amended. (See Manual on Uniform Traffic Control Devices for Highways and Streets.) The developer shall bond such required traffic control devices with all other public improvements.

Street Name Signs: The developer shall be responsible for the cost and installation of street name signs. Such signs shall be placed at all intersections with existing streets as well as at all intersections within the development. Street name signs shall be of the same size, color and construction as the latest Town of Cheshire street signs, shall be subject to approval by the Town of Cheshire Traffic Authority, and shall conform to Section 2D-40 Street Name Sign (D-3) as may be amended (Manual on Uniform Traffic Control Devices for Streets and Highways) approved by the Federal Highway Administrator as the Nation's Standard for all highways open to public travel in accordance with Title 23, U.S. Code, Sections 109 (b), 109 (d) and 402(a) as may be amended. The developer shall bond such required street name signs with all other public improvements.

DRAINAGE FACILITIES

Drainage Facilities: The developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and sub-surface water which may be detrimental to health, safety and convenient use of any portion of the area, whether originating within the development area or in a tributary drainage area. All drainage facilities shall be designed by a registered professional engineer and be subject to the approval and final acceptance of the Town Engineer.

The type, design and extent of drainage control facilities shall be determined by local conditions such as the general terrain, steepness of slope, size and dimensions of contributing area, the retentive characteristics of the soil or ground cover and any other pertinent factors.

DISPOSAL FACILITIES FOR SANITARY SEWAGE

Except in Cluster Subdivisions which must be served by public sanitary sewage disposal system, every application must include satisfactory evidence that the site has suitable physical characteristics to adequately satisfy all the requirements of the Connecticut State Department of Health for subsurface sewage disposal or that the proposed development can be connected to an operational public sanitary sewer.

PUBLIC SERVICE FACILITIES

The developer shall make arrangements to have the electric and telephone service distribution lines and other public service facilities installed underground in accordance with the specifications of the Town of Cheshire, the Connecticut Light & Power Company, Southern New England Telephone Company, and any other public service organizations which may serve the area. All service connections from underground distribution lines shall be underground.

Where utilities are underground, the developer shall acquire easements where necessary and may be required to submit drawings to the Town Engineer for approval. In addition, an as-built map of underground Public Service Facilities placement shall be filed with the Town Engineer.¹

(A-4)

¹ Adopted February 23, 1987; effective February 27, 1987.

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This Index is for convenience in the use of the Zoning Regulations and is not a part of the Regulations. In case of conflict, the Regulations shall prevail.

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ZONE CHANGES – TEXT

All zone changes in text are included within the body of the document and are footnoted.

ZONE CHANGES – MAP

Zone Change R-40 to I-2

Milldale Road, North of Creamery Road
See Official Map in Town Clerk's Office
9/70

Zone Change I-2 to PCD

Francis and Mary DeVyllder, Milldale Road
Granted 5/28/71 - - Void 11/28/71

Zone Change I-2 to PCD

Ernest DeLucia, Milldale Road and West Johnson Avenue
Parcel of 11.76 acres
Granted 3/21/72 - - Void, returned to original zone

Zone Change I-2 to PCD

James Miller and Ernest DeLucia, Co-petitioners, Milldale Road
Amendment of 2.81 acres for total of 14.57 acres
Granted 11/20/72 - - Void, returned to original zone.

Zone Change R-40 to C-2

V.F.W. Post #10052, Waterbury Road
Granted 11/29/72

Zone Change I-1 to R-40 and R-40 to I-1

Alphonse Chernik and the Town of Cheshire, South Meriden Road
Granted 12/19/72

Zone Change R-80 to PCD

Joint Venturers, Meriden – Waterbury Road
Granted 11/25/74, Effective 12/5/74

Zone Change R-80 to C-3

Robert P. Walsh, Walsh's Quality Market, Inc.
Meriden Road, Wolcott and Cheshire
Granted 3/24/75

Zone Change R-80 to C-3

North American Bank and Trust Company, Meriden – Waterbury Road
Granted 6/23/75

Zone Change PCD to I-2

Assessor's Map Plate No. 115
Lot Nos. 2, 2B, 3A, 3F
Granted 6/28/76, Effective 7/16/76 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change PCD to R-20

Assessor's Map Plate No. 119

Lot Nos. 161 and 165

Granted 6/28/76, Effective 7/16/76 at 12:01 a.m.

Zone Change PCD to R-20

Assessor's Map Plate No. 118

Lot No. 82

Granted 9/27/76, Effective 10/1/76 at 12:01 a.m.

Zone Change R-20 to I-1

A Portion of Assessor's Map Plate No. 118

Lot No. 82

Granted 9/27/76, Effective 10/1/76 at 12:01 a.m.

Zone Change C-2 to R-40

Assessor's Map Plate No. 110

Lot Nos. 52 and 70

Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change I-1 to C-3

Assessor's Map Plate No. 118

Lot Nos. 83, 84, 91, 91A, 92, 94

Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change I-1 to R-20

Assessor's Map Plate No. 118

Lot No. 90

Granted 11/28/77, Effective 12/2/77 at 12:01 a.m.

Zone Change C-3 to R-20

Assessor's Map Plate No. 111

Lot Nos. 2, 3, 4, 5, 6, 7, 8

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Assessor's Map Plate No. 110

Portions of Lot No. 239

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change R-20A to R-20

Assessor's Map Plate No. 119

All or portions of Lot Nos. 224, 223, 222, 221, 220, 219, 213

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

ZONE CHANGES – MAP

Assessor's Map Plate No. 120

All or portions of Lot No. 383A, 381A, 382, 381, 380, 379, 378A

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change C-3 to R-20A

Assessor's Map Plate No. 120

All or portions of Lot Nos. 511C, 511B, 511A

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change PCD to R-80

Assessor's Map Plate No. 103

Lot No. 9 and a portion of Lot No. 8B

Granted 2/27/78, Effective 3/3/78 at 12:01 a.m.

Zone Change R-40 to R-20A

John Capone – Cheshire Hillside Village

Assessor's Map Plate No. 125

Lot No. 112

Granted 3/27/78, Effective 3/31/78 at 12:01 a.m.

Zone Change C-3 to I-2

James Putman – Meriden-Waterbury Turnpike

Assessor's Map Plate No. 122

Lot No. 35

Granted 3/27/78, Effective 3/31/78 at 12:01 a.m.

Zone Change R-20 to R-20A

Cheshire Housing Authority, West Main Street

(Planned Residential Development – Housing for Elderly)

Assessor's Map Plate No. 118

Lots Nos. 144 and 196B

Granted 5/24/78, Effective 6/1/78 at 12:01 a.m.

Zone Change R-40 and C-1 to S.D.D.

Daniel Ulbrich and Frederick Biebesheimer, Interdesign

(Watch Factory, Elm Street and Academy Road)

Assessor's Map Plate No. 125

Lot Nos. 130, 131, 153, 154

Granted 6/12/78, Effective 6/16/78 at 12:01 a.m.

Zone Change C-2 to R-20

Vicinity Byam Road, Waterbury Town Line and Rt. 70

Assessor's Map Plate No. 103

Lot Nos. 88, 89, 90, 90A, 91, 91A, 97, 98, 99, 100, 101, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 229, 233A, 234, 235A

Granted 12/13/78, Effective 12/22/78 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-1

Oliver F. Boutelier, Jr., Sandbank Road

Assessor's Map Plate No. 116

Lot No. 68H

Granted 6/25/79, Effective 6/29/79 at 12:01 a.m.

Zone Change R-20 to R-20A

Corner of Milldale Road and Creamery Road

Assessor's Map Plate No. 124

Lot No. 96

Granted 7/23/79, Effective 7/27/79 at 12:01 a.m.

Zone Change I-2 to R-20

Vicinity of Birch Drive, Poplar Drive, Aspen Drive, Tulip Drive

Assessor's Map Plate No. 129

Lot Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 46A, portion of 2A, portion of 2B, 47, 48, 49, 50, 51, 52, 53, 54, 54A, 55, 55A, 56, 56A, 57, 57A, 58, 58A, 59, 59A, 60, 60A, 61, 61A, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 88A, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 101A, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 115A, 116, 117, 117A, 118, 118A, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 130A, 131

Granted 7/23/79, Effective 7/27/79 at 12:01 a.m.

Zone Change C-2 to R-40

Vicinity of Norton Lane and South Meriden Road

Assessor's Map Plate No. 137

Lot Nos. 4, 5, 6, 6A, 7

Granted 9/24/79, Effective 9/28/79 at 12:01 a.m.

Zone Change R-20A to C-2

Richard N. Johnson, 1151 South Main Street

Assessor's Map Plate No. 120

Portion of Lot No. 513

Granted 10/29/79, Effective 11/2/79 at 12:01 a.m.

Zone Change I-1 to R-20

Anthony G. and Helen M. Arisco, 151 Willow Street

Assessor's Map Plate No. 118

Lot No. 366

Granted 2/25/80, Effective 2/29/80 at 12:01 a.m.

Zone Change R-20 to R-20A

Margaret M. Scadden, South Main Street and Higgins Road

Assessor's Map Plate No. 119

Portion of Lot No. 149 (area of parcel within 300 feet of R.O.W. of Route 10 [South Main Street])

Granted 8/25/80, Effective 8/29/80 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-1

Alphonse J. Chernik, (Olga Chernik), South Meriden Road
Assessor's Map Plate No. 131
Lot No. 26
Granted 11/24/80, Effective 11/28/80 at 12:01 a.m.

Zone Change R-40 to R-20

Ravenswood Realty & Management Corporation, South Main Street & Wallingford Road
Assessor's Map Plate No. 126
Lot Nos. 1 and 29
Granted 3/23/81, Effective 3/27/81 at 12:01 a.m.

Zone Map Change R-40 to R-20A

Emanuel Dakis, et al, 366-372 Highland Ave.
Assessor's Map Plate No. 125
Lot No. 81
Granted 7/27/81, Effective 7/31/81 at 12:01 a.m.

Zone Change R-20 to R-20A

John and Georgette Miller, 3 Country Club Road
Assessor's Map Plate No. 124
Lot Nos. 259 and 260
Granted 7/27/81, Effective 7/31/81 at 12:01 a.m.

Zone Change R-40 to R-20

South Side of Wallingford Road
Assessor's Map Plate No. 126
Lot Nos. 23, 24, 25, 26, 27, 27A, 28, 30, 31, 32, 33 and 33A
Granted 1/25/82, Effective 1/29/82 at 12:01 a.m.

Zone Change R-20 and R-40 to C-1

Located to the east of South Main Street
Assessor's Map Plate No. 126
Portions of Lot Nos. 6 and 19
Granted 1/25/82, Effective 1/29/82 at 12:01 a.m.

Zone Change C-1 to S.D.D.

Town Center Associates, Donald S. Baillie, General Partner
(Cheshire Center, 6-20 So. Main St., Academy Rd. & Elm St.)
Assessor's Map Plate No. 125
Lot No. 119 and 130
Granted 4/26/82, Effective 4/30/82 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-20 to R-20A

John C. Coombs, 629 South Main Street
Assessor's Map Plate No. 119
Lot No. 139

Granted 6/28/82, Effective 7/2/82 at 12:01 a.m.

Zone Change R-40 to R-20A

P. Minow Michlin and Carl W. and Jeanne Alexander
714 and 728 South Main Street
Assessor's Map Plate No. 126
Lot No. 98 and 99

Granted 1/24/83, Effective 1/28/83 at 12:01 a.m.

Zone Change R-40 to R-20

Anna Skabeikis, 505 Peck Lane
Assessor's Map Plate No. 117
Lot No. 102

Granted 8/22/83, Effective 8/26/83 at 12:01 a.m.

Zone Change R-40 to R-80

Anna Skabeikis, 505 Peck Lane
Assessor's Map Plate No. 117
Lot No. 18A, Portion of Lot No. 19

Granted 8/22/83, Effective 8/26/83, at 12:01 a.m.

Zone Change I-2 to I-1

Vicinity of Schoolhouse Road, Route 10, Railroad Tracks
Assessor's Map Plate No. 123
Lot Nos. 43A, 43, 43C, 43B, 28, 27, 26, 25, 24, 22, 21, 20, 19, 18, 18A, 17, 28A, 29, 43D

Granted 10/24/83, Effective 10/28/83, at 12:01 a.m.

Zone Change R-40 to R-20A

Vicinity of east side of So. Main St. (600 feet north of Jinny Hill Rd. & approximately
300 feet in easterly direction)
Assessor's Map Plate No. 126
Lot Nos. 97, 96 and 94

Granted 10/24/83, Effective 10/28/83, at 12:01 a.m.

Zone Change I-2 to I-1

Lawrence F. Wild and George R. Nolan, Sandbank Road
New Assessor's Map Plate No. 27
Lot No. 110

Granted 10/22/84, Effective 10/26/84, at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change I-2 to IC (Interchange Zone)

New Assessor's Map Plate No. 3

Lot Nos. 48, 49, 50, 51

New Assessor's Map Plate No. 4

Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35

New Assessor's Map Plate No. 11

Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 36, 38, 39, 40, 41, 42, 43, 44, 37, 26, 25

Granted 5/23/85, Effective 5/25/85 at 12:01 a.m.

Zone Change I-2 to R-40/IC (Interchange Zone)

New Assessor's Map Plate No. 5

Lot Nos. 109, 108

New Assessor's Map Plate No. 12

Lot Nos. 5, 1 and property owned by State of Connecticut

Granted 5/23/85, Effective 5/25/85, at 12:01 a.m.

Zone Change R-80 to R-40

Waller Construction Inc.

Off Cook Hill Road and Sperry Road

Assessor's Map Plate No. 127

Lot No. 105A

Granted 6/24/85, Effective 6/28/85, at 12:01 a.m.

Zone Change R-20A to R-20

Planning and Zoning Commission

Maple Avenue, Park Place, Atwater Place, South Rolling Acres, and

Mountain View Terrace

New Assessor's Map Plate Nos. 50, and 57

Lot Nos. 130, 131, 132, 133, 134, 135, 136, 137, 138, 142, 143, 144, 208, 209, 210, 211, 206, 207, 212, 213, 214, 215, 269, 270, 271, 272, 273, 274, 14, 15, 13, 12, 11, 10, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

Approved 11/25/85, Effective 12/6/85, at 12:01 a.m.

Zone Change R-80 to C-3

The North American Bank & Trust Co.

Meriden-Waterbury Road

New Assessor's Map Plate No. 7

Lot No. 24

Approved 4/28/86, Effective 5/2/86, at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-40 to I-2

The FIP Corporation
Marion Road (Roger Avenue and Knotter Drive)
Assessor's Map Plate No. 17
Portions of Lot Nos. 19 and 3

Approved 4/28/86, Effective 5/2/86, at 12:01 a.m.

Zone Change R-80 to R-40

Ramadan Ismail
Mixville- Notch Roads
Assessor's Map Plate No. 41
Portion of Lot Nos. 13 and 14

Approved 6/22/87; Effective 7/1/87, at 12:01 a.m.

Zone Change R-40 to C-2

Westbrook Nursery Garden Center, Inc.
Waterbury Road
Assessor's Map No. 34, Lot No. 79

Granted 8/29/88, Effective 9/2/88, at 12:01 a.m.

Zone Change R-40 to R-20A

Joseph and Marlene Amico
500 South Main Street
Assessor's Map No. 71, Lot No. 88

Granted 9/26/88, Effective 9/30/88, at 12:01 a.m.

Zone Change R-40 to I-1

Marshall Enterprises Limited Partnership
1123-1127 Highland Avenue
Assessor's Map No. 37, Lot No. 68

Granted 10/28/91, Effective 11/1/91 at 12:01 a.m.

Zone Change R-40 to R-20

Heritage Hills, Inc.
South Main Street and Cook Hill Road
Assessor's Map No. 91, Lot No. 212

Granted 5/26/92, Effective 6/5/92 at 12:01 a.m.

Zone Change R-80 to R-40

Sharon Krause
Mixville Road
Assessor's Map No. 41
Lot Nos. 35, 36, 37, 38, 39, 40, 41 (east of Ten Mile River)

Granted 4/25/94, Effective 4/29/94 at 12:01 a.m.

ZONE CHANGES – MAP

Zone Change R-20 to R-20A

Adams, Scot, Phaneuf
401-423 West Main Street
Assessor's Map No. 57, Lot Nos. 112, 113, 114
Granted 10/24/94, Effective 10/28/94 at 12:01 a.m.

Zone Change R-40 to C-2

Westbrook Nursery & Florist, Inc.
1320 Waterbury Road
Assessor's Map No. 34, Lot Nos. 79 and 80
Granted 10/23/95, Effective 10/27/95 at 12:01 a.m.

Zone Change R-40 to I-2

Pratt & Whitney ORC
500 Knotter Drive
Assessor's Map No. 9, Lot Nos. 17, 18, 19, 20
Granted 9/23/96, Effective 9/27/96 at 12:01 a.m.

Zone Change R-20A and R-40 to Affordable Housing District (AHD)

Louis J. LaViola
438-452 South Main Street
Assessor's Map No. 64, Lot No. 285
Granted 11/24/97, Effective 12/5/97 at 12:01 a.m.

Zone Change R-40 and R-20 Zones to I-1 Zone

DeGeorge Financial Corporation
1164 Highland Avenue
Assessor's Map No. 73, Lot No. 37
Granted 6/22/98; Effective 6/26/98 at 12:01 a.m.

Zone Map Change R-40 to Affordable Housing District (ADH)

George E. Bowman
1575 Waterbury Road
Assessor's Map No. 25, Lot Nos. 9 and 11
Granted 11/23/98; Effective 11/17/98 at 12:01 a.m.

Zone Map Change R-20 to C-3 Zone

Fernando & Maria Estevam
122 Meriden Road
Assessor's Map No. 5, Lots No. 2 & 3
Granted 5/26/98

Zone Map Change from R-40 to I-2

Knotter-Cheshire LLC
Knotter Drive and Marion Road
R-40 to I-2
Assessor's Map No. 9, Lot No. 14 (in part)
Granted 2/22/99; Effective 2/26/99 to 12:01 a.m.

ZONE CHANGES – MAP

Zone Map Change from R-20A to C-2

Batista, LLC
310 South Main Street
Assessor's Map No. 64, Lot No. 249
Granted 6/26/00; Effective 6/30/00 at 12:01 a.m.

Zone Map Change from R-40 to R-20A

Ricci Construction Group, Inc.
660 and 678 South Main Street
Assessor's Map No. 71, Lot Nos. 93 and 94
Granted 10/23/00; Effective 10/27/00 at 12:01 a.m.

Zone Map Change from I-2 to R-40

Mattson Associates
1524 Marion Road
Assessor's Map No. 16, Lot No. 20 &
Assessor's Map No. 17, Lot No. 24
Granted 10/24/01; Effective 11/02/01 at 12:01 a.m.

Zone Map Change from R-80 to R-20

Jane Stelley
88 Larson Avenue
Assessor's Map No. 15, Lot No. 89
Granted 3/25/02; Effective 3/29/02 at 12:01 a.m.

Zone Map Change from R-80 to R-20

John and Anita Bonilla
100 Larson Avenue
Assessor's Map No. 15, Lot No. 87
Granted 6/24/02; Effective 6/28/02 at 12:01 a.m.

Zone Map Change from R-20 to C-3

RIZ Realty, LLC
869 West Main Street
Assessor's Map No. 49, Portion of Lot 72
Granted 12/16/02; Effective 12/20/02 at 12:01 a.m.

Zone Map Change from R-40 to R-20

Diversified Cook Hill LLC
1398 South Main Street
Assessor's Map No. 85, Lot No. 97
Granted 7/28/03; Effective 8/1/03 at 12:01 a.m.

Zone Map Change from I-C to I-2

Rapoport Ventures, LLC
1718 Highland Avenue
Assessor's Map No. 11, Lot No. 46
Granted 3/22/04

(I-22)

ZONE CHANGES – MAP

Zone Map Change from R-20 to Affordable Housing Development (AHD)

Albert S. Prinz & Edith W. Prinz

501 Maple Avenue

Assessor's Map No. 50, Lot No. 200

Granted 9/27/04, Effective October 1, 2004 at 12:01 a.m.

Zone Map Change from R-20 I-C Zone to an Age Restricted Development Overlay Zone

David Florian & Honey Florian

Poplar Drive

Assessor's Map No. 5, Lot No. 108

Assessor's Map No. 12, Lot 5

Granted 4/25/05, Effective April 29, 2005 at 12:01 a.m.

Zone Map Change from R-40 to Age Restricted Overlay Zone/Section 43

Brodach Builders Inc.

210 Wiese Road

Assessor's Map No. 58, Lot No. 60

Granted 6/27/05, Effective July 1, 2005 at 12:01 a.m.

Zone Map Change from R-20 to R-20A

Kathleen and James Perkins

556 Maple Avenue

Assessor's Map No. 50, Lot No. 269

Granted 10/24/05, Effective October 28, 2005 at 12:01 a.m.

Zone Map Change from R-20 and R-80 Zone to a Special Adaptive Development Overlay Zone

Pond View of Cheshire, LLC

50 Hazel Drive

Assessor's Map 15, Lot 52

Granted 11/14/05, Effective 12/2/05 at 12:01 a.m.

Zone Map Change from R-40 to Age Restricted Planned Residential Development

772 South Main Street Assoc. LLC

Rear of 74 Jinny Hill Road and Rear of 802 South Main Street

Assessor's Map No. 78, Lots No. 114, 115

Granted 7/24/06, Effective 7/28/06 at 12:01 a.m.

Zone Map Change from Interchange Zone to Interchange Special Development District

Cheshire Route 10 LLC

1953 and 2037 Highland Avenue, I-691 and Dickerman Road

Assessor's Maps No. a) 4, b) 3, c) 4, Lots a) 13, b) 51, c) 6

Granted 1/28/08

ZONE CHANGES – MAP

Zone Map Change from R-20 to R-20A

2298 Waterbury Road, LLC, Donald J. Ciampi, Sr. and Lucille D. Ciampi
2298 and 2278 Waterbury Road
Assessor's Map No. 14, Lots No. 27 and 28
Granted 3/10/08, Effective 3/14/08

Zone Map Change from R-40 to R-20

Tam Le
1358 South Main Street
Assessor's Map No. 85, Lot No. 98
Granted 5/12/08, Effective 5/31/08

Zone Map Change from R-20 to Affordable Housing District (AHD)

Applicant: Cheshire Housing Authority

356 and 366 West Main Street
Assessor's Map No. 57, Lots No(s) 119 and 120
Granted March 23, 2009; Effective 4/10/09

Zone Map Change from R-80 to R-40

Applicant: Elim Park Baptist Home

140 Cook Hill Road
Assessor's Map 85, Lot No. $\frac{3}{4}$ of an acre of parcel B
Lot #232
Granted July 27, 2009; Effective 8/14/09

Zone Map Change from R-20 to R-20A

Applicant: Guardian Angels Homecare, LLC

405 Maple Avenue
Assessor's Map No. 50, Lot No. 142
Granted 3/14/11; Effective 4/1/11

Zone Map Change from I-C* to I-C.S.D.D.**

1973, 1989 and 2061 Highland Avenue
Assessor's Map No. 4, Lots 9, 7 and 4 respectively
Granted 7/22/13, Effective 8/9/13

Combined zone change to and approval as an Interchange Special Development District and Approval of Interchange Special Development Project Cheshire Route 10, LLC

To change the zoning classification of Parcels 9, 7 and 7 on Assessor's Map 4 from Interchange Zone (I-C) to Interchange Special Development District(I-C.S.D.D.) lots 9, 7 and 4 to the approved Interchange Special Development District and approved Interchange Special Development Projects and to amend the approved Interchange Special Development Project on plans submitted. Street address:

1953, 1973, 1989, 2037 and 2061 Highland Avenue-Dickerman Road and I-691.
Assessor's Map 4 Lot No(s) 13, 9, 7, 6 and 4; Map 3 Lot No 51.
Granted 7/22/13, Effective 8/9/13

*Interchange Zone

**Interchange Zone Special Development District
(I-24)

Zone Map Change from R-20 to R-20A

BeMore Investments, LLC
314 West Main Street
Assessor's Map No. 57, Lot No. 185
Granted May 27, 2014; Effective 6/13/2014.

Zone Map Change from I-1 to Special Adaptive Reuse Development District

Ball & Socket Arts, Inc.
493 West Main Street
Assessor's Map No. 49, Lot No. 2
Granted July 28, 2014; Effective 8/15/2014.

Zone Map Change from C-2 to I-2

1276 and 1280 Waterbury Road
AJ Waste Systems LLC
Assessor's Map No. 34, Lot No.(s) 85 & 86
Granted December 10, 2018; Effective 12/28/18

Zone Map Change from I-C (I-C.S.D.D.) zone to I-C.S.D.D. (Interchange Special Development District within which will be mixed used.

1953 and 2037 Highland Avenue, I-691 and Dickerman Road
Granted 7/22/19; Effective 8/9/19.

Zone Map Change from R-80 to C-3

Bartlett Headquarters LLC
2055 Meriden Road
Assessor's Map No. 7, Lot No. 23
Granted June 8, 2020; Effective 7/3/2020

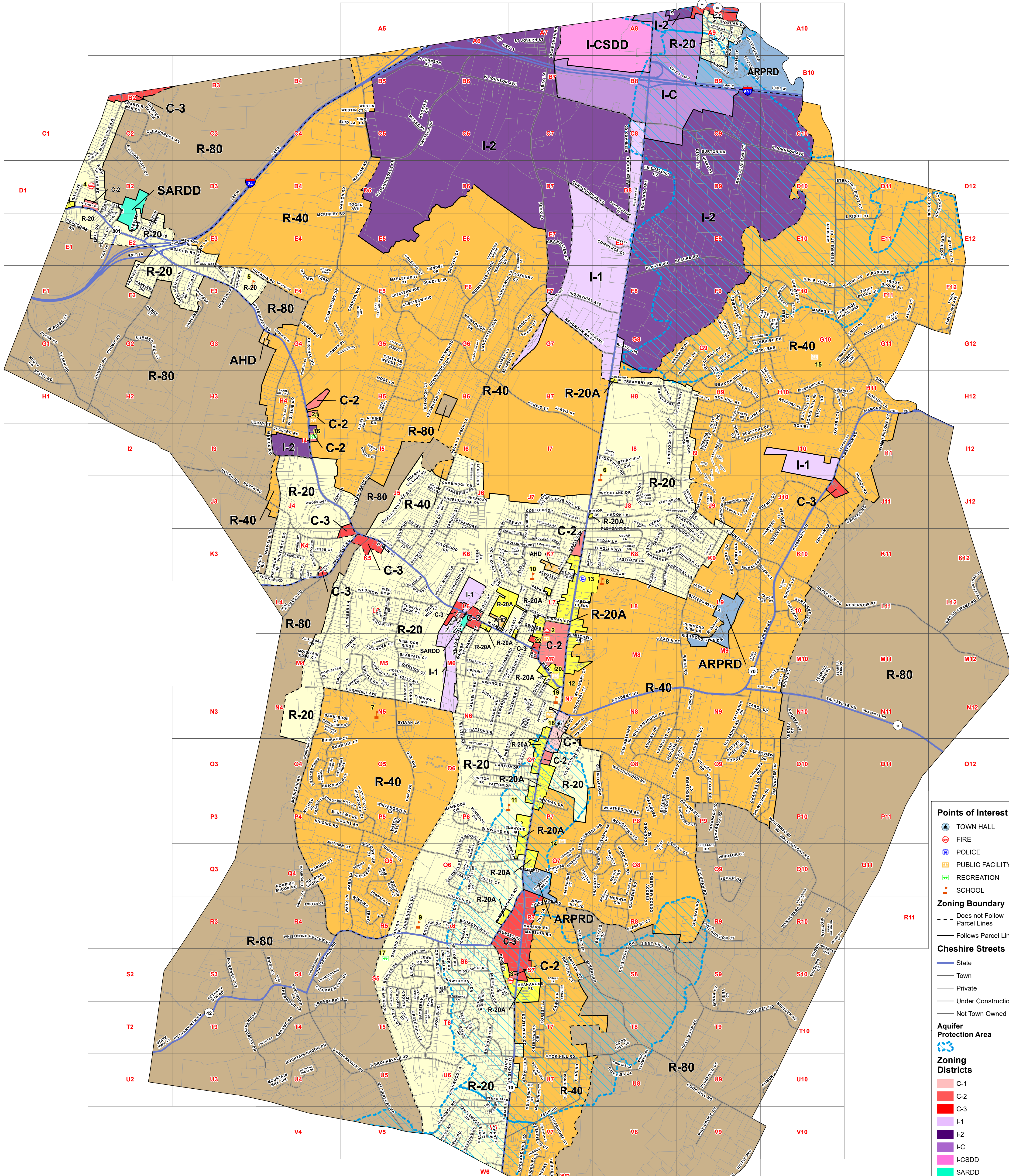
Zone Map Change from SARDD/R-80 (Special Adaptive Reuse Development District) to AHD (Affordable Housing District per Section 44A of the Cheshire Zoning Regulations

Lamp Realty, LLC
50 Hazel Drive
Assessor's Map No. 15, Lot No. 52
Granted September 14, 2020; Effective October 9, 2020

Zone Map Change from R-20 to R-20A

Ricci Construction Group Inc.
687 South Main Street
Assessor's Map 71, Lot No. 32
Granted October 14, 2020; Effective 11/6/2020

SECTION 3



Points of Interest

- TOWN HALL
- FIRE
- POLICE
- PUBLIC FACILITY
- RECREATION
- SCHOOL

Zoning Boundary

- Does not Follow Parcel Lines
- Follows Parcel Lines

Cheshire Streets

- State
- Town
- Private
- Under Construction
- Not Town Owned

Acquifer Protection Area

Zoning Districts

- C-1
- C-2
- C-3
- I-1
- I-2
- I-C
- I-CSDD
- SARDD
- R-20
- R-20A
- R-40
- R-80
- AHD
- ARPRD

Town of Cheshire, CT

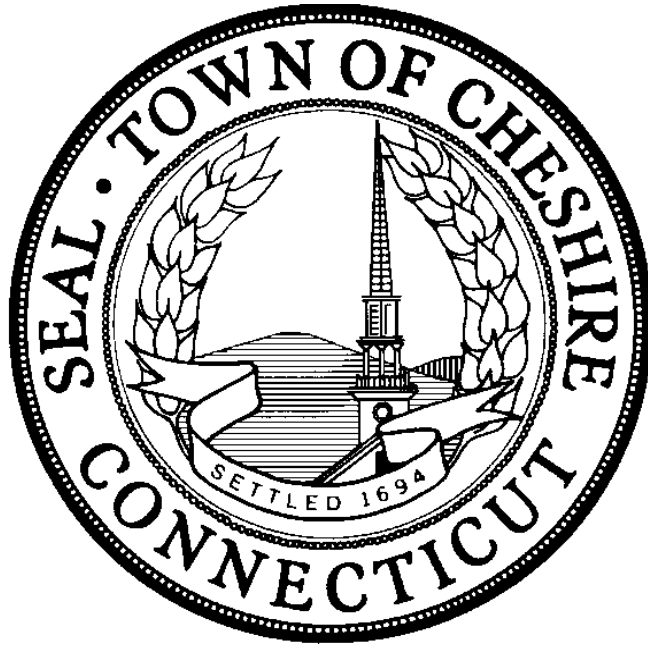
Zoning Map

A ABBEY CT: 17, 27	BROADVIEW DR: 55, 56	CRENSHAW DR: 103, 104	GLENN CT: 18, 19	JUNIPER LA: 19	K RAMP: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 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SECTION 4

Disclaimer: The digital format of the Cheshire Inland Wetland and Watercourse Regulations for the Town of Cheshire is for reference only. The official regulations can be purchased at the Town Clerks Office in town hall, or viewed in the Planning Office.

All potential applicants should contact the Planning Office for a complete application packet.

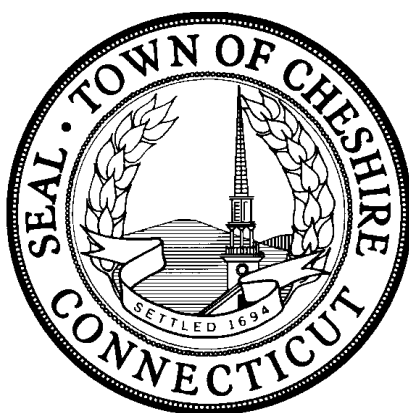


**INLAND WETLANDS AND WATERCOURSES
REGULATIONS**

CHESHIRE, CONNECTICUT

INLAND WETLANDS AND WATERCOURSES REGULATIONS

TOWN OF CHESHIRE, CONNECTICUT



Adopted June 24, 1974

Amended May 21, 1991; Effective May 31, 1991

Amended March 20, 2004; Effective April 1, 2004

Amended May 17, 2005; Effective June 1, 2005

Amended June 1, 2010; Effective June 22, 2010

Amended October 5, 2010; Effective October 19, 2010

AMENDMENTS

Amended May 17, 2005; Effective June 1, 2005 at 12:01 a.m.

(Section 2.1 NN – definitions - “Essential to farming operations” and “Watercourses”)

(Section 4.1B2 – Deleted) (Section 9.1B - Amended)

(Section 10.4 and 10.5 – Replaced) (Section 10.6 Adopted)

(Section 12.7 Deleted)

Amended June 1, 2010; Effective June 22, 2010 at 12:01 a.m.

(Section 11.3A - Amended)

(Section 11.3 D – Adopted to add Extended expiration dates of various land use approvals/permits issued between July 1, 2006 and July 1, 2009 to coincide with the amended Connecticut General Statutes, 22a-42a)

Amended October 5, 2010; Effective October 19, 2010 at 12:01 a.m.

(Section 7.1D – Amended)

(Section 7.1F2 – Amended)

CHESHIRE INLAND WETLANDS AND WATERCOURSES **REGULATIONS**

SECTION 1 -- TITLE AND AUTHORITY

1.1 Legislative Findings.

- 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.
- B. 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; and 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 the ecology of the State of Connecticut and has imperiled 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 forevermore. 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.
- C. It is, therefore, the purpose of these Regulations to protect the citizens of the State and particularly the Town of Cheshire 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.

- 1.2 These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Cheshire".

- 1.3 The Cheshire Inland Wetlands and Watercourses Commission was established in accordance with an ordinance adopted by the Cheshire Town Council on January 3, 1974.
- 1.4 These Regulations have been adopted by the Cheshire Inland Wetlands and Watercourses Commission in accordance with, and for the purpose of implementing, the purposes and provisions of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, as amended, known as "The Inland Wetlands and Watercourses Act".
- 1.5 These Regulations may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these Regulations.
- 1.6 Pursuant to Sections 22a-36 to 22a-45, inclusive, of the *Connecticut General Statutes*, as amended, the Cheshire Inland Wetlands and Watercourses Commission is authorized to grant; deny; limit; or grant with terms, conditions, limitations, or modifications permits for any and all regulated activities conducted or to be conducted in any inland wetland or watercourse and any activity which is likely to impact or affect any inland wetland or watercourse within the Town of Cheshire.
- 1.7 Pursuant to Sections 22a-36 to 22a-45, inclusive, of the *Connecticut General Statutes*, as amended, the Cheshire Inland Wetlands and Watercourses Commission is authorized to enforce all provisions of the Act and these Regulations.

SECTION 2 -- DEFINITIONS

- 2.1 The following definitions apply to these Regulations:
- A. **"Act"** means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45, inclusive, of the *Connecticut General Statutes*, as amended.
 - B. **"Bogs"** means wetland and/or watercourse areas usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
 - C. **"Buffer"** means an area of land adjacent to inland wetlands and watercourses that is undisturbed by any construction, excavation, or other alteration to avoid any adverse impact to inland wetlands or watercourses.
 - D. **"Clear-cutting"** means the harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.
 - E. **"Commission"** means the Inland Wetlands and Watercourses Commission of the Town of Cheshire.
 - F. **"Commission member"** means a member of the Inland Wetlands and Watercourses Commission of the Town of Cheshire.
 - G. **"Commissioner of Environmental Protection"** means the Commissioner of the State of Connecticut Department of Environmental Protection.
 - H. **"Continual flow"** means 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 recurs in prolonged succession.
 - I. **"Date of receipt"** of any application means the date of the next regularly scheduled meeting of the Commission immediately following the day of submission of said application to the Commission, or thirty-five days after such submission, whichever is sooner.
 - J. **"Deposit"** means, but is not limited to fill, grade, dump, place, discharge, or emit.
 - K. **"Designated agent"** means an individual(s) designated by the Commission to carry out its functions and purposes.
 - L. **"Discharge"** means the emission, directly or indirectly, of any water, substance, or material into wetlands or watercourses of the Town whether or not such substance causes pollution.
 - M. **"Disturb the natural and indigenous character of the land"** means that the activity will significantly alter the inland wetlands and watercourses by reason of removal or deposition of material, clear-cutting, or the alteration or obstruction of water flow, or that the activity will result in the pollution of the wetland or watercourse.

- N. **"Essential to the farming operation"** means that the activity proposed is necessary and indispensable to sustain farming activities on a farm.¹
- O. **"Farming"** means the use of land for the growing of crops, the raising of livestock, or for other agricultural use.
- P. **"Feasible"** means able to be constructed or implemented consistent with sound engineering principles.
- Q. **"Inland wetland and watercourse system"** means the inland wetland and watercourse system of the Town of Cheshire.
- R. **"Intermittent watercourse"** means those waterways which are characterized by non-persistent flow. For purposes of these Regulations, intermittent watercourses are delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
1. Evidence of scour or deposits of recent alluvium or detritus.
 2. The presence of standing or flowing water for a duration longer than a particular storm incident. Ordinarily, the presence of water is supported by a component, however small, of groundwater outflow or exfiltration.
 3. The presence of hydrophytic vegetation.
- S. **"License"** means the whole or any part of any permit, certificate of approval, or similar form of permission which may be required of any person by the provisions of these Regulations under the authority of the Inland Wetlands and Watercourses Commission.
- T. **"Management practice"** means a practice, procedure, activity, structure, or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to, erosion and sedimentation controls, restrictions on land use or development, construction setbacks from wetlands or watercourses, proper disposal of waste materials, procedures for equipment maintenance to prevent fuel spillage, construction methods to prevent flooding or disturbance of wetlands and watercourses, procedures for maintaining continuous stream flows, and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- U. **"Marshes"** means wetland and/or watercourse 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.

¹ Amended May 17, 2005; effective June 1, 2005 at 12:01 a.m.

- V. **"Material"** means any substance, solid or liquid, organic or inorganic, including, but not limited to, soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse, or waste.
- W. **"Municipality"** or "Town" means the Town of Cheshire.
- X. **"Nurseries"** means land used for propagating trees, shrubs, or other plants for transplanting, sale, or for use as stock for grafting.
- Y. **"Permit"** means the whole or any part of any license, certificate of approval, or similar form of permission which may be required of any person by the provisions of these Regulations and the Act under the authority of the Inland Wetlands and Watercourses Commission.
- Z. **"Permittee"** means the person to whom a permit, as defined in this Section 2.1, has been issued.
- AA. **"Person"** means any person, firm, partnership, association, corporation, company, organization, or legal entity of any kind including municipal corporations, governmental agencies, or subdivisions thereof.
- BB. **"Pollution"** means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town by reason of any waste or other materials discharged or deposited therein by any public or private sewer, or otherwise, so as to directly or indirectly come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.
- CC. **"Prudent"** means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity. Cost may be considered in deciding what is prudent; however, a mere showing of expense will not necessarily mean an alternative is imprudent.
- DD. **"Regulated activity"** means any operation within or the use of a wetland or watercourse involving, but not limited to, the removal or deposition of material and any obstruction, construction, alteration, or pollution of such wetlands and watercourses including any pond (permanent or seasonal) and including construction of any road or driveway over a watercourse, any rechanneling of a perennial or intermittent stream or intermittent watercourse, any discharge which has potential for significant erosion and/or deposition, or any earthmoving, filling, construction, or clear-cutting of trees within fifty (50) feet of wetlands and/or watercourses which earthmoving, etc. is likely to impact or affect wetlands or watercourses. Those activities specified in Section 4 of these Regulations, however, are determined to be nonregulated activities or activities permitted as of right.

- EE. **"Regulated area"** means the area where a "regulated activity", as defined in this Section 2.1, occurs and includes all inland wetlands and/or watercourses, as defined in these Regulations and all areas within the fifty-foot review area, as defined in Section 2.1(DD).
- FF. **"Remove"** means, but is not limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline, or blast.
- GG. **"Rendering unclean or impure"** means any alteration of the physical, chemical, or biological properties of any waters of the Town including, but not limited to, change in odor, color, turbidity, or taste.
- HH. **"Significant activity"** means any activity which will or may have a major effect or significant impact on the area for which an application has been filed or another part of the inland wetland or watercourse system, including, but not limited to, the following activities:
1. Any activity which involves a 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; or
 2. Any activity which substantially changes the natural channel, or may inhibit the natural dynamics, of a an inland wetland or watercourse system; or
 3. Any activity which causes substantial turbidity, siltation, or sedimentation in a wetland or watercourse; or
 4. Any activity which causes the destruction or substantial impairment of an identified aquifer or recharge area; or
 5. Any activity which causes a substantial reduction in the flood storage capacity of an inland wetland or watercourse; or
 6. Any activity which causes the constriction or alteration of a watercourse channel which might result in altering the volume or velocity of water leading to upstream or downstream flooding; or
 7. Any activity which causes a substantial diminution of flow of a natural watercourse or a diminution of groundwater levels of the regulated area; or
 8. Any activity which causes a decrease in the minimum low flow of a watercourse during periods of drought; or
 9. Any activity which causes, or has the potential to cause, pollution of an aquifer, a wetland, or a watercourse; or

10. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life and/or to function effectively as a part of the total wetland ecosystem including loss of productivity of an economic resource; or
 11. Any activity which directly or indirectly causes or is reasonably likely to cause destruction or substantial deterioration of unique wetlands, watercourses, or wetland or watercourse areas which have demonstrable scientific or educational value; or
 12. A conflict with the Town Plan of Conservation and Development or open space plan, which may result from incompatible uses, loss of amenities, etc.; or
 13. The creation of conditions which may adversely affect the health, welfare, and safety of the individual or the general public, which may be incurred when unsuitable development occurs in swamps or marshes, along watercourses, or in areas subject to flooding.
- II. **"Soil scientist"** means an individual duly qualified in accordance with standards set by the Federal Office of Personnel Management (formerly the U. S. Civil Service Commission).
- JJ. **"Swamps"** means wetland and/or watercourse areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs, such as red maple, black gum, and black ash. There is often a conspicuous understory of high bush shrubs and a rich diversity of wild flowers. Shrub swamps are another swamp type with a higher water table. The underlying deposits are relatively shallow and usually highly organic.
- KK. **"Submerged lands"** means those lands which are inundated by water on a seasonal or more frequent basis.
- LL. **"Town"** means the Town of Cheshire.
- MM. **"Waste"** means sewage or any substance, liquid, gaseous, solid, or radioactive, which may pollute or tend to pollute any of the inland wetlands or watercourses of the Town.

- NN. **“Watercourses”**¹ means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border upon the Town or any portion thereof not regulated pursuant to the *Connecticut General Statutes*, Section 22a-28 through 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
- (A) Evidence of scour or deposits of recent alluvium of 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.
- OO. **"Wetlands"** means land, including submerged lands as defined in this Section 2.1, not regulated pursuant to *Connecticut General Statutes*, Sections 22a-28 to 22a-35, inclusive (Tidal Wetlands and Watercourses), as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, or floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service (formerly 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.

¹ Amended May 17, 2005; effective June 1, 2005 at 12:01 a.m.

SECTION 3 – INVENTORY OF REGULATED AREAS

- 3.1 The map of regulated areas entitled "Official Inland Wetlands and Watercourses Map, Town of Cheshire, New Haven County, Connecticut", Scale 1"=1000', prepared June, 1974 by C. Dimmick and R. Graham, Cheshire Inland Wetlands Commission and on file in the Cheshire Town Clerk's Office as Map #1890, delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the offices of the Cheshire Town Clerk and Cheshire Town Planner. Said map shall be considered to be a part of these Regulations.
- 3.2 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 the locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or by any qualified individual where watercourse determinations are required. The Commission may use aerial photography, remote sensing imagery, resource mapping, soils map, site inspections, observations, or other information in determining the exact location of the boundaries of wetlands and watercourses.
- 3.3 Wetlands, as defined in Section 2.1(OO) of these Regulations, that may not appear on the Official Map, are still subject to these Regulations.
- 3.4 Watercourses, as defined in Section 2.1(NN) of these Regulations, that may not appear on the Official Map, are still subject to these Regulations.
- 3.5 The Commission or its designated agent(s) shall regularly inventory and maintain current records of all regulated areas within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Such map amendments are subject to the public hearing process outlined in Section 14 of these Regulations.
- 3.6 Any property owner who disputes the designation of any part of his or her land as a regulated area on the Official Inland Wetlands and Watercourses Map, may petition the Commission to change the designation in accordance with Section 14 of these Regulations.
- 3.7 The Commission and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the Town to ensure that no unauthorized, regulated activities occur.

SECTION 4 -- USES PERMITTED AS OF RIGHT AND NONREGULATED USES

4.1 As Of Right And Nonregulated Uses.

- A. As Of Right Uses. Subject to Section 4.2 of these Regulations, the following operations and uses shall be permitted in inland wetlands and watercourses as of right:
1. Grazing, farming, fish farming, nurseries, gardening, harvesting of crops, 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 or watercourse restoration or enhancement or mosquito control. The provisions of this Subsection 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 for which a building permit has been issued or which is on a subdivision lot; provided, the building permit has been issued by the Town, or the subdivision has been approved by the Cheshire Planning and Zoning Commission, as of June 27, 1974, and further provided, no residential home shall be permitted as of right pursuant to this Section 4 unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this Subsection 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 entitlement;
 3. Boat anchorage or mooring, not to include dredging, dock construction, or boat launches;
 4. Uses incidental to the enjoyment and maintenance of residential property. Such property is defined as equal to or smaller than 80,000 square feet, i.e., the largest minimum residential lot permitted anywhere within the Town and which contains a residence. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse or diversion or alteration of a watercourse;

5. Construction and operation by water companies as defined in Section 25-32a of the *Connecticut General Statutes*, as amended, or by municipal water supply systems as provided for in Section 7-234 of the *Connecticut General Statutes*, as amended, 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 and 22a-403 of the *Connecticut General Statutes*, as amended.
6. Maintenance relating to any drainage pipe which existed before June 27, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this Subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

B. Nonregulated Uses.

1. The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not adversely disturb the natural and indigenous character of the wetlands or watercourses by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetlands or watercourses:
 - a. 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;
 - b. Outdoor recreation including, but not limited to, the use of existing play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, bicycle riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing, shellfishing, and cross-country skiing where otherwise legally permitted and regulated; and
 - c. Testing and monitoring associated with and related to water quality and subsurface drainage and/or sewage disposal systems.

- C. All activities in wetlands or watercourses involving filling, excavation, dredging, clear-cutting, grading and excavation, or any other alteration or use of a wetland or watercourse which is not specifically permitted by this Section 4 shall require a permit from the Commission in accordance with Section 6 of these Regulations.

4.2 Determination That Use Is Permitted Or Nonregulated.

- A. To carry out the purposes of these Regulations, any person proposing to carry out a permitted or nonregulated operation or use in a wetland or watercourse, which may disturb the natural and indigenous character of the wetland or watercourse, shall, prior to commencement of such operation or use, notify the Commission of such proposed operation or use.
- B. Such notice shall be made by filing with the Commission a copy of the form found at APPENDIX A of these Regulations. The Commission shall be provided with sufficient information to enable it to properly determine that the proposed operation or use is a permitted or nonregulated use of the wetland or watercourse.
- C. The Commission shall determine that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such determination shall be in writing and shall be made not later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received.
- D. The designated agent for the Commission may make such a determination on behalf of the Commission at any time with the concurrence of the Commission Chairman.

4.3 Initiation of a permitted or nonregulated use or operations shall be within one (1) year of the determination made pursuant to Section 4.2 of these Regulations. Any such determination shall expire one (1) year from date of issuance unless otherwise extended by the Commission, upon request of the person seeking such determination.

SECTION 5 -- ACTIVITIES REGULATED BY THE STATE

- 5.1 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:
- A. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the *Connecticut General Statutes*, as amended;
 - B. Construction, encroachment, or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-350 of the *Connecticut General Statutes*, as amended;
 - C. 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(f) of the *Connecticut General Statutes*, as amended, or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the *Connecticut General Statutes*, as amended;
 - D. Diversion of water, including withdrawals of surface or groundwater in excess of fifty thousand (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 diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 a of the *Connecticut General Statutes*, as amended;
 - E. Discharges into the waters of the State pursuant to Section 22a-430 of the *Connecticut General Statutes*, as amended;
 - F. 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.
- 5.2 The Commissioner of Environmental Protection, pursuant to Sections 22a-39 or 22a-45a of the *Connecticut General Statutes*, as amended, shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, agency, or instrumentality of the State of Connecticut, except any local or regional board of education.
- 5.3 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*.

- 5.4 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 pursuant to Section 22a-402 of the *Connecticut General Statutes*, as amended, or a dam construction permit issued by the Commissioner of Environmental Protection pursuant to Sections 22a-403 or 22a-411 of the *Connecticut General Statutes*, as amended. Any person receiving such a dam repair or removal order or a dam construction permit shall not be required to obtain a permit from the Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

SECTION 6 -- REGULATED ACTIVITIES TO BE LICENSED

- 6.1 Any person proposing to conduct or maintain, or causing to be conducted or maintained, a regulated activity within a regulated area shall apply for a permit for such activity from the Commission.
- 6.2 The Commission shall regulate any operation within, or use of, a wetland or watercourse which involves removal or deposition of material; any obstruction, construction, alteration, or pollution of such wetlands or watercourses; and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to Section 4 of these Regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior permit of the Commission or found to be violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these Regulations and any other remedies as provided by law.

SECTION 7 – APPLICATION REQUIREMENTS

7.1 Applications For A Permit To Conduct Regulated Activities.

- A. It is recommended, in the interest of expediting review of the application, that the applicant consult with the designated agent of the Commission prior to presentation of the formal application to the Commission. The applicant may present a preliminary plan of the proposed activity to the agent for review. No application fee will be charged until a formal application is filed for submittal to the Commission at its regularly scheduled meeting. All comments of the agent will be advisory only and not binding on the Commission.
- B. Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "Town of Cheshire Inland Wetlands and Watercourses Commission – Application for Permit". An application shall consist of a completed application form and such additional information as prescribed by this Section 7. Application forms may be obtained in the office of the Cheshire Town Planner. A copy of that application form is found in APPENDIX B of these Regulations.
- C. All applications shall contain such information as is necessary for a fair and informed determination of the issues by the Commission.
- D.¹ Application must be made by the property owner (or owners) of record, by a person duly authorized by such owner to make application, or by the Town, as provided below:
1. In the event the person making the application is not the owner, he or she must submit an "Owners' Affidavit of Consent" with the application. The form of such affidavit is found in APPENDIX C.
 2. In the event the application is made by the Town in connection with a public project that has been approved by the Town Council and for which the Town is unable to obtain the owner's consent after reasonable attempts, the following, additional provisions apply:
 - a. Not fewer than twenty-one (21) days before the day that the Town files the application with the Commission, it shall transmit to the property owner(s) a copy of the application (with all supporting documentation) and a cover letter advising him or her that the application has been filed and the date when the Town will present the application to the Commission. It shall also include a copy of the Commission's meeting schedule in the transmittal.
 - b. The transmittal shall be by U. S. certified mail with return receipt requested or by a nationally recognized delivery service that provides proof of delivery or delivery attempt, and it shall be addressed to the owner(s) of the property as listed in the Assessor records or to the actual owner(s) if otherwise known to the Town.

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¹ Amended October 5, 2010; Effective October 19, 2010 at 12:01 a.m.

- c. At the first meeting or hearing of the Commission at which the application is heard, the Town's representative shall state on the record that the notice requirements of this section have been met, and, if requested by the Commission, shall provide the Commission with a copy of the return or delivery receipt.
 - d. No error in the transmittal of the notice and no failure of owners to receive the notice shall invalidate any action taken by the Commission; however, the Town's failure to comply with these notice requirements may constitute, in the sole discretion of the Commission, good and sufficient reason to deny the application without prejudice to its resubmission.
 - e. If the Commission grants the Town's application, the following stipulation shall be made a part of the permit: "A copy of the fully executed easement (or other documentation of permission to perform work on the property) shall be submitted to, and approved by, the Commission's agent prior to the commencement of the regulated activities."
- E. Three copies of all application materials shall be submitted with the original application to comprise a complete application or as is otherwise directed, in writing, by the Commission.
- F. A complete application shall include such information as is detailed in APPENDIX D of these Regulations, and in addition, the applicant shall provide the following information to the Commission if not already provided pursuant to APPENDIX D:
- 1. The applicant's name, home and business addresses, and telephone numbers;
 - 2.¹ The owner's name, address, telephone number, and written consent of, or notice to, the owner (as provided in Section 7.1(D) above) if the applicant is not the owner of the property involved in the application;
 - 3. The applicant's interest in the land (owner, tenant, lessee, partner, etc.);
 - 4. The geographical location of the property which is to be affected by the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;

¹ Amended October 5, 2010; Effective October 19, 2010 at 12:01 a.m.

5. The purpose and description of the proposed activity and the proposed erosion and sedimentation controls, including other management practices and mitigation measures which may be considered by the Commission as a condition of issuing a permit for the proposed regulated activity. These practices and measures shall include, but shall not be limited to, practices and measures designed to prevent or minimize pollution or other environmental damage; maintain or enhance existing environmental quality; or, in the following order of priority, restore, enhance, and create productive wetland or watercourse resources;
6. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;
7. A site plan showing 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 associated activities are made inevitable by the proposed regulated activity and which may have an impact or effect on wetlands or watercourses;
8. Names and addresses of adjacent property owners;
9. Certification that the applicant is familiar with all the information provided in the application and that it is true to the best of the applicant's information and belief and that the applicant is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
10. Authorization for the Commissioners and agents of the Commission to enter upon and inspect the property, at reasonable times, both before and after a final decision has been issued;
11. A map at a suitable scale showing wetlands and/or watercourses and general topography of adjacent wetlands and/or watercourses within five hundred (500) feet of the site;
12. Any other information the commission deems necessary to understand what the applicant is proposing.
13. The appropriate filing fee as set forth in Section 12.7(c) of the Cheshire Code of Ordinances.
14. A Department of Environmental Protection reporting form which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall include the following information: Name of applicant, location and name of the project, project and site description, town(s) in which action is occurring, activity purpose and type, upland area altered, and area of wetlands and/or linear feet of watercourse proposed to be altered and/or restored/enhanced/created.

The Commission shall be responsible for the remaining information and any corrections of the form and for filing it in accordance with Section 22a-39-14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.

7.2 Applications For A Permit To Conduct A Regulated Activity Which Involves A Significant Activity

- A. If the proposed activity involves a significant activity as determined by the Commission and as defined in Section 2 of these Regulations, additional information, based on the nature and anticipated effects of the activity is required to be filed by the applicant with the Commission.
- B. Such additional information shall include, but is not limited to, the following:
1. Site plans for the proposed use or operation and for the property which will be affected. Such plans shall 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 development. The site plan(s) shall be drawn by a licensed surveyor, professional engineer, landscape architect registered in the State of Connecticut, or by such other qualified person;
 2. Engineering reports and analyses and additional drawings to fully describe the proposed project and 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; said mapping shall be signed by a certified soil scientist certifying that the boundary of the wetlands soil types mapped thereon is substantially correct; however, in such cases where the wetland soil boundary is obvious to the non-expert, such certification may be waived by the Commission;
 4. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;
 5. 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 thereto including a description of why each alternative considered was deemed neither feasible nor prudent;
 6. Analysis of chemical or physical characteristics of any fill material;

7. Management practices and other measures which mitigate the impact of the proposed activity. Such measures shall include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses, and natural habitats; which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage; or which otherwise safeguard water resources.

7.3 Intermunicipal And Interagency Notice. Pursuant to, and to implement the notice provisions of, Section 8.2 of these Regulations, the applicant shall provide the following to the Commission prior to the close of the public hearing, if one is held; otherwise, prior to the Commission's decision-making on the application:

A. Certification concerning the following information:

1. Whether any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality; or
2. Whether, regardless of the 500 feet limitation of Section 7.3(A)(1) above, 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; or
3. Whether, regardless of the 500 feet limitation of Section 7.3(A)(1) above, a significant portion of the sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
4. Whether, regardless of the 500 feet limitation of Section 7.3(A)(1) above, water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality; or
5. Whether, regardless of the 500 feet limitation of Section 7.3(A)(1) above, any portion of the wetland or watercourse involved is within the watershed of a water company as defined in Section 25-32a of the *Connecticut General Statutes*, as amended, and as discussed in Section 8.2(A)(2) of these Regulations.

B. Documentation that the notice required in Section 8.2(A) of these Regulations has been given.

7.4 Applications To Amend Or Extend The Expiration Date Of An Existing Permit.

A. General Provisions.

1. Any application to extend the expiration date of a previously issued permit or to amend an existing permit shall be filed in accordance with Section 8 of these Regulations at least sixty-five (65) days prior to the expiration date for the permit

2. Any application for such amendment or extension shall include the information required by this Section 7; however, the application may incorporate by reference the documentation and records of the original application.
3. Any application for such amendment or extension shall also include the following information as applies to the application:
 - a. A description of the extent of the work completed at the time of filing and the schedule for completing the activities authorized by the permit.

The reason why the authorized activities were not initiated or completed within the time, and in accordance with the methods, specified in the permit;

A description of any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;

B. Specific Provisions For Permit Extension Applications.

1. The Commission may, prior to the expiration of a permit, accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and may allow the continuation of work beyond the expiration date if in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity.
2. The Commission shall evaluate an application to extend the expiration date of an existing permit pursuant to Section 10 of these Regulations.
3. The Commission shall decide such an application pursuant to Section 11.3 of these Regulations.

C. Specific Provisions For Permit Amendment Applications.

1. The Commission shall evaluate an application to amend an existing permit pursuant to Section 10 of these Regulations.
2. The Commission shall decide such an application pursuant to Section 11.2 of these Regulations.

SECTION 8 -- APPLICATION PROCEDURES

8.1 All applications for permits, for amendments or extensions of existing permits, and for amendments to these Regulations or to the Official Inland Wetlands and Watercourses Map shall be submitted to the Commission by submitting same to the office of the Cheshire Town Planner.

8.2 Notice Requirements.

A. Applicant To Give Notice.

1. When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and when any portion of such wetland or watercourse is within 500 feet of the boundary of the Cities of Meriden or Waterbury or the Towns of Southington, Wolcott, Prospect, Hamden, Bethany, or Wallingford, then the applicant shall give written notice of the application and the proposed activity to the adjacent municipality by mailing notice of such application and a copy of the application and map, by certified mail, return receipt requested, to the adjacent municipality's wetlands agency on the same day of filing an inland wetland permit application with the Commission. Documentation of such notice shall be provided to the Commission in accordance with Section 22a-42c of the *Connecticut General Statutes*, as amended.
2. When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and when any portion of such wetland or watercourse is within the watershed of a water company (as defined in Section 25-32a of the *Connecticut General Statutes*, as amended), and when such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town of Cheshire and with the Commission, then the applicant shall give notice of the application and the proposed activity to the water company by mailing notice of such application and a copy of such application and map, by certified mail, return receipt requested, to the water company. Such mailing shall be made within seven (7) days of the date of the application. Documentation of such notice shall be provided to the Commission. The water company, through a representative, may appear and be heard at any hearing on the application.

B. Commission To Give Notice.

1. The Commission shall, in accordance with Section 8-7d(f) of the *Connecticut General Statutes*, as amended, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity in which:
 - a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of the adjoining municipality; or

- b. Regardless of the 500 feet limitation of Section 8.2(B)(1)(a) above, 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; or
 - c. Regardless of the 500 feet limitation of Section 8.2(B)(1)(a) above, 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
 - d. Regardless of the 500 feet limitation of Section 8.2(B)(1)(a) above, water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.
 - 2. Such notice shall be given by mailing notice of such application and a copy of the application and map, by certified mail, return receipt requested, within seven (7) days of the date of receipt of the application.
 - 3. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.
 - C. Notice Is A Precondition To Holding The Public Hearing. No hearing may be conducted on any application unless the adjoining municipality, the inland wetlands and watercourses commission of the adjoining municipality, and the water company has received the notice required under this Section.
- 8.3 Prior to the close of a public hearing, if one is held, the Commission may require the applicant to provide additional information regarding the regulated area or regulated activity which is the subject of the application or regarding the wetlands or watercourses affected by the regulated activity. Requests for additional information shall not stay the time limitations set forth in Section 11 of these Regulations. If no public hearing is held, the Commission may receive such additional information at any time during the review period but prior to its decision-making on the application.
- 8.4 All applications, maps, and documents relating to the permit shall be open for public inspection.
- 8.5 Incomplete applications may be denied.

SECTION 9 –PUBLIC HEARINGS

- 9.1 The Commission shall not hold a public hearing on any permit application unless any one or more of the following occurs:
- A. The Commission determines that the proposed activity may have a significant impact on wetlands or watercourses;
 - B. A petition signed by at least twenty-five (25) persons who are eighteen years of age or older requesting a hearing is filed with the Commission not later than fifteen (15) days after the date of receipt of such application; or¹
 - C. The Commission finds that a public hearing regarding such application would be in the public interest.
- 9.2 Public hearings shall be scheduled to commence no more than sixty-five (65) days after the date of receipt of the application, as defined in Section 2.1 of these Regulations.
- 9.3 Notice of the time and place of the public hearing shall be published in a newspaper having a general circulation in the Town of Cheshire and in each town where the affected wetland and watercourse, or any part thereof, is located. Such notice shall be published at least twice, at intervals of not fewer than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days before the date set for the hearing and the last not fewer than two (2) days before the date set for the hearing.
- 9.4 The hearing shall be completed within thirty-five (35) days of its commencement.
- 9.5 The applicant may consent to one or more extensions of the periods specified in this Section for the commencement, holding, and completion of the hearing on such application, provided the total extension of any such period is in conformance with Section 11.1 of these Regulations, or the applicant may withdraw such application.
- 9.6 In the case of any application which is subject to the notification provisions of Section 8.2 of these Regulations, a public hearing shall not be conducted until the relevant notice has been received by the clerk of the adjoining municipality or by the inland wetlands commission of the adjoining municipality or by the water company, as the case may be. Proof of such notification shall be entered into the hearing record.

¹ Amended May 17, 2005; effective June 1, 2005 at 12:01 a.m.

SECTION 10 – CONSIDERATIONS FOR DECISION

- 10.1 The Commission shall consider the following information in making its decision on an application:
- A. The application and its supporting documentation.
 - B. Public comments, evidence, and testimony offered at the public hearing, if one was held.
 - C. Reports and/or comment made by the following departments, agencies, or commissions whether or not made pursuant to a request by the Commission; however, non-receipt of comments from these agencies shall not delay or prejudice the decision of the Commission:
 - 1. Town of Cheshire Environment Commission.
 - 2. Town of Cheshire Planning and Zoning Commission.
 - 3. Town of Cheshire Department of Public Works.
 - 4. Town of Cheshire Department of Building Inspection.
 - 5. Town of Cheshire Department of Engineering.
 - 6. Town of Cheshire Water Pollution Control Authority.
 - 7. Town of Cheshire Health Officer or State Department of Health.
 - 8. New Haven County Soil and Water Conservation District.
 - 9. Central Naugatuck Valley Regional Planning Agency or other regional organization.
 - 10. Appropriate agencies and departments in adjacent municipalities which may be affected by the proposed activity.
 - 11. Other agencies or organizations which may undertake additional studies or investigations.
 - D. Each Commission member's own personal, ordinary knowledge and experience concerning the area involved, including that knowledge acquired by a site visit and review. Any information used by Commission members which is not commonly known and all information acquired by members at site visits shall be disclosed on the record by the Commission members.
 - E. Professional, technical assistance furnished to the Commission by staff and other technical advisors retained or utilized by the Commission which assistance enables the Commission to carry out its responsibilities as set forth in these Regulations.

- 10.2 The Commission shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:
- A. The environmental impact of the proposed, regulated activity on wetlands or watercourses, including the effects on the capacity of the inland wetlands and watercourses to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
 - B. 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. The consideration of alternatives shall include consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should also include, but is not limited to, the alternative of requiring actions of a different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
 - C. 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, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.
 - D. 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. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable, irreplaceable, and fragile natural resource and that these areas may be irreversibly destroyed by deposition, filling, and removal of material; by the diversion, diminution, or obstruction of water flow, including low flows; and by the erection of structures and other uses.
 - E. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property (including abutting or downstream property) which would be caused or threatened by the proposed, regulated activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation; loss of fish and wildlife and their habitat; loss of unique habitat having demonstrable natural, scientific or educational value; loss or diminution of beneficial aquatic organisms and wetland plants; the dangers of flooding and pollution; and the destruction of the economic, aesthetic, recreational, and other public and private uses and values of wetlands and watercourses to the community.

- F. 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. This requires a balancing of the need for the economic growth of the state and the use of its land, with the need to protect its environment and ecology for the people of the state and the benefit of generations yet unborn.
- G. Any management practices or mitigation measures which may be considered by the Commission as a condition of issuing a permit for the proposed, regulated activity. These practices and measures shall include, but shall not be limited to, practices and measures designed to prevent or minimize pollution or other environmental damage; maintain or enhance existing environmental quality; or, in the following order of priority, restore, enhance, and create productive wetland or watercourse resources. Such measures also include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which would protect the natural capacity of the wetlands and watercourses to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.

10.3 Findings Concerning Feasible And Prudent Alternatives.

- A. If a public hearing has been held on an application which proposes an activity which the Commission has found will cause a significant impact on wetlands and watercourses, then the Commission shall not issue a permit to authorize the activity unless the Commission first finds, on the basis of the record, that no feasible and prudent alternative exists to conducting the proposed activity.
- B. The Commission shall consider the information, facts, and circumstances discussed in this Section 10 in making its finding concerning the existence of a feasible and prudent alternative.
- C. The Commission's finding and reasons concerning the existence of a feasible and prudent alternative shall be stated on the record, in writing, in the Commission's decision on the permit application.
- D. If the Commission denies an application for the reason that a feasible and prudent alternative may exist, which alternative has less adverse impact on wetlands and watercourses, the Commission shall indicate, on the record and in writing, the types of alternatives which the applicant may investigate.
- E. The Commission's obligations concerning feasible and prudent alternatives, as set forth in Section 10.3, shall not be construed to shift from the applicant to the Commission the burden of proving entitlement to a permit or the burden of presenting the Commission with alternatives to the proposed, regulated activity.
- F. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued.

- 10.4 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 General Statutes, as amended.¹
- 10.5 For the purposes of this section,
- (1) “wetlands or watercourses” include 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.²
- 10.6 A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of 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.³

(10-4)

¹ Amended May 17, 2005; effective June 1, 2005

² Amended May 17, 2005; effective June 1, 2005

³ Adopted May 17, 2005; effective June 1, 2005

SECTION 11 -- DECISION PROCESS AND PERMIT

11.1 Time Frame For Action On Applications.

- A. Action shall be taken on applications within sixty-five (65) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications no fewer than fourteen (14) days and no more than sixty-five (65) days from the date of receipt of the application.
- B. The applicant may consent to one or more extensions of the periods specified in this Section for action on such application, provided the total of all extensions together does not exceed 65 days; or the applicant may withdraw such application.
- C. The failure of the Commission or its agent to act on any application within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute approval of the application.

11.2 Action On Permit Applications.

- A. The Commission may grant the application as filed; grant it upon such terms, conditions, limitations, or modifications of the regulated activity which are necessary to carry out the purposes of the Act; or deny it. Such terms, etc. may include any management practices or measures which would mitigate the impacts of the regulated activity; prevent or minimize pollution or other environmental damage; maintain or enhance existing environmental quality; or, in the following order of priority, restore, enhance, and create productive wetland or watercourse resources.
- B. An application deemed incomplete by the Commission or its agent may be withdrawn by the applicant or, if not withdrawn, may be denied by the Commission.
- C. The Commission or its agent shall state in its record the reasons and bases for the decision. Such decisions shall be based fully on the record; shall be in writing; and shall, in accordance with Section 10.3 of these Regulations, incorporate a statement relative to the consideration and existence of feasible and prudent alternatives.
- D. All actions affecting land use and a permit as discussed herein require an affirmative vote of two-thirds (2/3) of those Commission members present and voting, but in no event fewer than four (4) votes.
- E. The Commission shall notify the applicant and any named parties to the proceeding of its decision by certified mail, return receipt requested within fifteen (15) days of the date of the decision. The Commission shall cause notice of its decision in the issuance, denial, amendment, or extension of a permit to be published in a newspaper having a general circulation in the Town of Cheshire.

In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

- F. The Commission shall file notice of its decision with the Cheshire Town Clerk. The administrative officer designated by the Commission shall maintain a record of all applications and the Commission's decisions thereon.
- G. After a permit has been granted, the applicant shall pay to the Commission a fee for the purpose of covering the reasonable cost of monitoring compliance with permit conditions or orders of the Commission. The fee shall be determined by the Commission and shall be dependent upon the scope of the project, but in no event less than \$50.00.
- H. If a bond or insurance is required in accordance with Section 12 of these Regulations, no permit shall be effective until such bond or insurance is provided.
- I. If the Commission or its agent 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.
- J. 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 Cheshire. Permits do not convey any rights in real estate or material nor any exclusive privileges and are further subject to any and all applicable public and private rights and to applicable federal, state, and municipal laws or regulations pertinent to the property or activity.
- K. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

11.3 Duration Of Permit And Extension Of Expiration Date.

- A. Except as set forth in Section D, below,¹ any permit issued pursuant to this Section 11 for the development of property for which an approval is required under Sections 8-3, 8-25, or 8-26 of the *Connecticut General Statutes*, as amended, shall be valid for five (5) years; however, the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued under this Section for any other activity shall be valid for no fewer than two (2) years and no more than five (5) years in the discretion of the Commission.
- B. All permits shall expire upon the completion of the acts specified therein. Within thirty (30) days of the completion of the work, the applicant shall certify, in writing, to the Commission that the work has been completed.

(11-2)

¹ Amended June 1, 2010; effective June 22, 2010 at 12:01 a.m.

- C. The permittee may apply for extension of the expiration date of an existing permit subject to the following requirements:
1. Application shall be made pursuant to Section 7.4 of these Regulations.
 2. Permits may be extended in the sole discretion of the Commission.
 3. Permit extensions may be subject to the calling of an additional public hearing and any necessary increases in bonding.
 4. The Commission shall grant an application to extend the expiration date of a previously issued permit unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or if an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued.
 5. The expiration date of any permit shall not be extended to make the permit valid for more than ten (10) years.
- D.¹ Notwithstanding the foregoing, any permit issued pursuant to these regulations during the period from July 1, 2006 to July 1, 2009, inclusive, shall expire not less than six years after the date of such approval. Any such permits shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that 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 such permit shall be valid for more than eleven years.

11.4 Proposals To Modify Applications After Decision By The Commission.

- A. If the Commission denies the permit or if it grants a permit with terms, conditions, limitations or modifications, the applicant may, within the period for filing an appeal of such decision, submit to the Commission a proposed modification of the application which responds to some of all of the Commission's concerns in denying, limiting, conditioning, or modifying the permit.
- B. The Commission shall determine whether the proposed modification requires the filing of a new application. Any substantial revision of the proposal shall require the filing of a new application, and the new application shall be subject to the public hearing and other requirements as set forth in these Regulations.

11.5 Other Agency Approvals.

- A. If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a site plan, variance, or special permit, the applicant shall, within fifteen (15) days of the date of the Commission's or its agent's decision, file with the Planning and Zoning Commission a copy of the decision of the Commission and the Commission's report on the application.

(11-3)

¹ Adopted June 1, 2010; effective June 22, 2010.

- B. Nothing in these Regulations shall obviate any requirement for the applicant to obtain any other assent, permit, or license required by law or regulation by the government of the United States or of the State of Connecticut or any other political subdivision thereof. The obtaining of such assents, permits, or licenses is solely the responsibility of the applicant.
- C. No person shall conduct any regulated activity within an inland wetland or watercourse if the project of which the activity is a part requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, a site plan, special permit, variance, or other documentation which establishes that the proposal complies with the zoning or subdivision requirements adopted by the Town of Cheshire.

11.6 Action By Duly Authorized Agent.

- A. Prerequisites To Action By Duly Authorized Agent. The Commission may delegate to its duly authorized agent the authority to act on an application if each of the following requirements is met:
 - 1. The application seeks to approve or extend an activity that is not located in a wetland or watercourse.
 - 2. The agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, taking into account the considerations for decision set forth in Section 10 of these Regulations.
 - 3. The agent has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39 of the *Connecticut General Statutes*, as amended.
- B. Application Requirements.
 - 1. Application for such approval by the Commission's agent shall be made by filing an application in the Office of the Cheshire Town Planner. A copy of the application is found in Appendix E of these Regulations.
 - 2. The application shall contain the information, including the filing fee, listed under Section 7.1 of these Regulations and any other information the Commission or its agent may reasonably require.
- C. Decision And Publication Of Decision.
 - 1. Notwithstanding the provisions for receipt and processing of applications prescribed in Sections 8, 9, and 11 of these Regulations, such agent may approve or extend such an activity at any time.
 - 2. Any person receiving an approval from such agent shall, within ten (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.

D. Appeal Of Decision.

1. Any person may appeal the decision of such agent to the Commission within fifteen (15) days after the publication date of the notice.
2. The Commission shall consider such appeal at its next regularly scheduled meeting provided such meeting is no earlier than three (3) business days after receipt by the Commission or its agent of such appeal.
3. The Commission shall, in its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these Regulations.

SECTION 12 -- BOND AND INSURANCE

12.1 Methods Of Securing Compliance. The Commission shall require any one of the following methods or any reasonable combination of them for securing compliance with an approved permit and these Regulations:

- A. Provision of a Bond with Surety.
- B. Approval without Bond.

12.2 Bond With Surety.

A. Form Of Surety. For the purposes of these Regulations, the form of Surety for a Bond which may be provided and accepted by the Commission is as follows:

1. The pledge of a passbook savings account which shall be accompanied by the following:
 - a. A savings account passbook;
 - b. A withdrawal slip in the amount of the bond properly endorsed and made payable to the Town of Cheshire; and
 - c. A letter from the bank acknowledging that the account has been assigned to the Town for a period established for the completion of the project plus six (6) months.
2. An irrevocable letter of credit which shall be provided by a Connecticut bank subject to the approval of the Commission. The letter of credit shall be in such form and accompanied by such documents as may be prescribed by the Commission. The letter of credit shall contain an expiration date of at least six (6) months longer than the period established for the completion of the project.
3. A cash deposit with the Town of Cheshire which shall be in the form of a certified check, cashier's check, or cash, delivered to the Director of Finance of the Town of Cheshire for the full amount of the bond. The Town shall deposit said sum in a specific and separate bank account, earmarked by the name of the surety to the bond, in the name of the Town of Cheshire. The deposit shall be in a savings account drawing standard short-term interest. The surety shall use his, her, or its Taxpayer Identification Number or Social Security number as the interest creditor for IRS and bank purposes. Within thirty (30) days of the release of the bond by the Commission, the Town shall cause the account to be closed and the proceeds, plus interest and less IRS deductions, to be paid to the surety.

B. Computation Of Costs.

1. Following the approval of any permit application, the permittee shall review the scope of the project with the Commission or its duly authorized agent(s) who will review the permittee's estimate of costs and will determine the amount of the bond to be furnished by the permittee to guarantee compliance with the permit and with these Regulations.
2. In computing the estimated cost of the work, the Commission or its agent(s) will give due consideration to possible escalation of costs during the surety period.

C. Clean-up.

1. It shall be a condition of the Bond that the permittee shall, at least every ninety (90) days, clean up construction debris and remove from the site or adjoining areas, all construction materials or equipment no longer needed for the work. Tree stumps, other vegetation debris, and any other material that is unstable or which may deteriorate or disintegrate may only be buried at locations and under conditions approved by the Town Engineer or public health officials, as may be applicable.
2. Any and all material falling on public highways from vehicles or construction equipment and in connection with the permittee's operations shall be cleaned up at the end of each working day, or more frequently, depending upon the nature of the work and the nuisance created.
3. Failure of the permittee to comply with any of the above clean-up requirements shall be sufficient reason for the Commission to take action under the Bond.

D. Failure to Complete Improvements.

1. Where a bond with surety has been posted and the required work has not been completed within the time required, the Commission may declare the permittee to be in default and may determine to withdraw the total amount of surety from the pledged bank account or letter of credit in order to fund the work to ensure compliance with the permit.
2. In the event of such apparent default, the Commission shall notify the permittee and conduct a hearing as set forth in Section 13.4 of these Regulations.
3. All costs the Town may accrue in completing the work, including the value of the time of its public officials and employees and attorney fees, shall be debited against the funds so withdrawn. If for some reason the security is insufficient to pay for all costs to the Town, the applicant and owner shall remain liable for such costs in excess of the security.

E. Release of Surety. The surety shall not be released until the following conditions have been met:

1. All work and conditions of approval of the project have been approved and/or accepted by the Commission or its duly authorized agent.
2. The permittee's engineer, surveyor, or other qualified person has certified to the Commission through submission of detailed "as-built" plans, that the completion of the project is in accordance with the permit. Such plans shall show any modifications or changes made, including those made during construction.
3. The Commission or its agent(s) has received a written notice from the permittee stating that all required work is certified to the Town as satisfactorily completed.
4. If required, a maintenance bond has been filed with the Commission as required by Section 12.4(B) of these Regulations.
5. All other documents, transfers, or conditions required by the approval of the permit shall have been provided and all conditions have been performed to the satisfaction of the appropriate Town official with copies of said documents provided to the Commission.

12.3 Procedure Without Bonding. The permittee shall follow the following procedure if the Commission has authorized him to undertake the project without securing his performance with a bond with surety:

- A. The permittee shall notify the Commission in writing of his intention to proceed without bonding.
- B. All work shall be subject to required inspections during construction.
- C. A Maintenance Bond as provided in Section 12.4(B) shall be posted before the Commission accepts the work as being complete.

12.4 Maintenance of Improvements.

- A. The permittee shall be required to maintain all improvements.
- B. The permittee shall file a Maintenance Bond with the Commission in order to assure the satisfactory condition of the completed project for one (1) year. The Maintenance Bond shall be in an amount not less than 10 percent (10%) of the costs of completion of the bonded activities.

12.5 Attorney Approval. Any and all bonds with surety, agreements, or such other documents required by these Regulations shall be in such form as may be approved by the Town Attorney.

12.6 Right of Entry for Correction of Violations.

- A. The permittee shall file a written agreement executed by the owner of the premises and the permittee, in such form as contained in APPENDIX F and as approved by the Town Attorney, which permits the Town of Cheshire or its officials, employees, or independent contractors to enter upon the premises and to perform all work necessary to correct and abate any violations of these Regulations and any violations of the terms of the permit.

- B. Such right of entry shall arise upon a finding of such violations by the Commission or its agent(s) pursuant to Section 13.3 of these Regulations and shall continue for such time thereafter as is required for the Town to remedy such default.

SECTION 13 – ENFORCEMENT

- 13.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except private residential property, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary to the enforcement of these Regulations.
- 13.2 The Commission and/or its appointed agent(s) may make regular inspections of all activities for which permits have been issued under these Regulations. Such activities shall be open to inspection at all reasonable times. The owner or applicant, by filing an application for a permit from the Commission, consents to such inspections. The owner, permittee, or their agent shall have such permit readily available and shall produce the same for inspection by such agent or the Commission upon request.
- 13.3 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 or the conditions imposed by the Commission upon a permit, the Commission or its duly authorized agent may take any or all of the following actions:
- A. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition ordering him to immediately cease such activity and/or to correct such facility or condition. A certificate of the cease and desist order shall be filed by the Commission or its agent with the Cheshire Town Clerk for recordation on the Cheshire Land Records. Within ten (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 ten (10) days of the completion of the hearing, the Commission shall notify the person by certified mail, return receipt requested that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. If the order is complied with, the Commission shall release the recorded certificate of the cease and desist order. The Commission shall publish notice of its decision in a newspaper having general circulation within the Town of Cheshire. 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.
- B. Issue a notice of violation to such person conducting or maintaining such activity, 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, provide a written reply to the notice, and/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 Section 13.3(A) or other enforcement proceedings as provided by law.

- C. Proceed pursuant to Section 22a-44(b) of the *Connecticut General Statutes*, as amended, to, among other things, seek assessment of a civil penalty of not more than \$1,000.00 for each offense against each violator. Each violation shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the Commission, shall have jurisdiction to restrain a continuing violation of said Sections, to issue orders directing that the violation be corrected or removed, and to assess civil penalties pursuant to Section 22a-44(b) of the *Connecticut General Statutes*, as amended. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the Commission. The moneys collected pursuant to this Section shall be used to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible.
- D. Proceed pursuant to Section 22a-44(c) of the *Connecticut General Statutes*, as amended, which provides for criminal prosecution as follows: Any person who willfully or knowingly violates any provision of Sections 22a-36 to 22a-45, inclusive, shall be fined not more than \$1,000.00 for each day during which such violation continues or be imprisoned for not more than six (6) months, or both. For a subsequent violation, such person shall be fined not more than \$2,000.00 for each day during which such violation continues, or such person shall be imprisoned not more than one (1) year, or both. For the purposes of this Section 22a-44(c) of the *Connecticut General Statutes*, as amended, "person" shall be construed to include any responsible corporate officer.
- 13.4 If the Commission finds that a permittee has not complied with the terms, conditions, limitations, or modifications set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans, the Commission may suspend or revoke the permit. 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, return receipt requested within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension, revocation, or maintenance of the permit in a newspaper having a general circulation in the Town of Cheshire.
- 13.5 In cases where fill has been deposited into an inland wetland or watercourse, corrective orders may include removal of the material deposited and whatever other measures may be deemed necessary by the Commission to restore the wetland or watercourse to its natural state and function. All remedial actions ordered shall be taken at the expense of the person conducting the illegal activity or the person maintaining the illegal facility or condition.
- 13.6 Nothing in these Regulations shall be interpreted as limiting or excluding other remedies as are available to the Commission for the protection of the inland wetlands and watercourses.

SECTION 14 – AMENDMENTS

- 14.1 In accordance with this Section, these Regulations and the Official Inland Wetlands and Watercourses Map may from time to time be amended, changed, or repealed by affirmative vote of two-thirds (2/3) of the members of the Commission present and voting, but in no event fewer than four (4) votes, as new information regarding inland wetlands and watercourses, soils, hydrology, botanical species, etc. peculiar to inland wetlands and watercourses in the Town of Cheshire becomes available or as required to comply with changes in the *Connecticut General Statutes* or regulations of the State Department of Environmental Protection.
- 14.2 An application filed with the Commission which is in conformance with the applicable Inlands Wetlands Regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt. Any appeal from the decision of the 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 to the establishment, amendment, or change of boundaries of inland wetlands or watercourses or to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 14.3 These Regulations and the Official Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a(a) of the *Connecticut General Statutes*, as amended. The Commission shall provide the Commissioner of Environmental Protection with a copy of any proposed regulations and a copy of any notice of the public hearing to enable the Commissioner to consider any proposed regulations or amendments thereto, except map amendments pursuant to this Section. Such copy shall be provided to the Commissioner at least thirty-five (35) days before the public hearing concerning their adoption.
- 14.4 All petitions requesting a change in the regulations or boundaries of regulated areas shall be submitted in writing on a form provided by the Commission. A copy of that form is attached hereto and incorporated into these Regulations at APPENDIX F.
- 14.5 Petitions requesting changes or amendments to the Official Inland Wetlands and Watercourses Map shall include all relevant facts and circumstances and shall contain at least the following information:
- A. The applicant's name, address, and telephone number;
 - B. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;
 - C. Applicant's interest in the land;
 - D. The address and geographic location of the land affected by the petition;

- E. A map showing the geographic location of the land affected by the petition and existing and proposed wetland and watercourse boundaries on such land in accurate detail together with the documentation supporting such proposed boundary locations.
 - F. The reasons for the requested action;
 - G. The names and addresses of adjacent property owners; and
 - H. A map showing proposed development of the property.
- 14.6 The petitioner has the burden of proving that the designation contained on the Official Inland Wetlands and Watercourses Map is inapplicable and shall provide evidence establishing same. The Commission may require the petitioner to present documentation by a soil scientist (as defined herein) that the land in question does or does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain. Such documentation shall include a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.
- 14.7 Watercourses shall be delineated by a soil scientist, hydrologist, geologist, ecologist, or other qualified individual.
- 14.8 The petition processing fee shall be that as set forth in Section 12.7© of the Cheshire Code of Ordinances.
- 14.9 In accordance with Section 22a-42a(b) of the *Connecticut General Statutes*, as amended, amendments to these Regulations, including changes in boundaries of inland wetlands and watercourses, shall not become effective until after a public hearing in relation thereto is held by the Commission, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, appearing in a newspaper having a substantial circulation in the Town of Cheshire at least twice at intervals of not fewer than two (2) days, the first not more than fifteen (15) days nor fewer than ten (10) days, and the last not fewer than two (2) days, before such hearing. A copy of such proposed regulation or boundary change shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing, and may be published in full in such newspaper.
- 14.10 In accordance with Section 22a-42a(b) of the *Connecticut General Statutes*, as amended, within ninety (90) days after receipt of a petition for a change in any regulation or in the mapped boundaries of any wetland or watercourse area, the Commission shall hold a public hearing to consider the petition. The petitioner shall be notified of the time and place of the scheduled hearing by certified mail, return receipt requested no fewer than ten (10) days prior to the hearing. The Commission shall act upon the changes requested within sixty (60) days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this Section for the holding of a hearing and for action on such petition provided the total extension of any such period shall not be for longer than the original period as specified in this section, or the applicant may withdraw the petition. The failure of the Commission to act within any time period specified in this Section, or any extensions thereof, shall not be deemed to constitute approval of the petition.

- 14.11 The Commission shall make its decision and state in writing, the reasons why the change was made and shall provide a copy of such regulation, boundary, or change to the State Commissioner of Environmental Protection no later than ten (10) days after its adoption; however, failure to submit such regulation, boundary, or change to the Commissioner shall not impair the validity of such regulation, boundary, or change.
- 14.12 These Regulations or boundaries or changes therein shall become effective at such time as is fixed by the Commission provided a copy of same shall be filed in the office of the Town Clerk of Cheshire, Connecticut and a notice of decision is published in a newspaper having general circulation in the Town of Cheshire.

SECTION 15 -- APPEALS

- 15.1 Appeals of actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the *Connecticut General Statutes*, as amended.
- 15.2 Notice of such appeal shall be served upon the Commission and the State Commissioner of Environmental Protection by the person instituting the appeal.

SECTION 16 -- CONFLICT AND SEVERANCE

- 16.1 If there is a conflict between or among the provisions of these Regulations and those of any other applicable statute, ordinance, or regulation, the provisions of that statute, ordinance, or regulation which imposes the most stringent standards for the use of wetlands and watercourses shall govern.
- 16.2 The invalidity of any word, clause, sentence, section, part, subsection, or provisions of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 17 -- RECORDS RETENTION AND DISPOSITION

17.1 The Commission and the Town Clerk for the Town of Cheshire shall retain complete administrative records of commission actions and dispose of such records in accordance with the retention/disposition schedule set forth in Subsection 17.2.

17.2 The Public Records Administrator of the Connecticut State Library has established the following new records retention/disposition schedules for municipal inland wetlands agencies effective April 24, 1989:

<u>Minimum Retention</u> <u>Record Title</u> <u>Town Clerk</u>	<u>Required in Agency</u>
Applications (Including Supporting Materials) -	10 Years
Decision Letters Permanent	10 Years
Approved Site Plans -	10 Years
Legal Notices Permanent	10 Years
Staff & Public Written Testimony (Hearing Records) -	10 Years
Minutes of Meeting & Public Hearings Permanent	15 Years
Tapes, Audio - Inland Wetland Matters -	4 Years
Notices of Violation & Orders -	10 Years
Text of Changes Adopted in Regulations -	Continuous Update/Permanent
General Correspondence Issued or Received -	5 Years

SECTION 18 -- EFFECTIVE DATE OF REGULATIONS

- 18.1 These Regulations, including the Official Inland Wetlands and Watercourses Map, application forms, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Cheshire.

INLAND WETLANDS COMMISSION - CHESHIRE, CONNECTICUT
APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

Pursuant to the General Statutes of the State of Connecticut, and all subsequent amendments thereto, the undersigned hereby makes application for approval of permit (Inland Wetlands and Watercourses) for a parcel of land having approximately _____ wetland acres, which is part of a tract of land having _____ acres, located on (street name) _____. Said parcel is generally shown on the current Assessor's Map Plate No(s). _____, Lot No(s). _____ and is located in a(n) _____ zone district.

This permit application is part of a: () Subdivision, () Resubdivision, () Site Plan, () Special Permit, () Zone Change, () Earth Removal, Filling or Regrading, () Other _____

The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his knowledge and belief.

By signing this application, the applicant permits Commissioners and agents of the Commission to enter upon and inspect the property, at reasonable times, both before and after a final decision has been issued.

Applicant's Name _____ Date _____
(Print of Type)

Applicant's Address (Home) _____
(Office) _____

Applicant's Signature _____

Telephone Number (Home) _____ (Office) _____

E-mail _____ Fax No. _____

Owner's Name (Print or Type) _____

Owner's Address _____

Owner's Signature _____

Engineer's Name (Print or Type) _____

Engineer's Address _____

Engineer's Signature _____

.....
Agent, if other than applicant, to be contacted with regard to this application:

Name _____ Address _____

Telephone Number _____ Fax Number _____

E-mail _____
.....

APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

Purpose and description of the proposed activity (including the area of wetlands or watercourses to be disturbed); alternatives considered and why the proposal to alter wetlands set forth in this application was chosen: _____

Applicant's interest in the land: () Owner, () Tenant, () Lessee, () Partner,
() Other _____

Please attach a list of adjacent property owners.

Check in full payment of minimum application fee – see attached fee schedule - (payable to Collector – Town of Cheshire). An additional fee shall be required if significant wetland activity is determined upon acceptance of the application. The Commission may, at its option, refund this application fee for a non-regulated activity.

NOTE: In order to expedite the review of this application, and avoid unnecessary delay, it is important that the applicant and the land surveyor and/or professional engineer who shall prepare the maps and other plans shall carefully review the Inland Wetlands Regulations to be certain that the plans comply with all requirements contained therein. Submission to the Town Planner's Office must be not less than three (3) working days prior to the regular meeting of the Inland Wetlands Commission in order for the application to be included on the agenda and taken up by the Commission for discussion, action or otherwise.

Per Section 7.1E. of the Inland Wetland and Watercourses Regulations, three copies of all application materials (including maps) shall be submitted with the original application to comprise a complete application or as is otherwise directed, in writing, by the Commission.

OFFICE USE ONLY

Date Filed _____

Date Presented to Inland Wetlands Commission _____

Mandatory Action Date _____

Public Hearing Date _____

Final Action and Date _____

APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

SITE PLAN AND ENVIRONMENTAL INFORMATION

The applicant shall submit a map or maps with the following information concerning the proposed regulated activity. The Commission may by regulation waive the submission of all or part of the information required if it finds the datum is not necessary in order to decide on the application.

1. Sheet Size and Graphic Scale

- *a. Sheet size shall be limited to a size not greater than 25 inches by 37 inches.
- *b. Maps shall be drawn to a scale not smaller than 100 feet to an inch.
- c. Additional enlargements and detail may be required as necessary.

2. Orientation and Topography

- *a. North Arrow
- b. Locality sketch which shall be drawn (preferably in the upper right corner) to show the relation of the proposed development to nearby streets and physical markings. The locality sketch shall generally be drawn to a scale of 1,000 feet to an inch and shall not exceed 4" x 4" in area.
- c. Existing and proposed grade contours at 2-foot intervals. All elevations shall be referenced to U.S.G.S. datum and so noted on the map.
- *d. Certification that the accuracy of the information on the map meets the standards for Class A-2 Transit Survey established by the Connecticut Technical Council

3. Title Block (To be shown in Lower Right Corner of Sheet)

- *a. Name of Project.
- *b. Name of owner/applicant, and/or developer.
- *c. Date and subsequent date of revisions.
- *d. Legible signature of person responsible for drawing plan.
- *e. Legible signature of person responsible for drawing plan. Professionals certifying plan shall be appropriate to nature of activities proposed. Such site information about the proposed uses or effects of the regulated area must be certified by a licensed land surveyor, professional engineer or professional architect. Such professional must be registered in the State of Connecticut.

APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

4. Location of any watercourses or inland wetlands covered by the site plan as defined in Section 2 of these regulations and in Section 22A – 42A of the General Statutes of Connecticut as amended. Boundaries must be verified by and site plan signed by a certified soil scientist.
 - *a. Existing and proposed conditions in relation to wetlands and watercourses.
 - *b. Proposed erosion and sedimentation controls.
5. Map at a suitable scale showing wetlands and/or watercourses and general topography of adjacent wetlands and/or watercourses within five hundred (500) feet of the site.
6. Site areas of permit and designation of each activity.
7. Existing and proposed buildings and other structures.
 - a. Location
 - b. Floor Elevation
8. In the development of anything other than single family residences, the following shall be required:

Location, size and composition of sidewalks, off street parking and loading, including driveway entrances and exits, parking and loading spaces, and traffic islands and barriers.

 - a. Percent of regulated area to be covered with impermeable surface.
9. Location of existing and proposed tree stands, shrubs and other significant vegetation which is to be disturbed within or immediately adjacent to the wetland area.
10. Source of water supply.
11. Proposed method of sewage disposal
 - a. Proposed design and specifications of on-site sewage disposal certified by a licensed engineer and approved by the Health District.
12. Location of all percolation pits, test pits and observation holes.
13. Design of existing and proposed storm drainage system, including elevations by contour at not less than two-foot intervals. Additional detail may be required.

APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

14. **PHYSICAL DATA**
 - a. Material to be deposited and/or excavated
 - (1) Area
 - (2) Volume
 - (3) Physical composition (texture, components) of material to be deposited.
 - (4) Final height of filled area above seasonal high water table.
 - (5) Texture and composition of soil left after excavation.
 - (6) Slope of excavation.
 - (7) Depth to water table or water level if inundated after excavation.

15. **WATERCOURSE DATA**
 - a. Open Water Characteristics
 - (1) Size of ponds or lakes
 - (2) Maximum depth and, if possible, volume of water.
 - b. Stream Characteristics
 - (1) Intermittent or permanent
 - c. Known flood levels to be indicated on map.
 - d. Discharge if any
 - (1) Type
 - (2) Frequency and Volume
 - (3) Chemical composition
 - e. Creation of new water bodies
 - (1) Area
 - (2) Volume
 - (3) Surface water elevation with regard to ground water level.

APPLICATION FOR INLAND WETLANDS AND WATERCOURSES PERMIT

- | 16. <u>BIOLOGICAL DATA</u> | <u>Percent of
Regulated Area</u> | <u>Dominant
Species</u> |
|-----------------------------------|---|------------------------------------|
| a. Tree | | |
| b. Shrub | | |
| c. Grasses, Weeds, etc. | | |
| d. Aquatic | | |
| e. Pasture | | |
| f. Cultivated Area | | |
- 17. PROBABLE EFFECTS OF CHANGE ON:**
- a. Vegetation
 - b. Wildlife
- 18. MEASURES TO PROTECT REGULATED AREA FROM:**
- a. Erosion and Sedimentation
 - b. Leaching of pollutants
 - c. Direct discharge of pollutants
 - d. Increased flooding and surface runoff hazards
- 19. Other site information as the Commission deems necessary to meet the objectives of these regulations, Section 22a – 36 to 22a – 45, inclusive, of the Connecticut General Statutes, as amended.**

***BASIC INFORMATION REQUIRED ON ALL APPLICATIONS.**

APPENDIX C

This form is to be completed *ONLY* when applicant is *NOT* the owner.

I, _____ hereby acknowledge the application to the Inland
(Name of Owner)

Wetlands Commission of the Town of Cheshire by _____ .
(Name of Applicant)

I consent and agree to its being filed with said Commission.

(Signature of Owner)

Sworn to before me this _____ day of _____, 20_____ .

(Name typed or printed)

Commissioner of the Superior Court
Notary Public
My commission Expires: _____

APPENDIX D

Information Necessary For a Complete Application

- _____1. Sheet size shall be limited to a size not greater than 25 inches by 37 inches.
- _____2. Maps shall be drawn to scale not smaller than 100 feet to an inch.
- _____3. North Arrow.
- _____4. Existing and proposed grade contours at 2-foot intervals. All elevations shall be referenced to U.S.G.S. datum and so noted on map.
- _____5. Title Block containing: project name, name of owner/applicant, and or developer, date and subsequent date of revisions.
- _____6. Signature of person responsible for drawing plan

or

Legible signature of person responsible for drawing plan. Professionals certifying plan shall be appropriate to the nature of activities proposed. Such site information about the proposed uses or effects of the regulated area must be certified by a licensed land surveyor, professional engineer or professional architect. Such professional must be registered in the State of Connecticut.

- _____7. Location of any watercourse or inland wetlands covered by the site plan as defined in Section 2 of these regulations and in Section 22a – 42a of the Connecticut General Statutes, as amended.
- _____8. Wetland boundary must be certified via signature of a Certified Soil Scientists or other qualified professional.
- _____9. Map at a suitable scale showing wetlands and/or watercourses and general topography of adjacent wetlands and/or watercourses within five hundred (500) feet of the site.

APPENDIX E

RIGHT OF ENTRY FOR CORRECTION OF VIOLATION

I, _____ (Applicant), and I, _____(Owner), hereby authorize and permit the Town of Cheshire, its officials, employees, and/or independent contractors to enter upon the premises for which an Inland Wetlands and Watercourses Permit was issued on _____ (Date), for property located at _____ (Road), as shown on Assessor's Map No(s). _____, Lot No(s). _____ to perform all work necessary to correct and abate any violations of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire and/or to comply with the stipulations of the permit cited herein, if said permit stipulations have not been satisfied within the time required by the permit.

Applicant

Date

Owner

Date

APPENDIX F
PETITION FOR IWW REGULATION OR
IWW MAP BOUNDARY AMENDMENT
APPLICATION FORM

Applicant: _____

Address: _____

Telephone: (H) _____ (W) _____

Owners Name: _____

Applicant's interest in the land: _____

Reason for the requested action: _____

This Application must be accompanied by the following items:

1. A description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas.
2. A map showing proposed development of the property.
3. Names and addresses of adjacent property owners.
4. A map showing the geographic location of the property involved in the petition.
5. Map at a suitable scale showing wetlands and/or watercourses and general topography of adjacent wetlands and/or watercourses within five hundred (500) feet of the site.
6. Check in full payment of minimum application fee, see attached fee schedule, (payable the Collector – Town of Cheshire). An additional fee will be required if a public hearing is deemed necessary.

Cheshire Inland Wetlands and Watercourses Application Packet

Please see the Town of Cheshire's website for a listing of meeting dates. The meeting dates can be found at the following link:

www.cheshirect.org/agendas-and-minutes/inland-wetland-and-watercourses-commission

The Commission meets the first and third Tuesday of the month at 7:30 p.m. in Council Chambers on the 3rd floor at Town Hall, 84 South Main Street, Cheshire, CT 06410 (203)-271-6670.

DEADLINES FOR APPLICATIONS:

Filing deadline is **4 p.m. the Wednesday prior** to the next regularly scheduled meeting.

TIME FRAME FOR ACTION ON APPLICATIONS:

The Cheshire Inland Wetlands and Watercourses regulations require that action shall be taken on applications no fewer than fourteen (14) days. Refer to section 11 of the Cheshire Inland Wetlands and Watercourses regulations for further details.

**CHESHIRE INLAND WETLANDS & WATERCOURSES
LAND USE PERMIT FEES**

Residential Uses	
Single lot (base fee)	\$100.00
Subdivision/resubdivision (base fee)	\$250.00
Site plan as required by a commission subdivision approval	\$60.00 per lot
Commercial / Industrial Uses	
Site five (5) acres or less (base fee)	\$200.00
Site greater than five (5) acres (base fee)	\$350.00
Subdivision/resubdivision (base fee)	\$350.00
Site plan as required by a commission subdivision approval	\$100.00 per lot
Other Regulated Activities	\$100.00
Other Fees	
Impact review fee (added to the base fee) per subdivision/resubdivision lot, each road or driveway wetland crossing, each directly affected acre of wetland or part thereof, and each 100 feet of watercourse or part thereof directly affected by the application	\$30.00
Permit modification, extension, or transfer	\$100.00
After-the fact permit. ¹ Application for permit filed after the regulated activities have been commenced, to offset the additional costs to the town in inspecting and monitoring the regulated activities.	Three (3) times the amount of fees that would have been due if the application was timely filed. This surcharge is in addition to any other fines or penalties that may be assessed.
Petition to amend the inland wetlands and watercourses map	\$140.00
Petition to amend the inland wetlands and watercourses regulations	\$140.00
Inspection of erosion control (silt fence, hay bales, etc.)	\$50.00 per lot
Public hearing	\$175.00
Public hearing continuance	\$50.00

¹ Amended by Town Council: 2/13/2019, Effective: 4/01/2019.

Additional expenses, including but not limited to outside consultants, experts, or legal advisors, incurred in processing the application.	Actual amount paid by the town
Town collection of state fee (CGS Section 22a-27j) REQUIRED WITH EVERY APPLICATION	\$60.00

All fees shall be paid by certified check, bank or cashier's check, or money order payable to the "Collector, Town of Cheshire" at the time the application is filed. An insufficient funds fee of fifty dollars (\$50.00) will be charged for all returned checks. Fees may be paid for in cash if the amount of the fee to be paid is one hundred dollars (\$100.00) or less.

SECTION 5



**DIAMOND TOWERS V LLC
&
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

**TECHNICAL REPORT TO THE TOWN OF CHESHIRE
PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY**

185 ACADEMY ROAD, CHESHIRE, CONNECTICUT

**Diamond Towers V LLC
820 Morris Turnpike
Suite 104
Short Hills, NJ 07078**

**Verizon Wireless
20 Alexander Drive
Wallingford, CT 06492**

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Introduction

Diamond Towers V LLC (“DTV”), a subsidiary of Diamond Communications LLC, and Cellco Partnership d/b/a Verizon Wireless (“Verizon”) respectfully submit this Technical Report to the Town of Cheshire in furtherance of the proposal to construct a wireless telecommunications tower facility at 185 Academy Road (MBL# 58-27).

Verizon is licensed by the Federal Communications Commission (“FCC”) to provide wireless communications services throughout the State of Connecticut, including New Haven County. Verizon’s FCC license requires the construction and build-out of its wireless network in its federally licensed service area, which includes the Town of Cheshire. Verizon has contracted with DTV to assist in the search and development of various facilities in Connecticut for infrastructure to provide reliable wireless services, including one search ring in the eastern-central area of Cheshire.

As part of its coordination with Verizon, DTV has identified and leased a portion of an approximately 8.10-acre parcel of land owned by Cheshire United Methodist Church which is located at 185 Academy Road, also known as State Route 68 (the “Parcel”). Diamond has entered into a long-term ground lease with the property owner and would construct, own and operate the wireless telecommunications tower facility on the Parcel. Verizon’s agreement with DTV includes a long-term lease obligation for use of the tower facility.

The tower component as proposed is a 95’-tall self-supporting monopole designed to resemble a pine tree (“monopine”) with faux branches extending an additional 4 feet above the top of the pole, for use by Verizon as well as other FCC-licensed wireless carriers to provide reliable wireless services in this central area of Cheshire.

The purpose of this Technical Report is to provide the Town with information concerning the need for a new tower in this area of the State (Section 1), the site search history and selection process (Section 2), the facility design (Section 3), and

current status of environmental assessments for the project including various information (Section 4) and a Visibility Analysis (Section 5).

The information is provided for purposes of technical consultation with the Town, pursuant to Section 16-50/ of the Connecticut General Statutes.

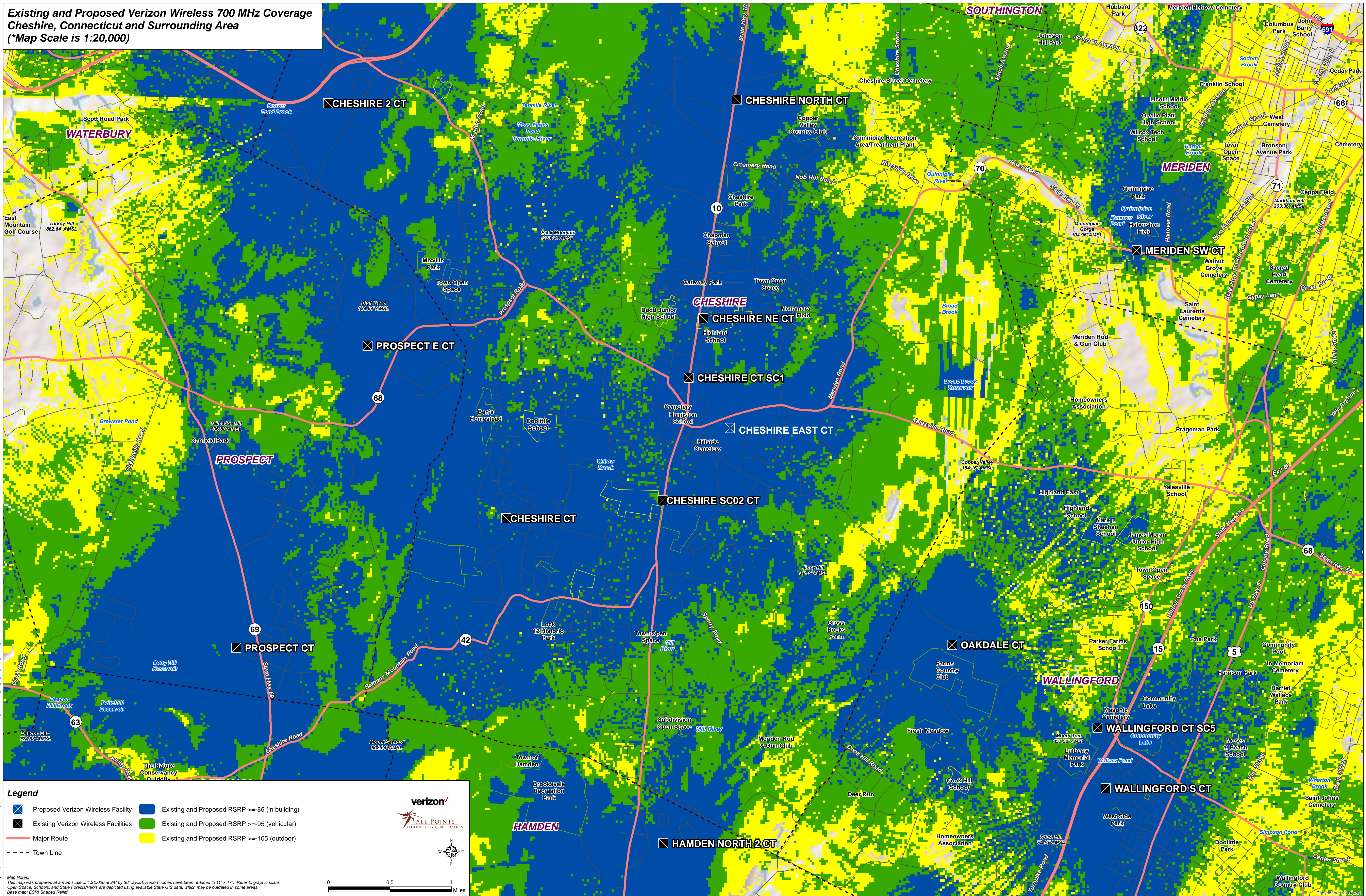
1

SECTION 1

Statement of Public Need

The proposed wireless tower facility (the "Proposed Facility") will provide reliable wireless communications services to the Cheshire Village Business District to the west, surrounding residences and the eastern portion of Route 68 (Academy Road) in the Town of Cheshire. The facility is needed by Verizon, in conjunction with its other existing and proposed facilities, to meet increased network demands and provide reliable services to the public in this part of Cheshire. Based on demand characteristics and usage patterns, the Proposed Facility is needed to offload the existing wireless facilities and infrastructure located to the west of the Parcel. The Proposed Facility will provide the needed fill-in capacity and coverage to the nearby business corridor to the west of the Parcel during peak usage times. The Proposed Facility will also enhance reliable wireless services to residences in the surrounding area and provide additional coverage heading east along Route 68. Attached are coverage plots depicting the "Current Coverage" provided by Verizon's existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed facility together with existing coverage from adjacent sites.

**Existing and Proposed Verizon Wireless 700 MHz Coverage
Cheshire, Connecticut and Surrounding Area
(*Map Scale is 1:20,000)**



Legend

- Proposed Verizon Wireless Facility
- Existing and Proposed RSRP >= -85 (in building)
- Existing and Proposed RSRP >= -95 (vehicular)
- Existing and Proposed RSRP >= -105 (outdoor)
- Existing Verizon Wireless Facilities
- Major Route
- - - Town Line

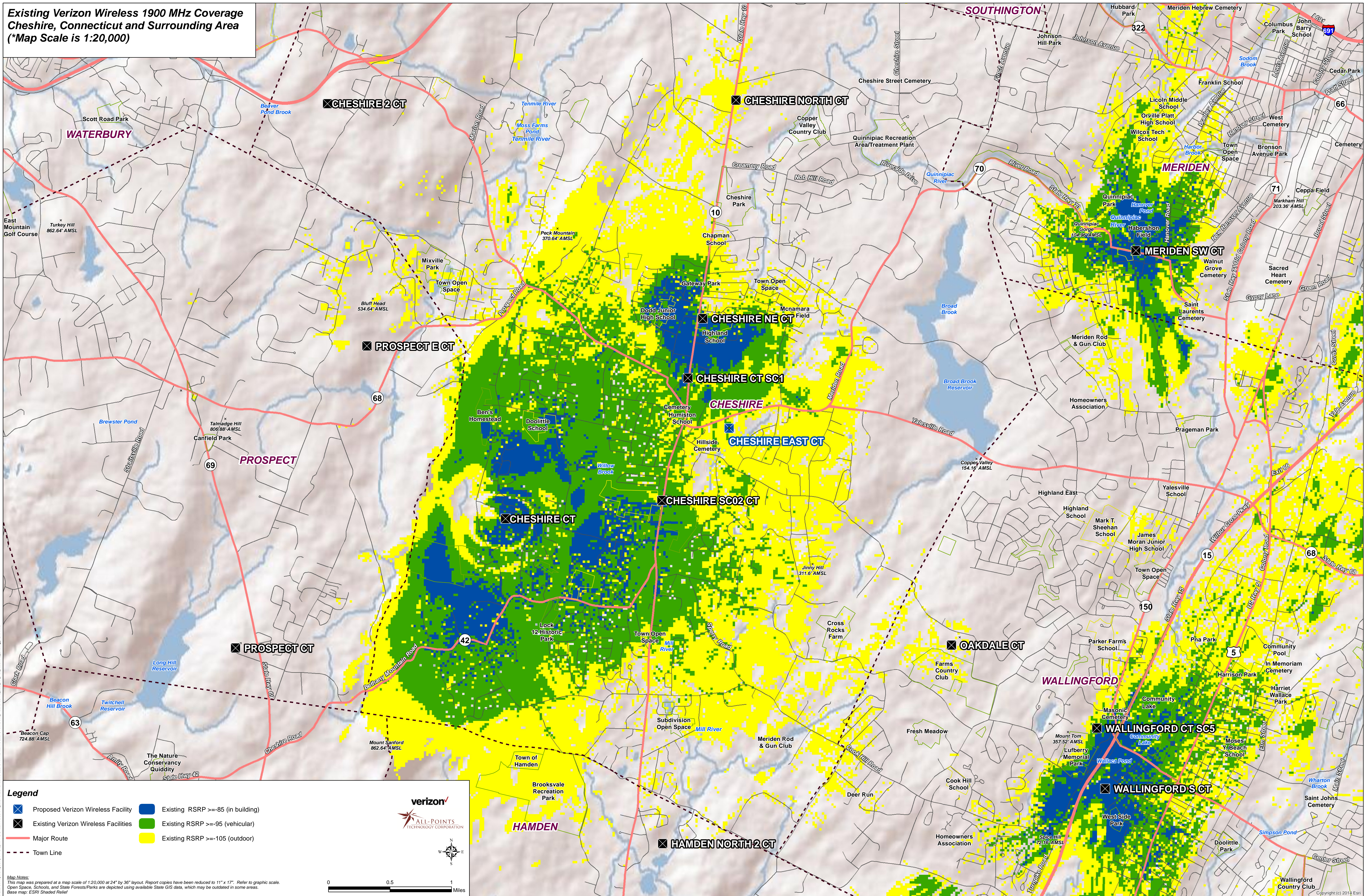
Map Notes:
This map was prepared at a map scale of 1:20,000 at 24" by 36" layout. Report copies have been reduced to 11" x 17". Refer to graphic scale.
Open Space, Schools, and State Forests/Parks are depicted using available State GIS data, which may be outdated in some areas.
Base map: ESRI Shaded Relief

verizon
ALL-POINTS
TECHNOLOGY CORPORATION

0 0.5 1 Miles

Copyright © 2014 Esri
 All rights reserved.

**Existing Verizon Wireless 1900 MHz Coverage
Cheshire, Connecticut and Surrounding Area
(*Map Scale is 1:20,000)**



Legend

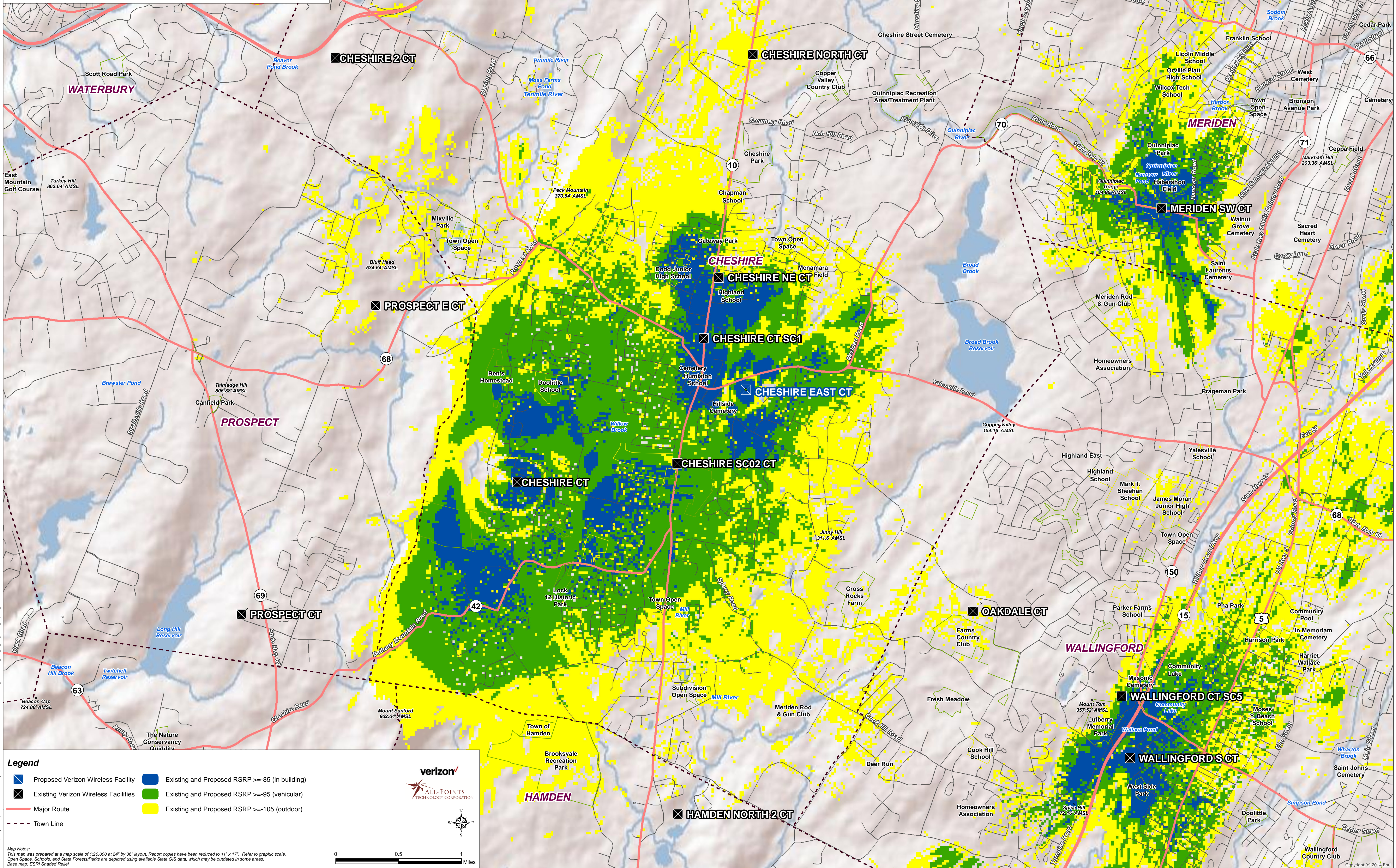
- Proposed Verizon Wireless Facility
- Existing Verizon Wireless Facilities
- Major Route
- Town Line
- Existing RSRP >= -85 (in building)
- Existing RSRP >= -95 (vehicular)
- Existing RSRP >= -105 (outdoor)

Map Notes:
This map was prepared at a map scale of 1:20,000 at 24" by 36" layout. Report copies have been reduced to 11" x 17". Refer to graphic scale. Open Space, Schools, and State Forests/Parks are depicted using available State GIS data, which may be outdated in some areas. Base map: ESRI Shaded Relief

0 0.5 1 Miles



**Existing and Proposed Verizon Wireless 1900 MHz Coverage
Cheshire, Connecticut and Surrounding Area
(*Map Scale is 1:20,000)**



Legend

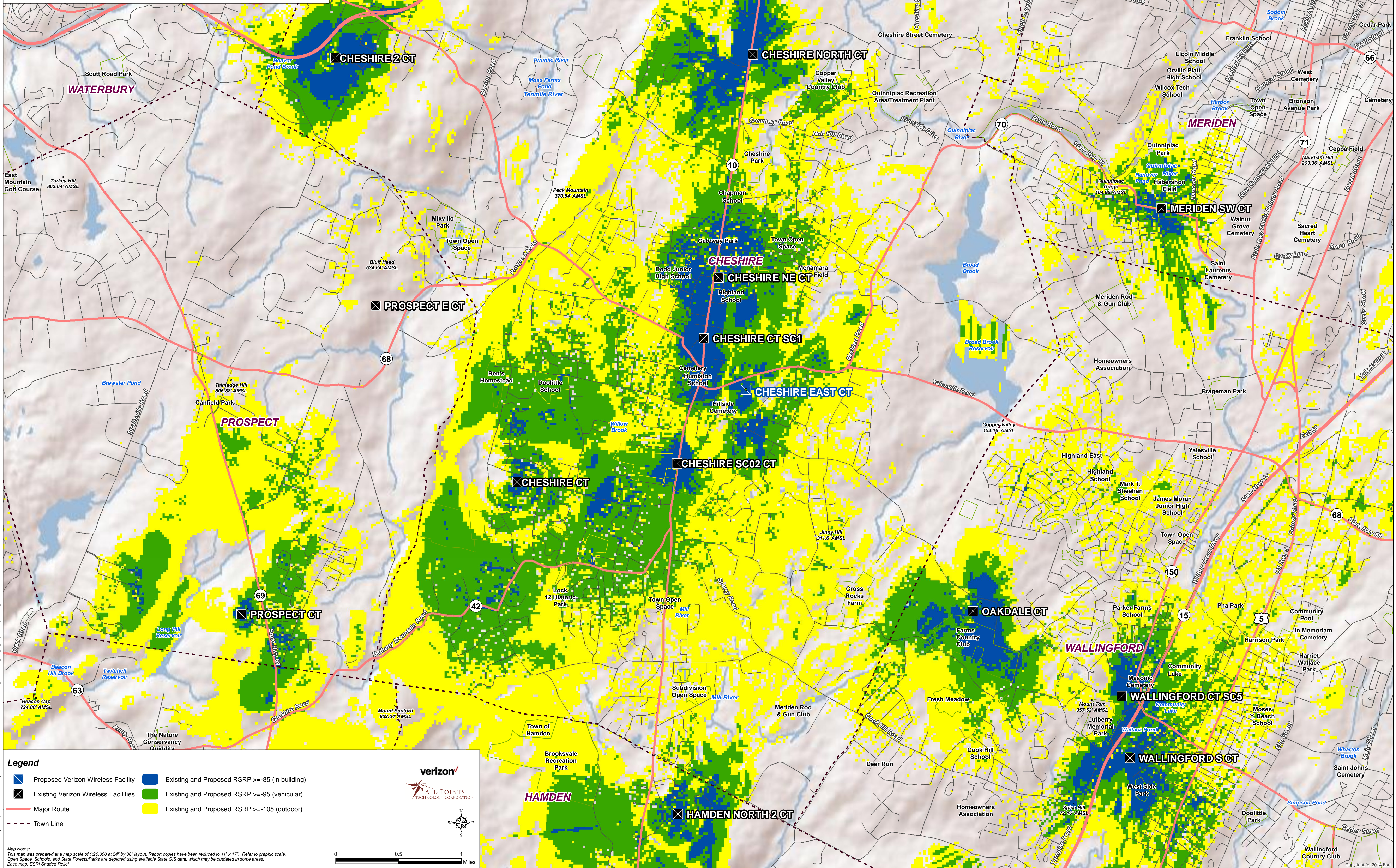
- Proposed Verizon Wireless Facility
- Existing and Proposed RSRP >= -85 (in building)
- Existing Verizon Wireless Facilities
- Existing and Proposed RSRP >= -95 (vehicular)
- Existing and Proposed RSRP >= -105 (outdoor)
- Major Route
- - - Town Line

Map Notes:
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Open Space, Schools, and State Forests/Parks are depicted using available State GIS data, which may be outdated in some areas.
Base map: ESRI Shaded Relief

verizon
ALL-POINTS
TECHNOLOGY CORPORATION

0 0.5 1 Miles

**Existing and Proposed Verizon Wireless 2100 MHz Coverage
Cheshire, Connecticut and Surrounding Area
(*Map Scale is 1:20,000)**



Legend

- Proposed Verizon Wireless Facility
- Existing and Proposed RSRP >= -85 (in building)
- Existing Verizon Wireless Facilities
- Existing and Proposed RSRP >= -95 (vehicular)
- Major Route
- Existing and Proposed RSRP >= -105 (outdoor)
- - - Town Line

Map Notes:
This map was prepared at a map scale of 1:20,000 at 24" x 36" layout. Report copies have been reduced to 11" x 17". Refer to graphic scale.
Open Space, Schools, and State Forests/Parks are depicted using available State GIS data, which may be outdated in some areas.
Base map: ESRI Shaded Relief

verizon
ALL-POINTS
TECHNOLOGY CORPORATION

0 0.5 1 Miles

2

SECTION 2

Verizon

Site Search Summary

In general, a “site search area” is developed to initiate a site selection process in an area where a coverage need has been identified. The site search area is a general location where the installation of a wireless facility would address an identified coverage need while still allowing for orderly integration of the site into a network such as Verizon’s, based on the engineering criteria hand-off, frequency reuse and interference. In any site search area, the Applicants seek to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time ensuring the quality of service provided by the site to users of its network.

The candidate identification process includes reviewing the applicable zoning ordinance to identify areas within which the proposed use is allowed. Viable candidates consist of existing structures of sufficient height from which an antenna installation can provide adequate coverage, or lacking such a structure, parcels located within the narrowly defined search area upon which a tower may be constructed to a sufficient height. In order to be viable, a candidate must provide adequate coverage to the significant gap in Verizon’s network. In addition, all viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are determined to be located within such areas, to identify other potentially suitable locations.

Verizon has been investigating sites in this area of Cheshire since approximately 2012 and was previously unable to find a viable candidate for the Proposed Facility. Several years after Verizon’s initial investigation, the Parcel was identified as a candidate, and in response to Verizon’s network demands, DTV entered into a lease agreement with the Cheshire United Methodist Church.

In the case of this particular site search area in the eastern-central area of Cheshire and northwest Wallingford, no tall non-tower structures were located within the identified area of need that were available for leasing. The area consists of mainly residential parcels along with challenging topography. Based on current network demands, Verizon's radio frequency engineers have determined that the proposed location will provide appropriate coverage in this area of need. Verizon identified the proposed site as the only viable candidate with a willing landowner with whom commercially reasonable lease terms could be negotiated.



September 10, 2020

Town of Cheshire, CT
84 South Main Street
Cheshire, CT 06410

Re: Proposed Cell Tower – 185 Academy Road, Cheshire, CT 06410, Cheshire United Methodist Church,
– Site Search Summary

Dear Sir/Ma'am,

Diamond Communication is proposing a 99' Monopine Cell Tower, with Verizon Wireless as the anchor tenant, at the above referenced location. Verizon approached us in 2017 with interest in building a cell tower on this property but had been looking for a site location since 2012. We entered into a ground lease agreement with the United Methodist Church (UMC), prior to Verizon approaching us, for a cell tower based on interest from another tenant at the time. Diamond has an exclusive agreement with the UMC to market their properties for cell towers/antennas across the country. We reinstated the ground lease with the church once Verizon approached us with interest. Verizon was unable to identify an alternate candidate in the search area that was willing to lease them space for a tower. Given the topography and the residential nature of the area there were few options.

Sincerely,

Scott Von Rein

Scott Von Rein
Director of Site Development

3

SECTION 3

General Facility Description

185 Academy Road, Cheshire, Connecticut

Tax Map Identification: 58-27

8.10-Acre Parcel

The proposed tower site is situated on an approximately 8.10-acre parcel located at 185 Academy Road owned by the Cheshire United Methodist Church. It is classified in the Residential "R-40" Zoning District and the property is the site of the Cheshire United Methodist Church. The proposed telecommunications facility includes an approximately 52' x 50' s.f. lease area located in the south-central section of the host parcel.

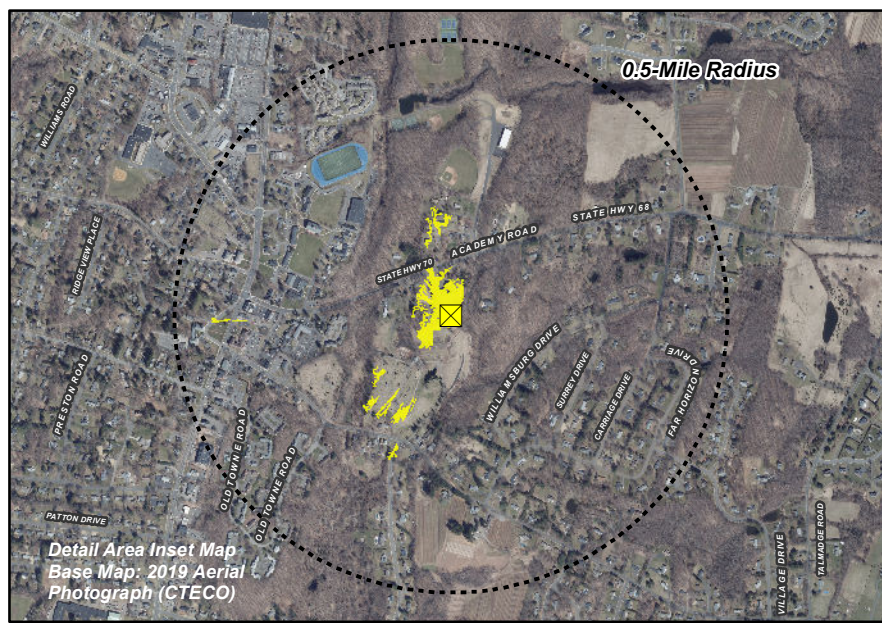
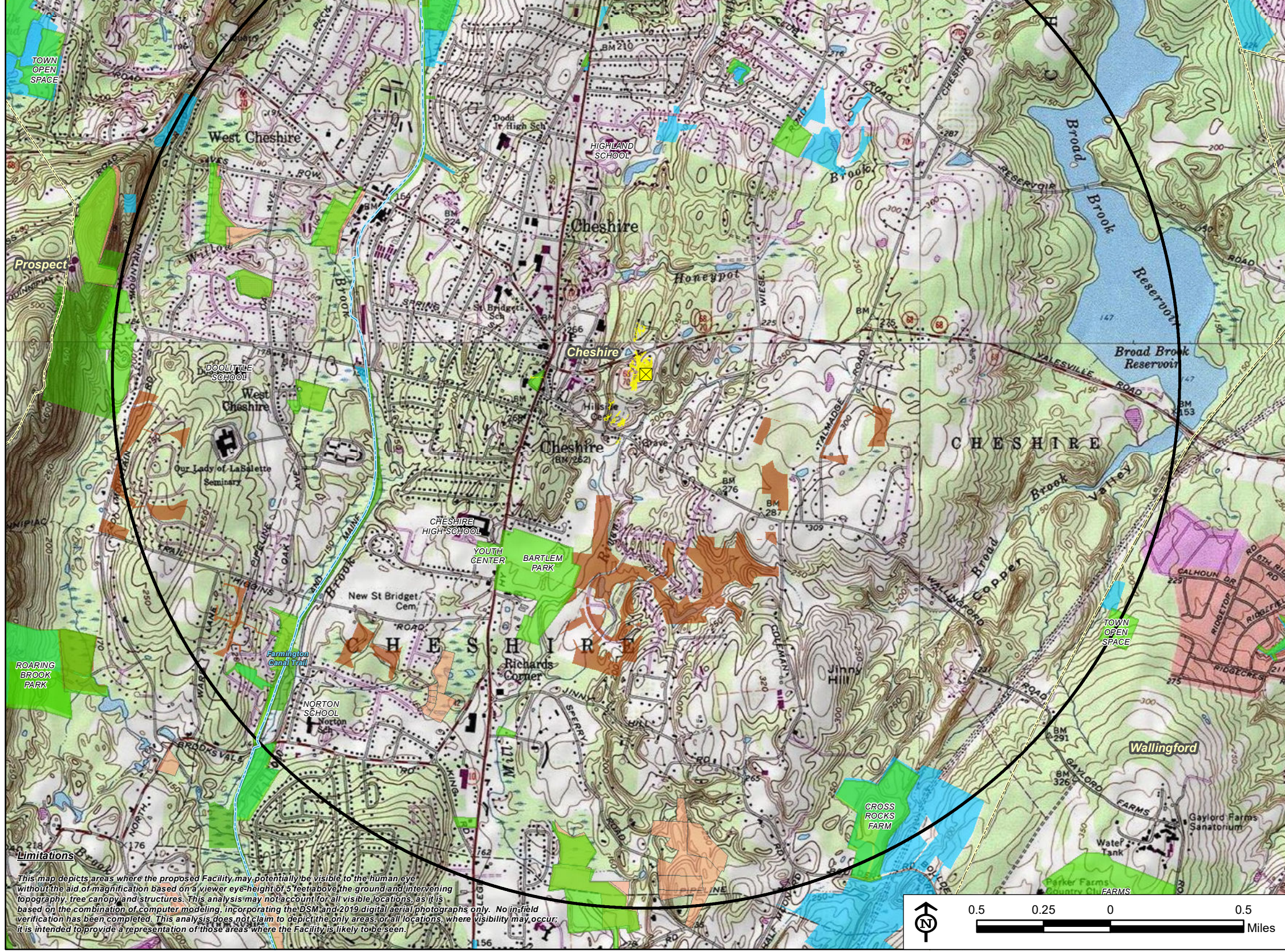
The facility consists of a new 95-foot tall self-supporting monopole designed to resemble a pine tree ("monopine") with faux branches extending an additional 4 feet above the top of the pole, bringing the total height to approximately 99'. Verizon would initially install six (6) panel antennas and related equipment at a centerline height of 90' above grade level ("AGL"). The tower would be designed for future shared use of the structure by other FCC licensed wireless carriers. Verizon's walk-in equipment cabinet would be installed on a 9' x 9' concrete pad within the 42' x 50' fenced tower compound at the base of the monopine. Verizon would also install a 30 KW propane emergency backup power generator on a 4' x 8'6" concrete pad within the equipment compound.

The tower compound would consist of a 2,100 s.f. area to accommodate Verizon's equipment and provide for future shared use of the facility by other carriers. The tower compound would be enclosed by an 8'-high wooden shadow box fence. Vehicle access to the facility would be provided from Academy Road using an existing paved driveway leading to the southeast corner of the paved parking area (approximately 480') which will connect to a 12'-wide wooden gate enclosing the leased area. Utility

connections would be routed underground from existing utility pole (CL&P #724) located at the southeast corner of the paved parking area.



Statewide and Regional Overview Map



Detail Area Inset Map
Base Map: 2019 Aerial Photograph (CTECO)

Preliminary Viewshed Analysis Map

Proposed Wireless Telecommunications Facility
Cheshire East
185 Academy Road
Cheshire, Connecticut

Proposed facility height is 99 feet AGL.
Forest canopy height is derived from LIDAR data.
Study area encompasses a two-mile radius and includes 8,042 acres.
Information provided on this map has not been field verified
Base Map Source: USGS 7.5 Minute Topographic Quadrangle Maps, Meriden, CT (1992), Mount Carmel, CT (1984), Southington, CT (1992), and Wallingford, CT (1984)
Map Date: June 2020

Legend

- Proposed Site
- Study Area (2-Mile Radius)
- Predicted Year-Round Visibility (6 Acres)
- Municipal Boundary
- Trail
- Scenic Highway
- DEEP Boat Launches
- Municipal and Private Open Space Property
- State Forest/Park
- Protected Open Space Property**
 - Federal
 - Land Trust
 - Municipal
 - Private
 - State

Data Sources:

Physical Geography / Background Data
A digital surface model (DSM) was created from the State of Connecticut 2016 LIDAR LAS data points. The DSM captures the natural and built features on the Earth's surface.
Municipal Open Space, State Recreation Areas, Trails, County Recreation Areas, and Town Boundary data obtained from CT DEEP.
Scenic Roads: CTDOT State Scenic Highways (2015); Municipal Scenic Roads (compiled by APT)

Dedicated Open Space & Recreation Areas
Connecticut Department of Energy and Environmental Protection (DEEP): DEEP Property (May 2007); Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994)

Connecticut Forest & Parks Association, Connecticut Walk Books East & West

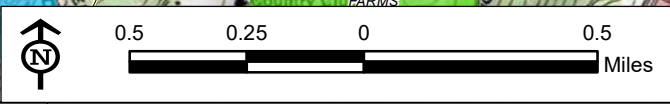
Other

CTDOT Scenic Strips (based on Department of Transportation data)

Notes

**Not all the sources listed above appear on the Viewshed Maps. Only those features within the scale of the graphic are shown.

Limitations
This map depicts areas where the proposed Facility may potentially be visible to the human eye without the aid of magnification based on a viewer eye-height of 5 feet above the ground and intervening topography, tree canopy and structures. This analysis may not account for all visible locations, as it is based on the combination of computer modeling, incorporating the DSM and 2019 digital aerial photographs only. No in-field verification has been completed. This analysis does not claim to depict the only areas, or all locations, where visibility may occur. It is intended to provide a representation of those areas where the Facility is likely to be seen.



SITE EVALUATION REPORT
CHESHIRE EAST

I. LOCATION

- A. COORDINATES: 41° 29' 53.7872" N
72° 53' 39.3902" W
- B. GROUND ELEVATION: 242.7'± AMSL
- C. USGS MAP: USGS 7.5 quadrangle for Mt. Carmel
- D. SITE ADDRESS: 185 Academy Road
Cheshire, CT 06410
- E. ZONING WITHIN ¼ MILE OF SITE: Abutting areas to the north, south and east are zoned R-40 (Residential). R-40 (Residential), and C-1 (Commercial) zoned areas are located to the west.

II. DESCRIPTION

- A. SITE SIZE: 8.10 Ac (Vol 1141 - Page 126)
LEASE AREA/COMPOUND AREA: 2,600 SF/2,100 SF
- B. TOWER TYPE/HEIGHT: A 95' AGL Monopine (top of branches @ 99' AGL).
- C. SITE TOPOGRAPHY AND SURFACE: Subject site slopes northwest to southeast and is located on land consisting of an existing church.
- D. SURROUNDING TERRAIN, VEGETATION, WETLANDS, OR WATER: The proposed compound is located on the southern side (existing open area) of 8.10 acre parcel which is currently occupied by an existing church and associated parking area. To the north, east and west are residential properties. To the south is an existing cemetery. There are wetlands on-site to the east (±105') of the proposed compound.
- E. LAND USE WITHIN ¼ MILE OF SITE: Residential properties to the north, east and west. Existing cemetery to the south.

III. FACILITIES

- A. POWER COMPANY: Eversource
- B. POWER PROXIMITY TO SITE: 10'±
- C. TELEPHONE COMPANY: Frontier
- D. PHONE SERVICE PROXIMITY: 10'±
- E. VEHICLE ACCESS TO SITE: Access to the proposed telecommunication facility will be along an existing bituminous driveway/parking area (480'+/-).
- F. OBSTRUCTION: A new utility pole will need to be added and existing overhead utility lines will require relocation in order to construct the new compound.
- G. CLEARING AND FILL REQUIRED: Total area of disturbance is 2,600 sf.; no trees will need to be removed. The site improvements shall entail approximately 10 CY of cut for utility trenching and net 100 CY of excavation for the construction of the compound. Approximately 50 CY of broken stone is needed for the compound.

IV. LEGAL

- A. PURCHASE [] LEASE [X]
- B. OWNER: Cheshire United Methodist Church
- C. ADDRESS: 185 Academy Road, Cheshire, CT 06410
- D. DEED ON FILE AT: Volume 1141 - Page 126



FAA 1-A SURVEY CERTIFICATION

Applicant: Diamond Towers V
820 Morris Turnpike
Suite 104
Short Hills, NJ 07078

Site Address: 185 Academy Road
Cheshire, CT

Horizontal Datum: NAD 83
Vertical Datum: NAVD 1988 (AMSL)
Latitude: (NAD 83) 41°29'53.7872" N (41.49827422° N)
Longitude: (NAD 83) 72°53'39.3902" W (72.89427505° W)
Ground Elevation: 242.7'± (in feet) AMSL Elevation

Certification:

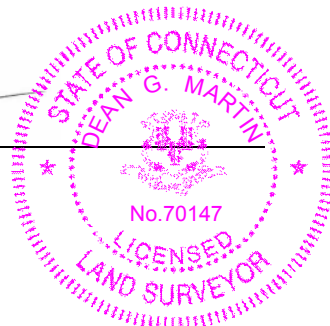
I certify that the latitude of 41°29'53.7872" N (41.49827422° N) and the longitude of 72°53'39.3902" W (72.89427505° W) are accurate to within 20 feet horizontally, and that the following elevations are accurate to within 3 feet vertically. The existing ground height is 242.7' AMSL. The horizontal datum (coordinates) are in the terms of the North American Datum of 1983 (NAD 83) and are expressed in degrees, minutes, and seconds to the nearest ten thousandth of a second and decimal degrees.

The vertical datum (heights) are in terms of the North American Vertical Datum of 1988 and are determined to the nearest tenth of a foot.

Company: Martin Surveying Associates, LLC.

Surveyor
Signature/Seal:

Dean Martin, PLS CT #70147



May 20, 2020

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. The structure meets the 6.10-meter (20-foot) Rule criteria.

Your Specifications

NAD83 Coordinates

Latitude	41-29-53.7 north
Longitude	072-53-39.4 west

Measurements (Meters)

Overall Structure Height (AGL)	30.2
Support Structure Height (AGL)	30.2
Site Elevation (AMSL)	74

Structure Type

TREE - When used as a support for an antenna

[Tower Construction Notifications](#)

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

CLOSE WINDOW

DIAMOND TOWERS V

WIRELESS TELECOMMUNICATIONS FACILITY

**CHESHIRE EAST
185 ACADEMY ROAD
CHESHIRE, CT 06410**

**DIAMOND TOWERS V
LLC**

820 MORRIS TPKE., STE. 104
SHORT HILLS, NJ 07078



567 VAUXHALL STREET EXTENSION - SUITE 311
WATERFORD, CT 06385 PHONE: (860)-663-1697
WWW.ALLPOINTS TECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS

NO	DATE	REVISION
0	08/10/20	FOR REVIEW: RCB
1	08/20/20	CLIENT REVISIONS: RCB
2		
3		
4		
5		
6		

DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E.
COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385

DEVELOPER: DIAMOND TOWERS V, LLC
ADDRESS: 820 MORRIS TURNPIKE SUITE 104 SHORT HILLS, NJ 07078

**DIAMOND TOWERS V, LLC
CHESHIRE EAST**

**SITE 185 ACADEMY ROAD
ADDRESS: CHESHIRE, CT 06410**

APT FILING NUMBER: CT625100

DATE: 08/07/20 DRAWN BY: ELZ

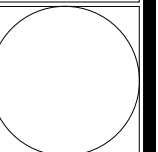
CHECKED BY: RCB

SHEET TITLE:

**TITLE SHEET
& INDEX**

SHEET NUMBER:

T-1



SITE INFORMATION

PROJECT LOCATION: 185 ACADEMY ROAD
CHESHIRE, CT 06410

PROJECT DESCRIPTION: RAWLAND SITE W/ GROUND EQUIPMENT
WITHIN 2,100± SF TELECOMMUNICATIONS
COMPOUND WITH NEW 95± AGL
MONOPINE.

PROPERTY DEVELOPER: DIAMOND TOWERS V
820 MORRIS TURNPIKE
SUITE 104
SHORT HILLS, NJ 07078

DEVELOPER CONTACT: SCOTT VON REIN
(973) 544-6834

ENGINEER CONTACT: ROBERT C. BURNS, P.E.
(860) 663-1697 x206

LATITUDE: 41° 29' 53.7872"N (41.49827422°N)
LONGITUDE: 72° 53' 39.3902"W (72.89427505°W)
ELEVATION: 242.7'± AMSL

MAP: 58
LOT: 27
ZONE: R-40

DRAWING INDEX

T-1 TITLE SHEET & INDEX

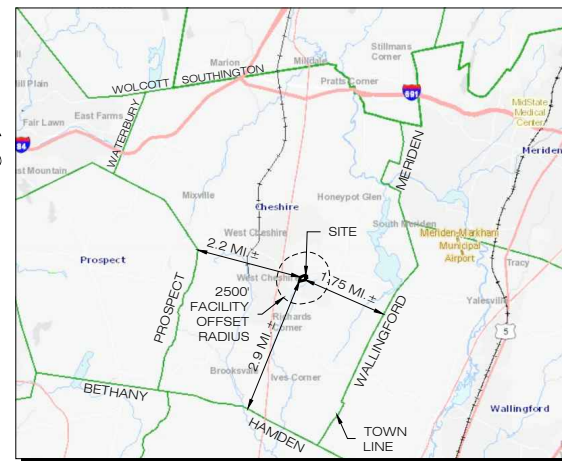
1 OF 2 & 2 OF 2 TOPOGRAPHIC SURVEY

SP-1 SITE PLAN & ABUTTERS MAP

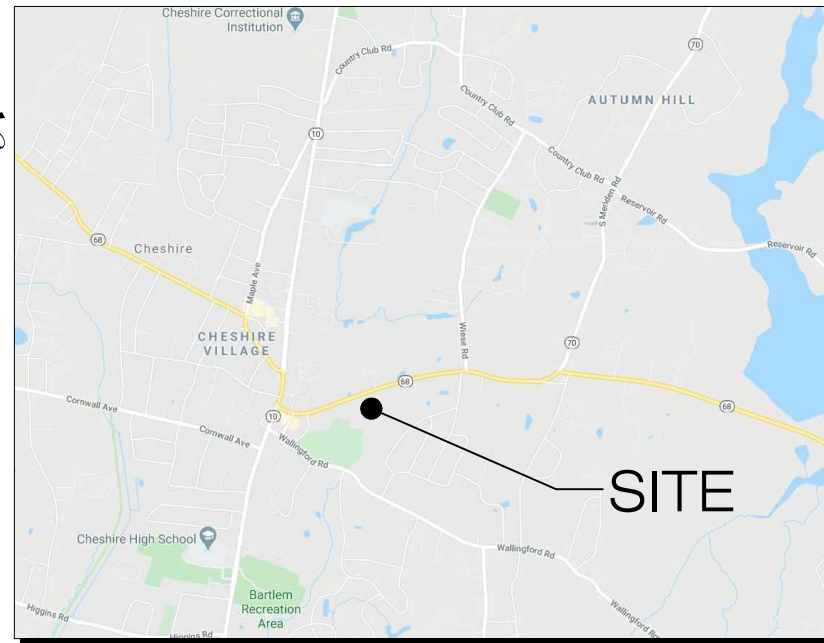
CP-1 COMPOUND PLAN & ELEVATION

C-1 SITE DETAILS

C-2 SITE DETAILS



MUNICIPAL NOTIFICATION LIMIT MAP
SCALE: 1" = 2 Miles



VICINITY MAP
SCALE: 1" = 500'

OWNER:

CHESHIRE UNITED METHODIST
CHURCH
185 ACADEMY ROAD
CHESHIRE, CT 06410

APPLICANTS:

DIAMOND TOWERS V
820 MORRIS TURNPIKE
SUITE 104
SHORT HILLS, NJ 07078
SCOTT VON REIN
(973) 544-6834

VERIZON
20 ALEXANDER DRIVE
WALLINGFORD, CT
06492

PROJECT ATTORNEY:

CUDOY & FEDER, LLP
445 HAMILTON AVENUE, 14TH FLOOR
WHITE PLAINS, NY 10601
(914) 761-1300

POWER PROVIDER:

EVERSOURCE: (800) 286-2000

TELCO PROVIDER:

FRONTIER (800) 921-8102

CALL BEFORE YOU DIG:

(800) 922-4455

GOVERNING CODES:

CONNECTICUT STATE BUILDING CODE, LATEST EDITION
NATIONAL ELECTRIC CODE, LATEST EDITION
TIA-222-H

MAP NOTES:

- THIS MAP AND SURVEY HAVE BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND "THE MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" ADOPTED JUNE 21, 1996, AMENDED OCTOBER 26, 2018.
- THE TYPE OF SURVEY PERFORMED AND THE MAPPED FEATURES DEPICTED HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF A TOPOGRAPHIC SURVEY AND IS INTENDED TO DEPICT THE EXISTING CONDITION OF THE SUBJECT PARCEL FOR THE PURPOSE OF DESIGN CONSIDERATIONS OF A CELLULAR TOWER.
- THE PROPERTY BOUNDARY LINES DEPICTED HEREON CONFORM TO A CLASS 'D' AND HAVE BEEN COMPILED FROM OTHER MAPS, RECORD RESEARCH, AND OTHER SOURCES OF INFORMATION. IT IS NOT TO BE CONSTRUED AS HAVING BEEN OBTAINED AS THE RESULT OF A FIELD SURVEY AND IS SUBJECT TO SUCH CHANGE AS AN ACCURATE FIELD SURVEY MAY DISCLOSE.
- THE TOPOGRAPHIC FEATURES DEPICTED HEREON ARE THE RESULT OF A FIELD SURVEY CONDUCTED ON APRIL 22, 2020.
- THE HORIZONTAL BASELINE CONFORMS TO A CLASS A-2 ACCURACY. THE VERTICAL BASELINE CONFORMS TO A CLASS V-2 ACCURACY. THE TOPOGRAPHIC FEATURES CONFORM TO A CLASS T-2 ACCURACY.

LEASE AREA LEGAL DESCRIPTION:

COMMENCING AT A POINT IN THE AT THE SOUTHEAST CORNER OF LAND NOW OR FORMERLY OF UNITED METHODIST CHURCH HEREAFTER REFERRED TO AS THE GRANTOR, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LAND NOW OR FORMERLY OF AURANGZD & JULIE ALI, THENCE RUNNING THROUGH THE LAND OF THE GRANTOR S 79°15'22" W 254.97 FEET TO THE POINT OF BEGINNING;

THENCE RUNNING THE FOLLOWING FOUR (4) COURSES AND DISTANCES THROUGH THE LAND OF THE GRANTOR: N 77°46'14" W 52.00 FEET, N 12°13'46" E 50.00 FEET, S 77°46'14" E 52.00 FEET, S 12°13'46" W 50.00 FEET TO THE POINT OF BEGINNING.

ACCESS EASEMENT

COMMENCING AT A POINT IN THE SOUTHERLY HIGHWAY LINE OF ACADEMY ROAD, ALSO KNOWN AS CONNECTICUT ROUTE NO. 68 & CONNECTICUT ROUTE NO. 70, THENCE RUNNING ALONG THE SOUTHERLY STREET LINE OF SAID ACADEMY ROAD S 60°15'08" W 92.09 FEET TO THE POINT OF BEGINNING.

THENCE RUNNING THROUGH THE LAND OF THE GRANTOR THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES: S 17°35'00" E 144.99 FEET; A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 20.79', WITH A RADIUS OF 144.59', WITH A CHORD BEARING OF S 21°42'12" E, WITH A CHORD LENGTH OF 20.78'; S 25°40'43" E 84.54 FEET; A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 13.64', WITH A RADIUS OF 15.00', WITH A CHORD BEARING OF S 51°43'30" E, WITH A CHORD LENGTH OF 13.17'; S 77°46'17" E 7.19 FEET; A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 54.98', WITH A RADIUS OF 35.00', WITH A CHORD BEARING OF S 32°46'17" E, WITH A CHORD LENGTH OF 49.50'; S 12°13'43" W 84.02 FEET; S 77°46'15" E 21.33 FEET; S 12°13'45" W 20.00 FEET; N 77°46'15" W 41.33 FEET; N 12°13'43" E 104.02 FEET; A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 23.56', WITH A RADIUS OF 15.00', WITH A CHORD BEARING OF N 32°46'17" W, WITH A CHORD LENGTH OF 21.21'; N 77°46'17" W 7.19 FEET; A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 31.82', WITH A RADIUS OF 35.00', WITH A CHORD BEARING OF N 51°43'30" W, WITH A CHORD LENGTH OF 30.74'; N 25°40'43" W 84.52 FEET; A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 23.64', WITH A RADIUS OF 164.59', WITH A CHORD BEARING OF N 21°41'56" W, WITH A CHORD LENGTH OF 23.62'; N 17°35'00" W 140.67 FEET; N 60°15'08" E 20.46 FEET TO THE POINT OF BEGINNING.

*SEE SHEET 2

N/F
SARAH ZIMMERMAN
VOL: 2358 PG: 225

N/F
JASON CHARTIER ET AL
VOL: 2780 PG: 90

N/F
CHESHIRE HILLSIDE CEMETERY
VOL: 175 PG: 122

N/F
CHESHIRE HILLSIDE CEMETERY

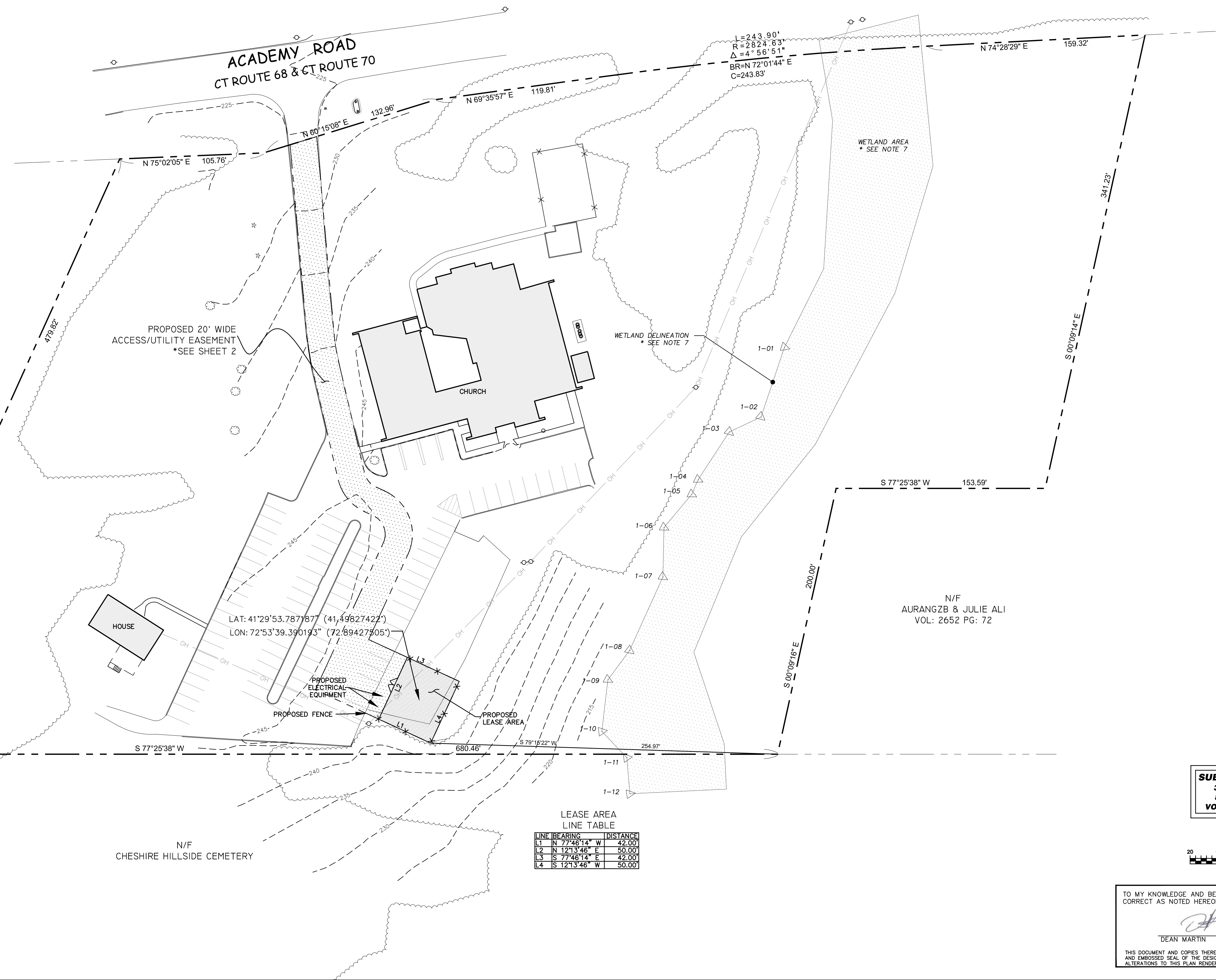
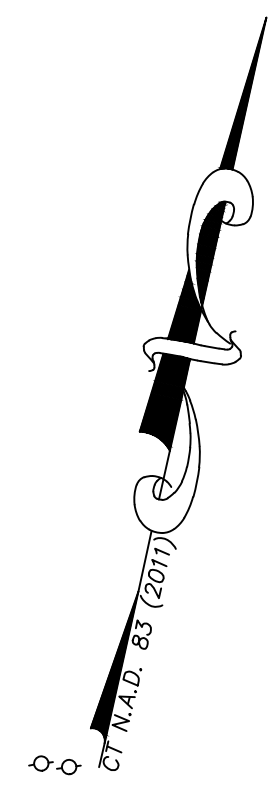
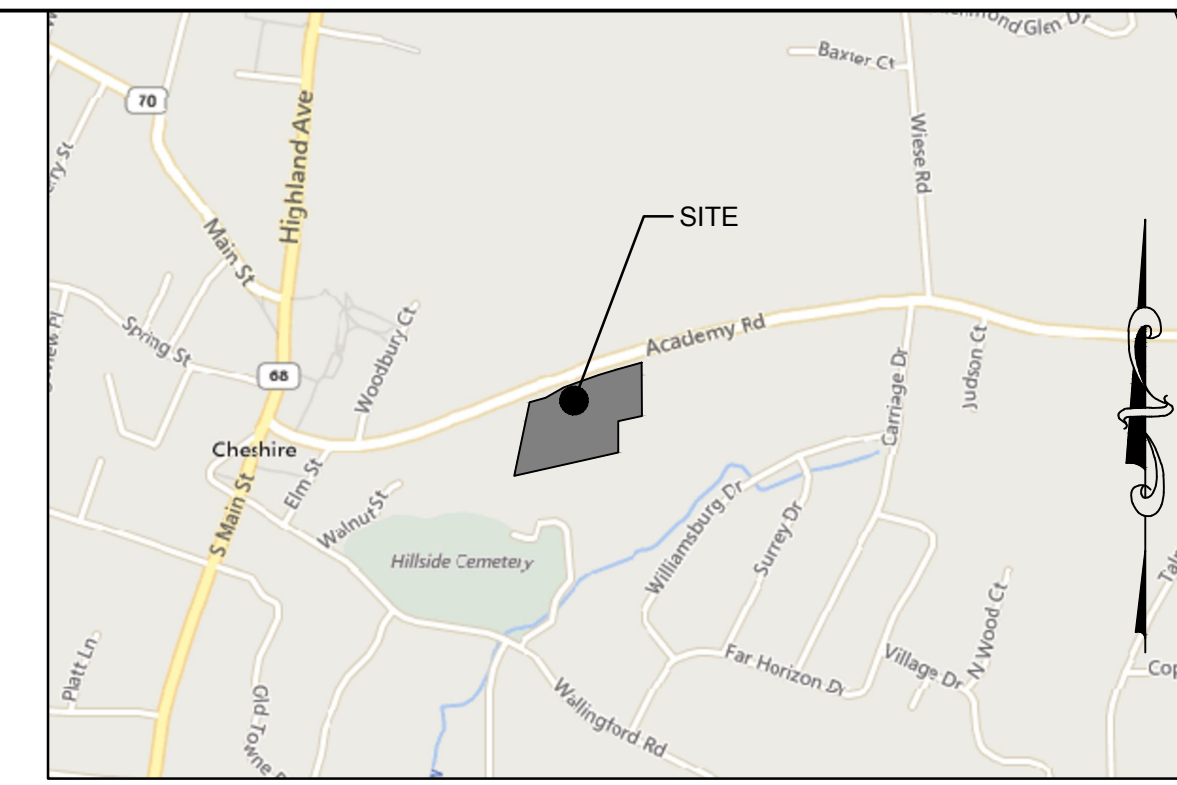
MAP NOTES (CONTINUED):

- THE NORTH ARROW AND BEARINGS ARE BASED UPON THE CONNECTICUT STATE COORDINATE SYSTEM N.A.D. 1983 (2011). THE ELEVATIONS ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) USING GEOID 12B. COORDINATES AND ELEVATIONS WERE DETERMINED FROM RTK GPS OBSERVATIONS MADE ON APRIL 22, 2020, USING THE CT DOT RTK NETWORK KNOWN AS ACORN (CTNE BASE), HAVING THE FOLLOWING VALUES:

LATITUDE = N 41° 40' 24.71719"
LONGITUDE = W 72° 42' 52.25224"
ELLIPSOID HEIGHT = 41.746M
- THE WETLANDS DEPICTED HEREON WERE DELINEATED BY ALL POINTS TECHNOLOGY ON MAY 4, 2020.
- UNDERGROUND UTILITIES, STRUCTURES AND FACILITY LOCATIONS DEPICTED AND NOTED HEREON HAVE BEEN COMPILED, IN PART FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE COMPANIES OR GOVERNMENTAL AGENCIES AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE. THE EXISTENCE WHICH IS UNKNOWN TO MARTIN SURVEYING ASSOCIATES, LLC. ALL CONTRACTORS ARE REQUIRED TO CONTACT CALL-BEFORE-YOU-DIG AT 1-800-922-4455 FOR LOCATION AND OR STAKEOUT OF ANY UTILITY PRIOR TO ANY EXCAVATION.

MAP REFERENCES:

- "MAP SHOWING PROPERTY OF AND PROPERTY TO BE SOLD BY THE METHODIST CHURCH OF CHESHIRE INC. ACADEMY ROAD, CHESHIRE, CONNECTICUT" SCALE: 1"=50'; DATED: FEBRUARY 28, 1970; BY: CARL G. MATTSOON ASSOCIATES.
- "MAP SHOWING PROPERTY OF THE METHODIST CHURCH OF CHESHIRE INC. ACADEMY ROAD, CHESHIRE, CONNECTICUT" SCALE: 1"=50'; DATED: NOVEMBER 28, 1959; BY CARL G. MATTSOON ASSOCIATES.
- "MAP SHOWING PROPERTY TO BE DEEDED CHESHIRE HILLSIDE CEMETERY ASSOC. INC. BY HERBERT W & BARBARA G. COLEMAN WALNUT STREET, CHESHIRE, CONNECTICUT" SCALE: 1"=50'; DATED: AUGUST 16, 1970; BY CARL G. MATTSOON ASSOCIATES.
- "MAP SHOWING PROPERTY TO BE CONVEYED HENRY H. & EVELYN L. SCOTT, CHESHIRE, CONNECTICUT" SCALE: 1"=40'; DATED: DECEMBER 3, 1960; BY: HARRY E. COLE.
- "MAP SHOWING PROPERTY TO BE DEEDED BY THE METHODIST CHURCH OF CHESHIRE INC. ACADEMY ROAD, CHESHIRE CONNECTICUT" SCALE: 1"=50' DATED: OCTOBER 2, 1986; BY: MATTSOON ASSOCIATES.
- "RIGHT OF WAY MAP. TOWN OF CHESHIRE, CHESHIRE-SO. MERIDEN ROAD FROM CHESHIRE STREET EASTERLY TO YALESVILLE ROAD, ROUTE NO 325" (SHEETS & 2) SCALE: 1"=40'; DATED: APRIL 14, 1930; BY: CONNECTICUT STATE HIGHWAY DEPARTMENT.



LEASE AREA LINE TABLE

LINE	BEARING	DISTANCE
1	N 77°46'14" W	42.00'
2	N 12°13'46" E	50.00'
3	S 77°46'14" E	42.00'
4	S 12°13'46" W	50.00'

SUBJECT PARCEL
352,922 S.F. ±
8.10 ACRES ±
VOL. 1141 PG. 126



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

DEAN MARTIN 70147
LICENSE NO.

THIS DOCUMENT AND COPIES THEREOF ARE VALID ONLY IF THEY BEAR THE SIGNATURE AND EMBOSSED SEAL OF THE DESIGNATED LICENSED PROFESSIONAL, UNAUTHORIZED ALTERATIONS TO THIS PLAN RENDER THE DECLARATION HEREON NULL AND VOID.

- LEGEND:
- IRON PIN (FOUND)
 - (To Be Set)
 - MONUMENT (FOUND)
 - ⊙ MANHOLE
 - ⊕ DRAINAGE MANHOLE
 - ⊙ SANITARY MANHOLE
 - ⊕ ELEC. MANHOLE
 - ⊕ TELE. MANHOLE
 - ⊕ "C" CATCH BASIN
 - "C-L" CATCH BASIN
 - ⊕ DECIDUOUS TREES
 - ⊕ EVERGREEN TREES
 - ⊕ SHRUB/BUSH
 - ⊕ FLAG POLE
 - ⊕ TRAFFIC CONTROL BOX
 - ▲ SIGN
 - POST
 - ☆ LIGHT POLE
 - ⊕ GUY ANCHOR
 - ⊕ UTILITY POLE
 - ⊕ WATER GATE
 - ⊕ WATER METER
 - ⊕ GAS VALVE
 - ⊕ GAS METER
 - ⊕ TRANSFORMER
 - ⊕ ELEC. METER
 - ⊕ MAIL BOX
 - ⊕ HAND HOLE
 - ⊕ BUTTON BOX
 - ⊕ A.C. UNIT
 - ⊕ LIGHT POLE

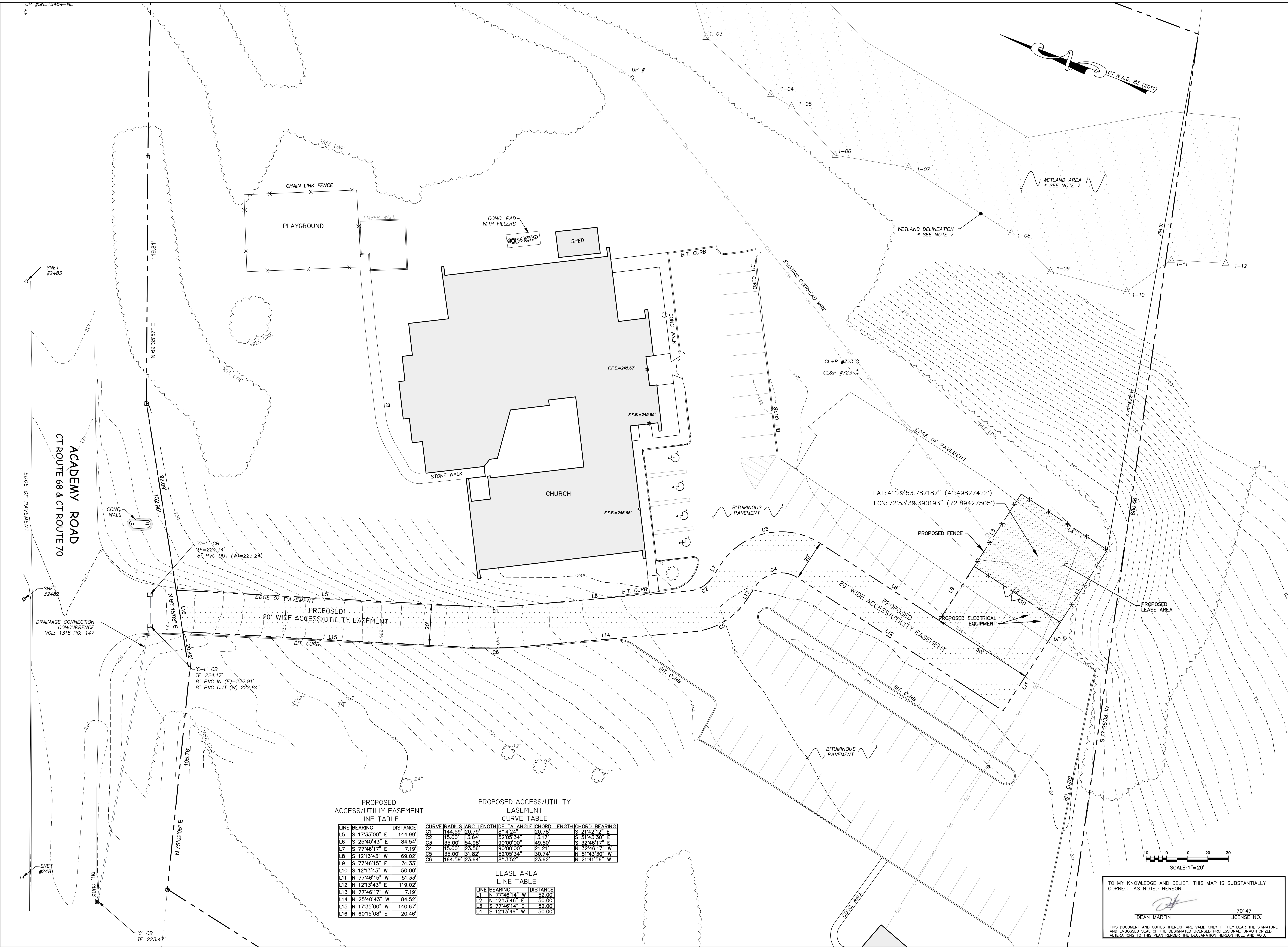
- BOUNDARY LINE
- GUARD RAIL
- UNDERGROUND PIPING (San., Strm.)
- U/G GAS LINE
- U/G ELEC. LINE
- WATER LINE
- OVERHEAD UTILITIES
- U/G TELE. LINE
- CHAIN LINK FENCE
- TREE LINE



REVISIONS:

TOPOGRAPHIC SURVEY
LAND OF
CHESHIRE UNITED METHODIST CHURCH
185 ACADEMY ROAD
CHESHIRE, CONNECTICUT

MSA PROJECT NO: 20-036
SCALE: 1"=40'
DATE: 5/8/2020
DRAWN BY: G.S.D.
CHECKED BY: D.G.M.
SHEET:
1 OF 2



- LEGEND:**
- IRON PIN (FOUND)
 - Rebar/Drill Hole (To Be Set)
 - MONUMENT (FOUND)
 - ⊙ MANHOLE
 - ⊕ DRAINAGE MANHOLE
 - ⊙ SANITARY MANHOLE
 - ⊙ ELEC. MANHOLE
 - ⊙ TELE. MANHOLE
 - ⊙ "C" CATCH BASIN
 - "C-L" CATCH BASIN
 - ⊙ SHRUB/BUSH
 - ⊙ FLAG POLE
 - ⊙ TRAFFIC CONTROL BOX
 - △ SIGN
 - POST
 - ☆ LIGHT POLE
 - ◇ GUY ANCHOR
 - ◇ UTILITY POLE
 - ⊙ WATER GATE
 - ⊙ WATER METER
 - ⊙ GAS VALVE
 - ⊙ GAS METER
 - ⊙ TRANSFORMER
 - ⊙ ELEC. METER
 - ⊙ MAIL BOX
 - HAND HOLE
 - BUTTON BOX
 - ⊙ A.C. UNIT
 - ⊙ TRAFFIC LIGHT POLE
- BOUNDARY LINE
 --- GUARD RAIL
 --- UNDERGROUND PIPING (San., Strm.)
 G --- U/G GAS LINE
 E --- U/G ELEC. LINE
 W --- WATER LINE
 --- OVERHEAD UTILITIES
 T --- U/G TELE. LINE
 --- CHAIN LINK FENCE
 --- TREE LINE



REVISIONS:

**TOPOGRAPHIC SURVEY
 LAND OF
 CHESHIRE UNITED METHODIST CHURCH
 185 ACADEMY ROAD
 CHESHIRE, CONNECTICUT**

MSA PROJECT NO: 20-036
 SCALE: 1"=20'
 DATE: 5/8/2020
 DRAWN BY: G.S.D.
 CHECKED BY: D.G.M.

SHEET:
 2 OF 2

PROPOSED ACCESS/UTILITY EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L5	S 17°35'00" E	144.99'
L6	S 25°40'43" E	84.54'
L7	S 77°46'17" E	7.19'
L8	S 12°13'43" W	69.02'
L9	S 77°46'15" E	31.33'
L10	S 12°13'45" W	50.00'
L11	N 77°46'15" W	51.33'
L12	N 12°13'43" E	119.02'
L13	N 77°46'17" W	7.19'
L14	N 25°40'43" W	84.52'
L15	N 17°35'00" W	140.67'
L16	N 60°15'08" E	20.46'

PROPOSED ACCESS/UTILITY EASEMENT CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	144.59	20.79'	81°24'	20.78'	S 21°42'12" E
C2	115.00	13.64'	52°05'34"	13.17'	S 51°43'30" E
C3	35.00	54.98'	90°00'00"	49.50'	S 32°46'17" E
C4	15.00	23.56'	90°00'00"	21.21'	N 32°46'17" W
C5	35.00	51.82'	52°05'34"	30.74'	N 51°43'30" W
C6	1164.59	23.64'	81°35'2"	23.62'	N 21°41'56" W

LEASE AREA LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°46'14" W	52.00'
L2	N 12°13'46" E	50.00'
L3	S 77°46'14" E	52.00'
L4	S 12°13'46" W	50.00'

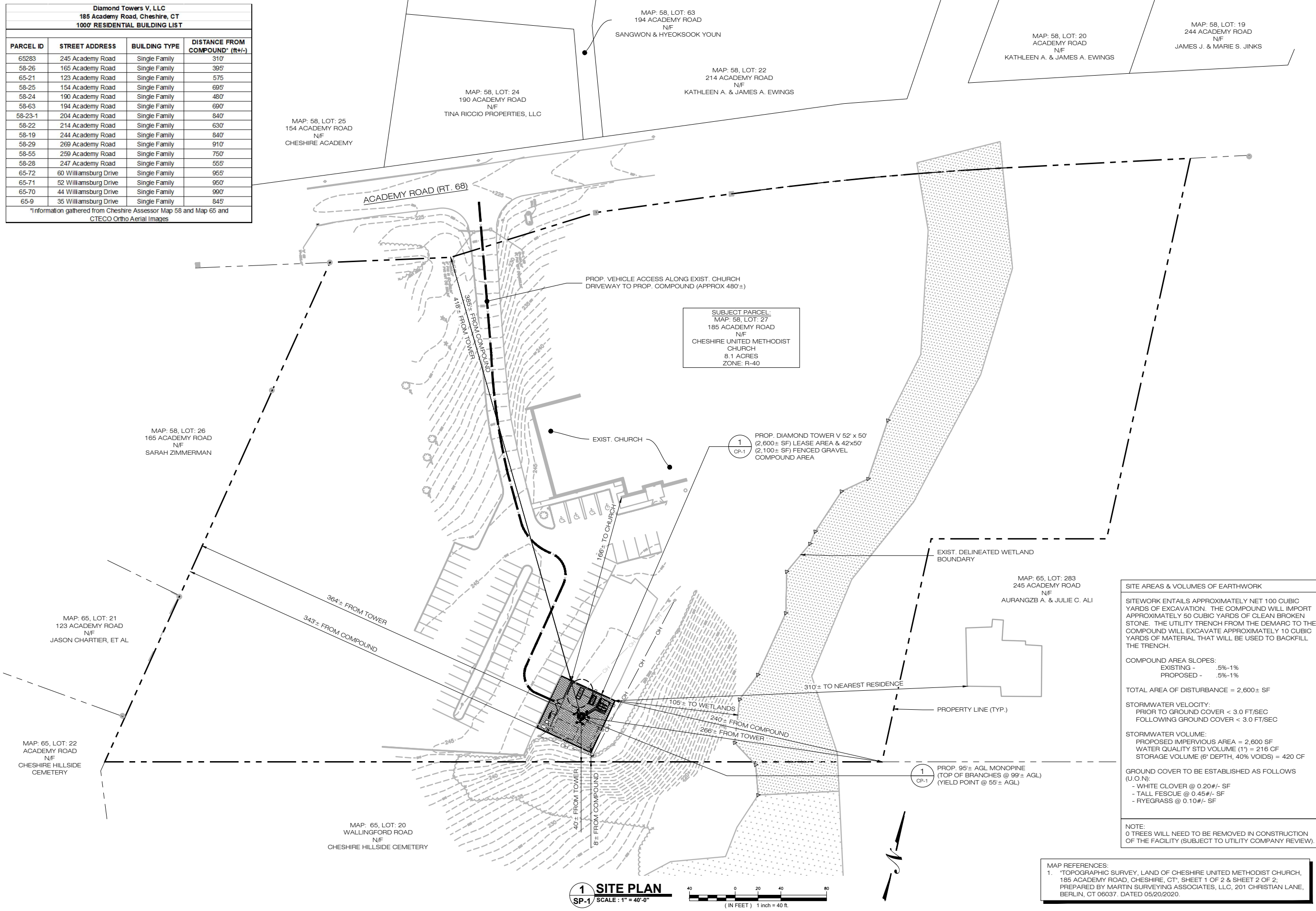
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

DEAN MARTIN
 LICENSE NO. 70147

THIS DOCUMENT AND COPIES THEREOF ARE VALID ONLY IF THEY BEAR THE SIGNATURE AND EMBOSSED SEAL OF THE DESIGNATED LICENSED PROFESSIONAL UNAUTHORIZED ALTERATIONS TO THIS PLAN RENDER THE DECLARATION HEREON NULL AND VOID.

Diamond Towers V, LLC 185 Academy Road, Cheshire, CT 1000' RESIDENTIAL BUILDING LIST			
PARCEL ID	STREET ADDRESS	BUILDING TYPE	DISTANCE FROM COMPOUND* (ft+/-)
65283	245 Academy Road	Single Family	310'
58-26	165 Academy Road	Single Family	395'
65-21	123 Academy Road	Single Family	575'
58-25	154 Academy Road	Single Family	695'
58-24	190 Academy Road	Single Family	480'
58-63	194 Academy Road	Single Family	690'
58-23-1	204 Academy Road	Single Family	840'
58-22	214 Academy Road	Single Family	630'
58-19	244 Academy Road	Single Family	840'
58-29	269 Academy Road	Single Family	910'
58-55	259 Academy Road	Single Family	750'
58-28	247 Academy Road	Single Family	555'
65-72	60 Williamsburg Drive	Single Family	965'
65-71	52 Williamsburg Drive	Single Family	950'
65-70	44 Williamsburg Drive	Single Family	990'
65-9	35 Williamsburg Drive	Single Family	845'

*Information gathered from Cheshire Assessor Map 58 and Map 65 and CTECO Ortho Aerial Images



DIAMOND TOWERS V LLC
820 MORRIS TPKE., STE. 104
SHORT HILLS, NJ 07078

ALL-POINTS TECHNOLOGY CORPORATION
567 VAUXHALL STREET EXTENSION - SUITE 311
WATERFORD, CT 06385 PHONE: (860)-663-1697
WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

PERMITTING DOCUMENTS		
NO	DATE	REVISION
0	08/10/20	FOR REVIEW: RCB
1	08/20/20	CLIENT REVISIONS: RCB
2		
3		
4		
5		
6		

DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E.
COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385

DEVELOPER: DIAMOND TOWERS V, LLC
ADDRESS: 820 MORRIS TURNPIKE SUITE 104 SHORT HILLS, NJ 07078

SITE AREAS & VOLUMES OF EARTHWORK

SITEWORK ENTAILS APPROXIMATELY NET 100 CUBIC YARDS OF EXCAVATION. THE COMPOUND WILL IMPORT APPROXIMATELY 50 CUBIC YARDS OF CLEAN BROKEN STONE. THE UTILITY TRENCH FROM THE DEMARC TO THE COMPOUND WILL EXCAVATE APPROXIMATELY 10 CUBIC YARDS OF MATERIAL THAT WILL BE USED TO BACKFILL THE TRENCH.

COMPOUND AREA SLOPES:
EXISTING - 5%-1%
PROPOSED - 5%-1%

TOTAL AREA OF DISTURBANCE = 2,600 ± SF

STORMWATER VELOCITY:
PRIOR TO GROUND COVER < 3.0 FT/SEC
FOLLOWING GROUND COVER < 3.0 FT/SEC

STORMWATER VOLUME:
PROPOSED IMPERVIOUS AREA = 2,600 SF
WATER QUALITY STD VOLUME (1") = 216 CF
STORAGE VOLUME (6" DEPTH, 40% VOIDS) = 420 CF

GROUND COVER TO BE ESTABLISHED AS FOLLOWS (U.O.N.):
- WHITE CLOVER @ 0.20#/- SF
- TALL FESCUE @ 0.45#/- SF
- RYEGRASS @ 0.10#/- SF

NOTE:
0 TREES WILL NEED TO BE REMOVED IN CONSTRUCTION OF THE FACILITY (SUBJECT TO UTILITY COMPANY REVIEW).

DIAMOND TOWERS V, LLC CHESHIRE EAST

SITE 185 ACADEMY ROAD
ADDRESS: CHESHIRE, CT 06410

APT FILING NUMBER: CT625100

DATE: 08/07/20 **DRAWN BY: ELZ**
CHECKED BY: RCB

SHEET TITLE:

SITE PLAN & ABUTTERS MAP

SHEET NUMBER:

SP-1

MAP REFERENCES:
1. *TOPOGRAPHIC SURVEY, LAND OF CHESHIRE UNITED METHODIST CHURCH, 185 ACADEMY ROAD, CHESHIRE, CT, SHEET 1 OF 2 & SHEET 2 OF 2, PREPARED BY MARTIN SURVEYING ASSOCIATES, LLC, 201 CHRISTIAN LANE, BERLIN, CT 06037. DATED 05/20/2020.

1 SITE PLAN
SP-1 SCALE: 1" = 40'-0"

(IN FEET) 1 inch = 40 ft.

**DIAMOND TOWERS V
LLC**

820 MORRIS TPKE., STE. 104
SHORT HILLS, NJ 07078



567 VAUXHALL STREET EXTENSION - SUITE 311
WATERFORD, CT 06385 PHONE: (860)-663-1697
WWW.ALLPOINTSTECH.COM FAX: (860)-663-0935

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DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E.
COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385

DEVELOPER: DIAMOND TOWERS V, LLC
ADDRESS: 820 MORRIS TURNPIKE SUITE 104 SHORT HILLS, NJ 07078

**DIAMOND TOWERS V, LLC
CHESHIRE EAST**

**SITE 185 ACADEMY ROAD
ADDRESS: CHESHIRE, CT 06410**

APT FILING NUMBER: CT625100

DATE: 08/07/20 DRAWN BY: ELZ

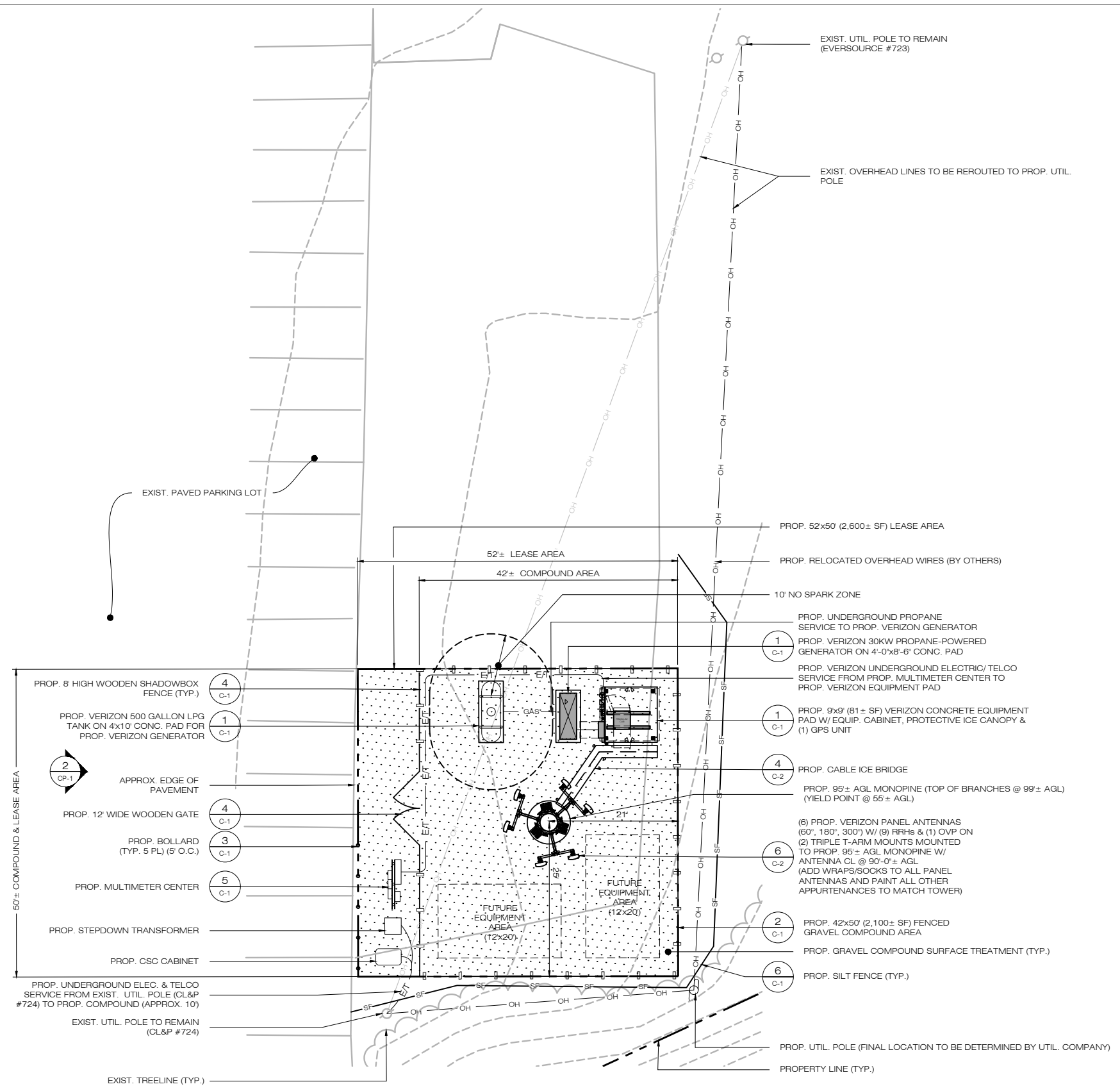
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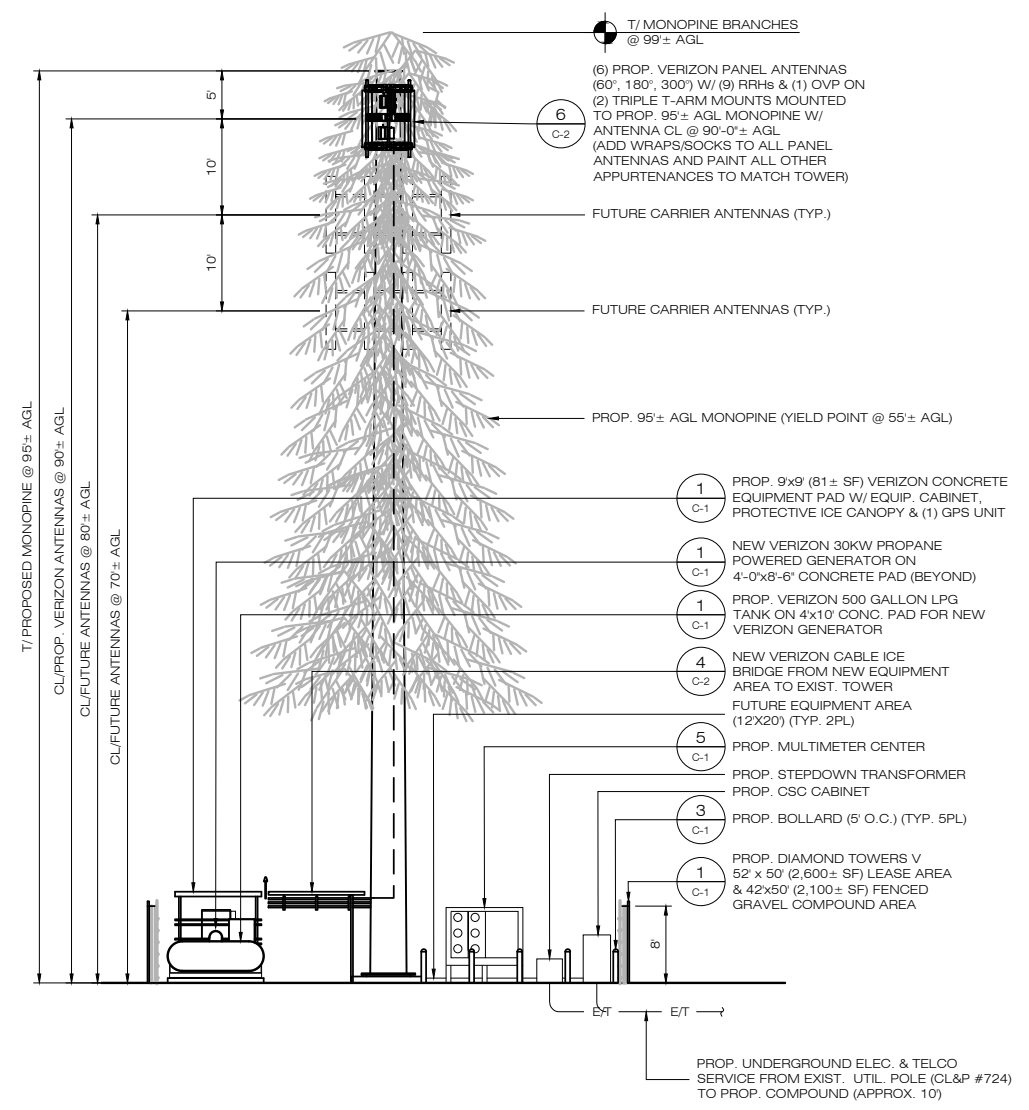
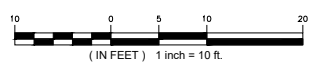
**COMPOUND PLAN
& ELEVATION**

SHEET NUMBER:

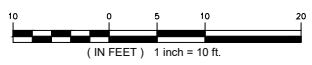
CP-1

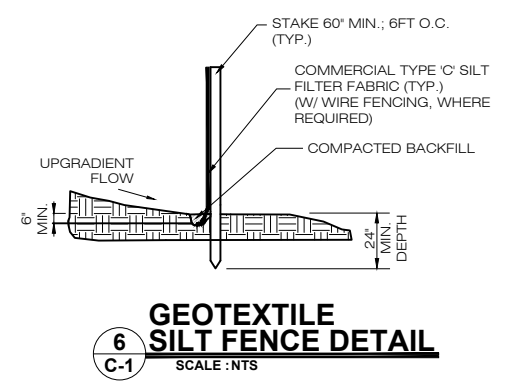
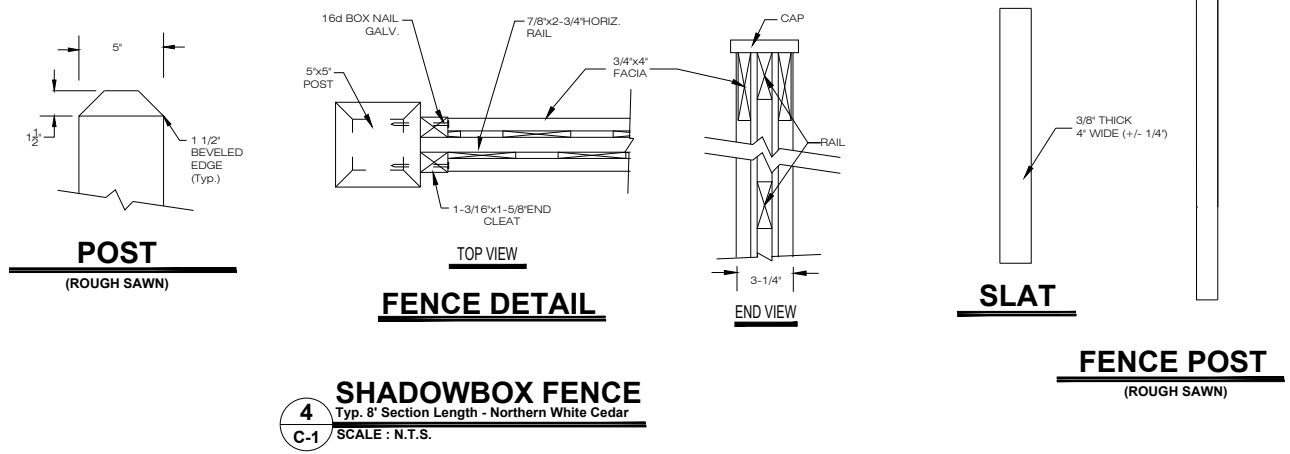
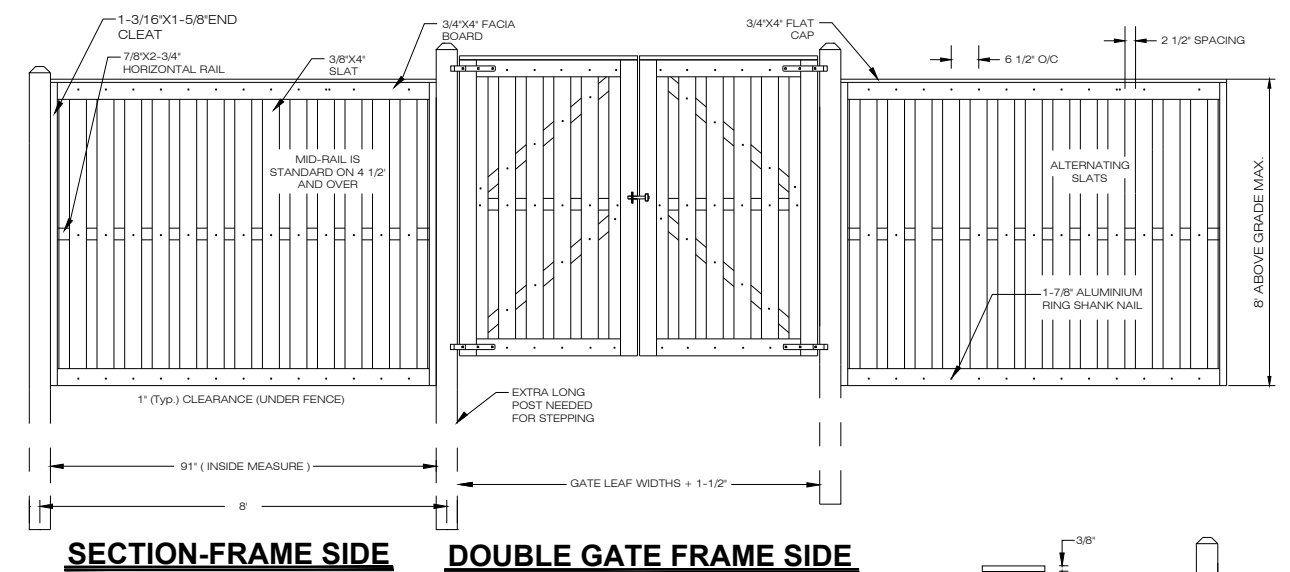
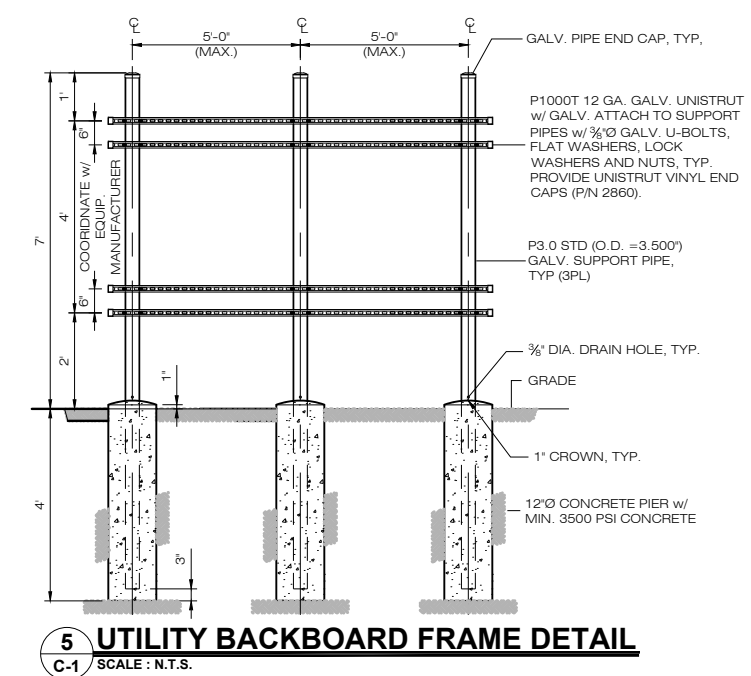
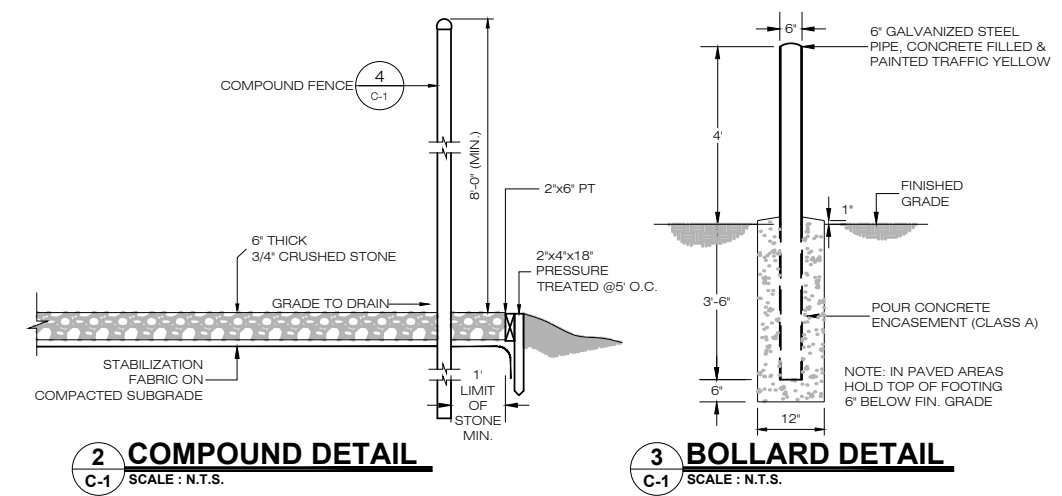
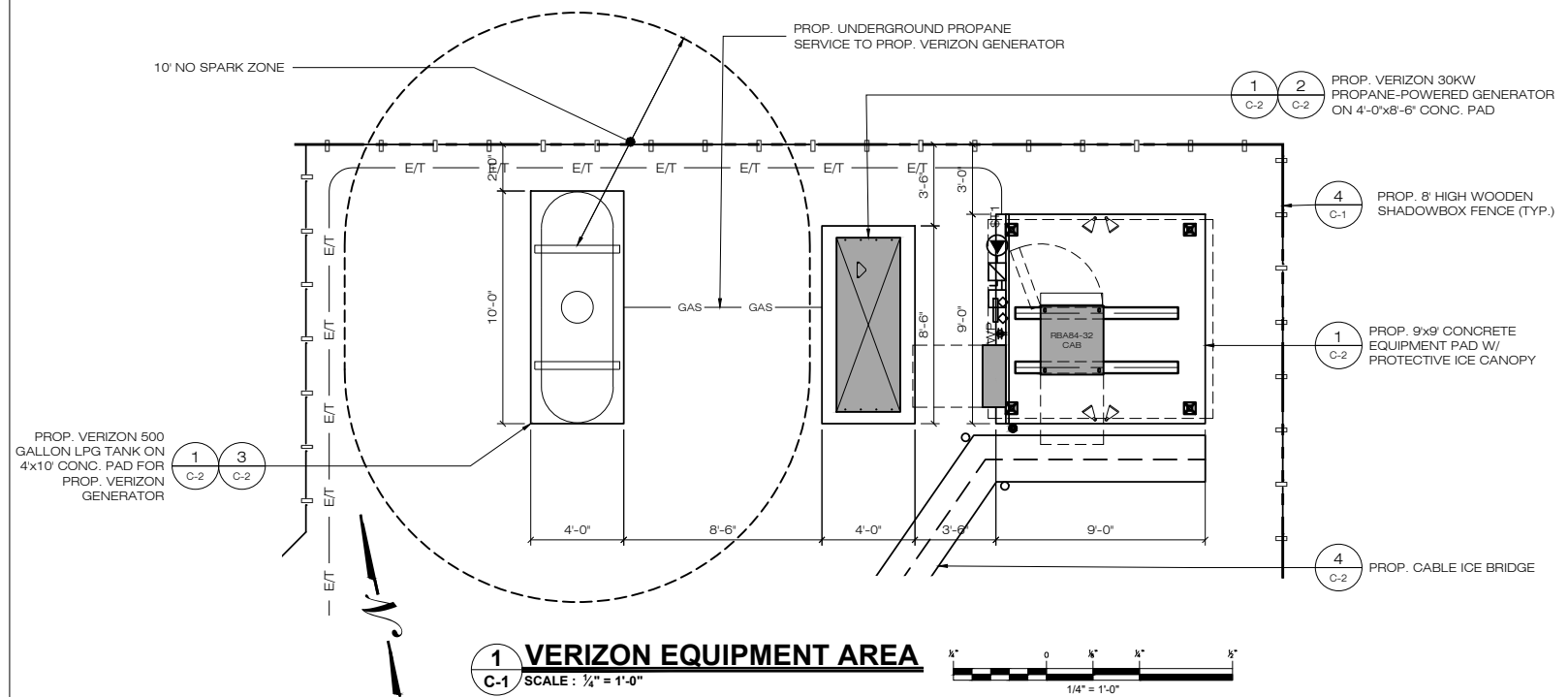


1 COMPOUND PLAN
SCALE: 1" = 10'-0"



2 WEST ELEVATION
SCALE: 1" = 10'-0"





DIAMOND TOWERS V LLC
 820 MORRIS TPKE., STE. 104
 SHORT HILLS, NJ 07078

ALL-POINTS TECHNOLOGY CORPORATION
 567 VAUXHALL STREET EXTENSION - SUITE 311
 WATERFORD, CT 06385 PHONE: (860)-663-1697
 WWW.ALLPOINTS.TECH.COM FAX: (860)-663-0935

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DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E.
 COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
 ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385

DEVELOPER: DIAMOND TOWERS V, LLC
 ADDRESS: 820 MORRIS TURNPIKE SUITE 104 SHORT HILLS, NJ 07078

DIAMOND TOWERS V, LLC CHESHIRE EAST

SITE 185 ACADEMY ROAD
 ADDRESS: CHESHIRE, CT 06410

APT FILING NUMBER: CT625100

DATE: 08/07/20 DRAWN BY: ELZ
 CHECKED BY: RCB

SHEET TITLE:
SITE DETAILS

SHEET NUMBER:
C-1

**DIAMOND TOWERS V
LLC**

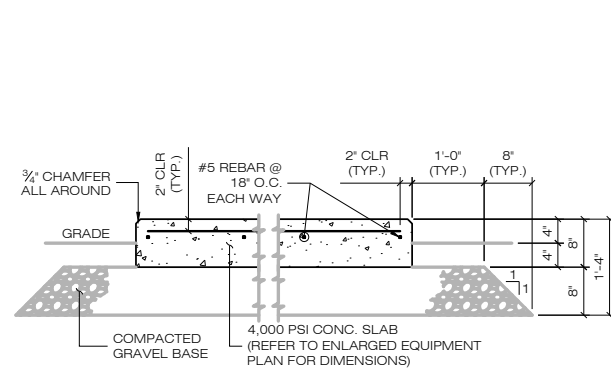
820 MORRIS TPKE., STE. 104
SHORT HILLS, NJ 07078



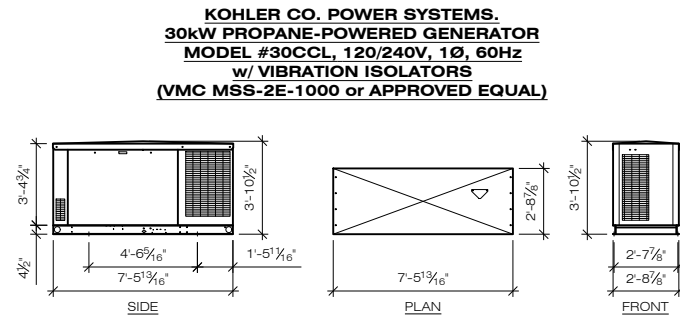
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PERMITTING DOCUMENTS

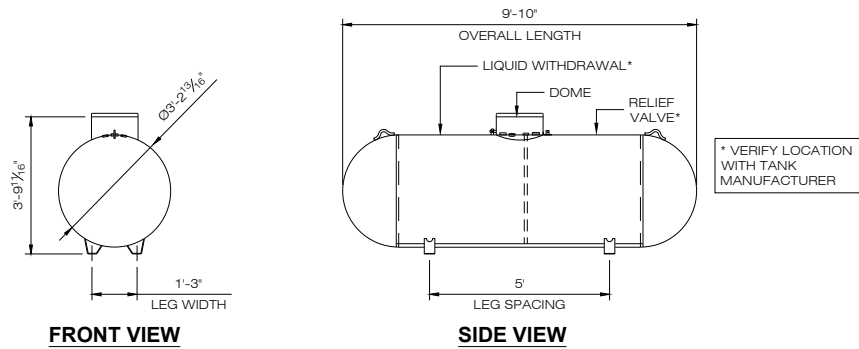
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1 TYPICAL CONCRETE PAD DETAIL
C-2 SCALE: N.T.S.



2 GENERATOR SCHEMATICS
C-2 SCALE: 1/4" = 1'-0"

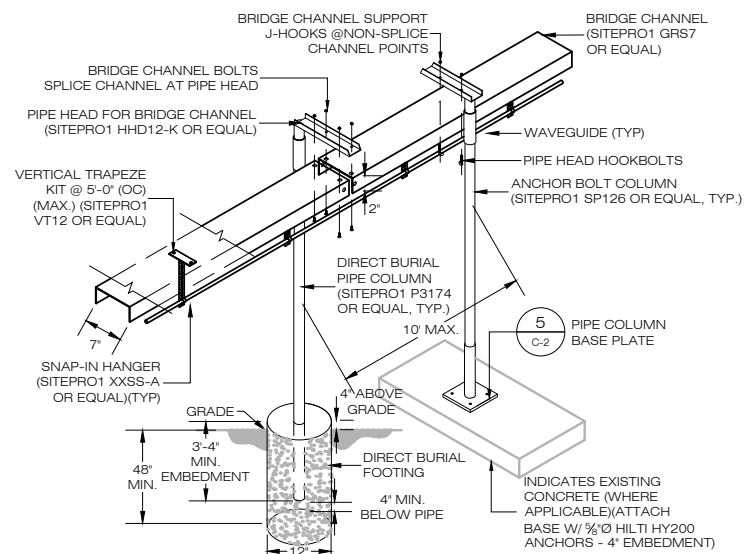


- 500 USWG AMSE VIII, DIV. 1 ABOVE GROUND LPG TANK AS MANUFACTURED BY TRINITY CONTAINERS, LLC:-

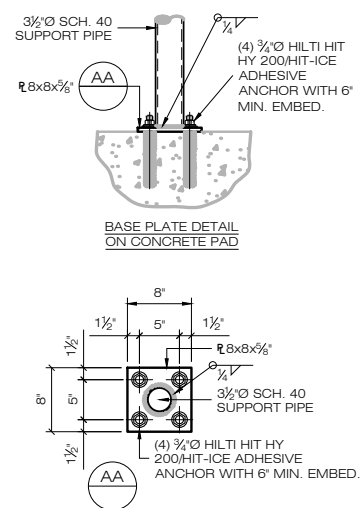
- WWW.TRINITYCONTAINERS.COM
- PH: 1-888-558-8265
- WEIGHT (EMPTY) = 871 lbs

NOTE:
PROVIDE TANK MANUFACTURER SHOP DRAWING FOR REVIEW BY ENGINEER OF RECORD PRIOR TO PURCHASE

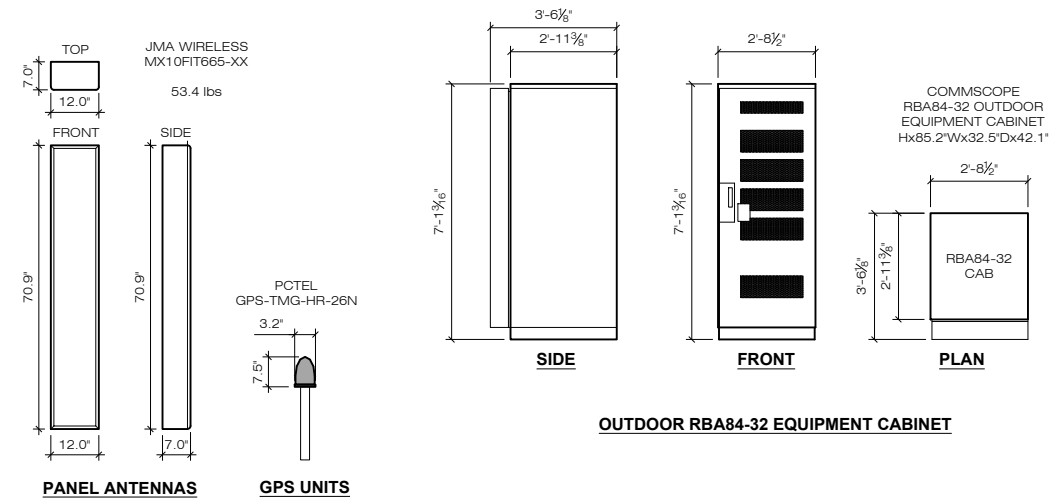
3 ABOVE GROUND PROPANE TANK DETAIL
C-2 SCALE: N.T.S.



4 CABLE BRIDGE & COAX HANGER DETAIL
C-2 SCALE: N.T.S.



5 PIPE BASE PLATE
C-2 SCALE: N.T.S.



6 VERIZON EQUIPMENT DETAILS
C-2 SCALE: 1/2" = 1'-0"

DESIGN PROFESSIONALS OF RECORD

PROF: ROBERT C. BURNS P.E.
COMP: ALL-POINTS TECHNOLOGY CORPORATION, P.C.
ADD: 567 VAUXHALL STREET EXT. SUITE 311 WATERFORD, CT 06385

DEVELOPER: DIAMOND TOWERS V, LLC
ADDRESS: 820 MORRIS TURNPIKE SUITE 104 SHORT HILLS, NJ 07078

**DIAMOND TOWERS V, LLC
CHESHIRE EAST**

SITE: 185 ACADEMY ROAD
ADDRESS: CHESHIRE, CT 06410

APT FILING NUMBER: CT625100

DATE: 08/07/20 DRAWN BY: ELZ
CHECKED BY: RCB

SHEET TITLE:

SITE DETAILS

SHEET NUMBER:

C-2

Facilities and Equipment Specification

I. TOWER SPECIFICATIONS:

- A. MANUFACTURER: To be determined
- B. TYPE: Monopine tower
- C. HEIGHT: 95' AGL (with 4' branches extending to 99')
DIMENSIONS: Tower structure tapered
- D. TOWER LIGHTING: None required.

II. TOWER LOADING:

- A. Verizon -6 panel antennas
 - a. Model - TBD
 - b. Antenna Dimensions - approximately:
70.9"H x 12"W x 7"D
 - c. Position on Tower - 90' centerline AGL
 - d. Transmission Lines - DC and Fiber lines internal to tower.
 - e. Up to 9 Remote Radio Units on proposed antenna mounts
- 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 2012 International Building Code with 2016 Building Code Amendment. The foundation design would be based on soil conditions at the site. The details of the tower and foundation design will be provided as part of the final D&M plan.



Site Impact Statement

Site: Cheshire East
Site Address: 185 Academy Road
Cheshire, CT 06410

Access distances:

Distance of existing paved driveway/parking area (480'+/-).

Distance to Nearest Wetlands

There are wetlands located on-site approximately 105' to the east.

Distance to Property Lines:

418'+/- to the northern property boundary from the tower
40'+/- to the southern property boundary from the tower
364'+/- to the western property boundary from the tower
266'+/- to the eastern property boundary from the tower

385'+/- to the northern property boundary from the compound
8'+/- to the southern property boundary from the compound
343'+/- to the western property boundary from the compound
240'+/- to the eastern property boundary from the compound

Residence Information:

There are 16 single family residences within 1,000' feet of the compound. The closest off site residence is approximately 310 feet to the east and is located at Parcel 65-283 (245 Academy Road).

Special Building Information:

A new utility pole will need to be added and existing overhead utility lines will require relocation in order to construct the new compound.

Tree Removal Count:

No trees need to be removed to construct the compound area.

6" – 10" dbh	0 trees
10" – 14" dbh	0 tree
14" or greater dbh	0 tree

Cut/Fill: The site improvements shall entail approximately 10 CY of cut for utility trenching and net 100 CY of excavation for the construction of the compound. Approximately 50 CY of broken stone is needed for the compound.

Clearing/Grading Necessary: Total area of disturbance = 2,600+/- SF



Tree Inventory

August 10, 2020

Cuddy & Feder, LLP
Attn: Christopher Fisher
445 Hamilton Avenue
14th Floor
White Plains, NY 10601

RE: Tree Inventory
Site: Cheshire East
185 Academy Road
Cheshire, CT 06410

Dear Mr. Fisher:

A Tree Inventory was completed at the subject site on April 22, 2020 to determine the size and quantity of existing trees that will need to be removed for the installation of the proposed facility. The proposed site has suitable access, but clearing and earthwork will be required to construct the compound area. Installation of the proposed compound area will not require the removal of any trees.

The area to be disturbed for construction of the compound area will be approximately 2,600 square feet of interior area currently vacant.

Sincerely,

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

Robert C. Burns, P.E.
Program Manager

**Diamond Towers V, LLC
185 Academy Road, Cheshire, CT
1000' RESIDENTIAL BUILDING LIST**

PARCEL ID	STREET ADDRESS	BUILDING TYPE	DISTANCE FROM COMPOUND* (ft+/-)
65-283	245 Academy Road	Single Family	310'
58-26	165 Academy Road	Single Family	395'
65-21	123 Academy Road	Single Family	575'
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58-28	247 Academy Road	Single Family	555'
65-72	60 Williamsburg Drive	Single Family	955'
65-71	52 Williamsburg Drive	Single Family	950'
65-70	44 Williamsburg Drive	Single Family	990'
65-9	35 Williamsburg Drive	Single Family	845'

*Information gathered from Cheshire Assessor Map 58 and Map 65 and CTECO Ortho Aerial Images

4

SECTION 4

Environmental Assessment Statement

I. PHYSICAL IMPACT

A. WATER FLOW AND QUALITY

A wetland delineation identified one wetland at the Parcel and one interior perennial watercourse located on an adjacent parcel to the southwest. The onsite wetland is located to the east of the existing paved parking area at the base of a steep embankment, approximately 105' from the proposed facility compound. No wetlands are located within the area of proposed work activities and no new disturbance is proposed within 100' of the wetland. The Proposed Facility will be sited within an existing developed and disturbed area and no mature vegetation would be removed. 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 any temporary impacts. Given the distance of the Proposed Facility to the wetlands, its location in a previously-disturbed area, the proposed erosion and sedimentation controls and the fact that no mature vegetation will be removed, there will be no anticipated adverse impacts to the wetlands. Attached is a copy of the wetland inspection report.

B. AIR QUALITY

Under ordinary operating conditions, the equipment that would be used at the Proposed Facility would not emit air pollutants of any kind. An emergency backup power propane generator would be exercised once a week and comply with the Connecticut Department of Energy and Environmental Protection ("DEEP") "permit by rule" criteria pursuant to R.C.S.A. §22a-174-3b.

C. LAND

Installation of the proposed compound area will not require the removal of any trees. The total area of clearing and grading disturbance will be approximately

2,600 square feet. 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 Proposed 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 60 days. Temporary power outages could involve sound from the emergency generator which is tested weekly.

E. POWER DENSITY

As demonstrated in the attached Power Density Calculation, the cumulative worst-case calculation of radio frequency power density from the Proposed Facility will be within the Federal and State emission standards for the public adopted by the Connecticut Department of Energy & Environmental Protection, as set forth in Section 22a-162 of the Connecticut General Statutes. This calculated fraction of the Maximum Permissible Exposure (“MPE”) is used by the Siting Council as a screening tool and assumes all antennas are pointed at the ground, which differs from the methodology provided for in the MPE limits established by the Federal Communications Commission Office of Engineering & Technology (“OET”). As such, the MPE of the Proposed Facility will be well-below the FCC MPE Standards using OET-65 methodologies.

F. SCENIC, NATURAL, HISTORIC & RECREATIONAL VALUES

The parcel on which the Proposed Facility will be located exhibits no scenic, natural, historic or recreational characteristics which are unique. The Cheshire Historic District, listed on the State and National Registers of Historic Places is within the project area and the Congregational Church of Cheshire, which is listed on the National Register of Historic Places, is within this Historic District. Five properties listed on the State Register of Historic Places are within the project site: the Abraham Jarvis House, the Phillips House, the Congregation Church, Bowden Hall and the Town Center State Register Historic District.

DTV consulted with the Connecticut State Historic Preservation Office (“SHPO”) and the SHPO confirmed that the project will have no adverse effect on any listed or eligible historic resources or archeological sites due to distance from the Proposed Facility, intervening foliage and varying topography. A copy of the SHPO determination is enclosed.

The facility site is not located within 0.25 miles of any locations identified on the DEEP Natural Diversity Data Base (“NDDB”) maps as the approximate locations of endangered, threatened and special concern species and significant natural communities in Connecticut. Thus, consultation with the DEEP is not required.

G. SCHOOLS/DAY CARE CENTERS

Cheshire Academy at 10 Main Street in Cheshire is located less than 1/2 mile to the west of the Host Property. There are no day care centers located within 250’ of the tower site.



WETLAND INSPECTION

June 24, 2020

APT Project No.: CT625100

Prepared For: Diamond Communications
820 Morris Turnpike, Suite 104
Short Hills, NJ 07078
Attn: Scott Von Rein

Site Name: Cheshire East

Site Address: 185 Academy Road, Cheshire, Connecticut

Date(s) of Investigation: 5/4/2020

Field Conditions: **Weather:** partly cloudy, high 60's
Soil Moisture: moist

Wetland/Watercourse Delineation Methodology¹:
 Connecticut Inland Wetlands and Watercourses

Municipal Upland Review Area/Buffer Zone:
Wetlands: 50 feet **Watercourses:** 50 feet

The wetlands inspection was performed by²:

A handwritten signature in black ink that reads "Matthew Gustafson".

Matthew Gustafson, Registered Soil Scientist

Enclosures: Wetland Delineation Field Form & Wetland Inspection Map

This report is provided as a brief summary of findings from APT's wetland investigation of the referenced Study Area that consists of proposed development activities and areas generally within 200 feet.³ If applicable, APT is available to provide a more comprehensive wetland impact analysis upon receipt of site plans depicting the proposed development activities and surveyed location of identified wetland and watercourse resources.

¹ Wetlands and watercourses were delineated in accordance with applicable local, state and federal statutes, regulations and guidance.

² All established wetlands boundary lines are subject to change until officially adopted by local, state, or federal regulatory agencies.

³ APT has relied upon the accuracy of information provided by Diamond Communicaations and its contractors regarding proposed lease area and access road/utility easement locations for identifying wetlands and watercourses within the study area.

Attachments

- Wetland Delineation Field Form
- Wetland Inspection Map
- Professional Qualifications

Wetland Delineation Field Form

Wetland I.D.:	Wetland 1	
Flag #'s:	WF 1-01 to 1-21	
Flag Location Method:	Site Sketch <input checked="" type="checkbox"/>	GPS (sub-meter) located <input checked="" type="checkbox"/>

WETLAND HYDROLOGY:

NONTIDAL

Intermittently Flooded <input type="checkbox"/>	Artificially Flooded <input type="checkbox"/>	Permanently Flooded <input type="checkbox"/>
Semipermanently Flooded <input type="checkbox"/>	Seasonally Flooded <input checked="" type="checkbox"/>	Temporarily Flooded <input type="checkbox"/>
Permanently Saturated <input type="checkbox"/>	Seasonally Saturated/seepage <input checked="" type="checkbox"/>	Seasonally Saturated/perched <input type="checkbox"/>
Comments: Wetland 1 consists of a complex of seasonally flooded areas, permanently flooded areas, and seasonally saturated seep areas resulting from an interior perennial watercourse, a secondary feeder intermittent watercourse, and pockets of hillside bordering wetlands.		

TIDAL

Subtidal <input type="checkbox"/>	Regularly Flooded <input type="checkbox"/>	Irregularly Flooded <input type="checkbox"/>
Irregularly Flooded <input type="checkbox"/>		
Comments: None		

WETLAND TYPE:

SYSTEM:

Estuarine <input type="checkbox"/>	Riverine <input type="checkbox"/>	Palustrine <input checked="" type="checkbox"/>
Lacustrine <input type="checkbox"/>	Marine <input type="checkbox"/>	
Comments: None		

CLASS:

Emergent <input checked="" type="checkbox"/>	Scrub-shrub <input checked="" type="checkbox"/>	Forested <input checked="" type="checkbox"/>
Open Water <input type="checkbox"/>	Disturbed <input checked="" type="checkbox"/>	Wet Meadow <input type="checkbox"/>
Comments: The wetland system is mostly forested with areas to the south (off-property) containing cleared and maintained emergent, wet meadow, and disturbed vegetation classes. Transitional scrub/shrub ecotones also exist within Wetland 1.		

WATERCOURSE TYPE:

Perennial <input checked="" type="checkbox"/>	Intermittent <input checked="" type="checkbox"/>	Tidal <input type="checkbox"/>
Watercourse Name: Unnamed		
Comments: An interior perennial watercourse was identified consisting of a channel 3- to 4-feet wide with flowing water 2- to 3-inches in depth. The bottom of the channel consists of sand/cobble. A secondary intermittent watercourse feeds the perennial watercourse from the southwest with a 1- to 2-feet wide channel and sandy bottom.		

Wetland Delineation Field Form (Cont.)

SPECIAL AQUATIC HABITAT:

Vernal Pool Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Potential <input type="checkbox"/>	Other <input type="checkbox"/>
Vernal Pool Habitat Type: None	
Comments: None	

SOILS:

Are field identified soils consistent with NRCS mapped soils?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
---	---	-----------------------------

DOMINANT PLANTS:

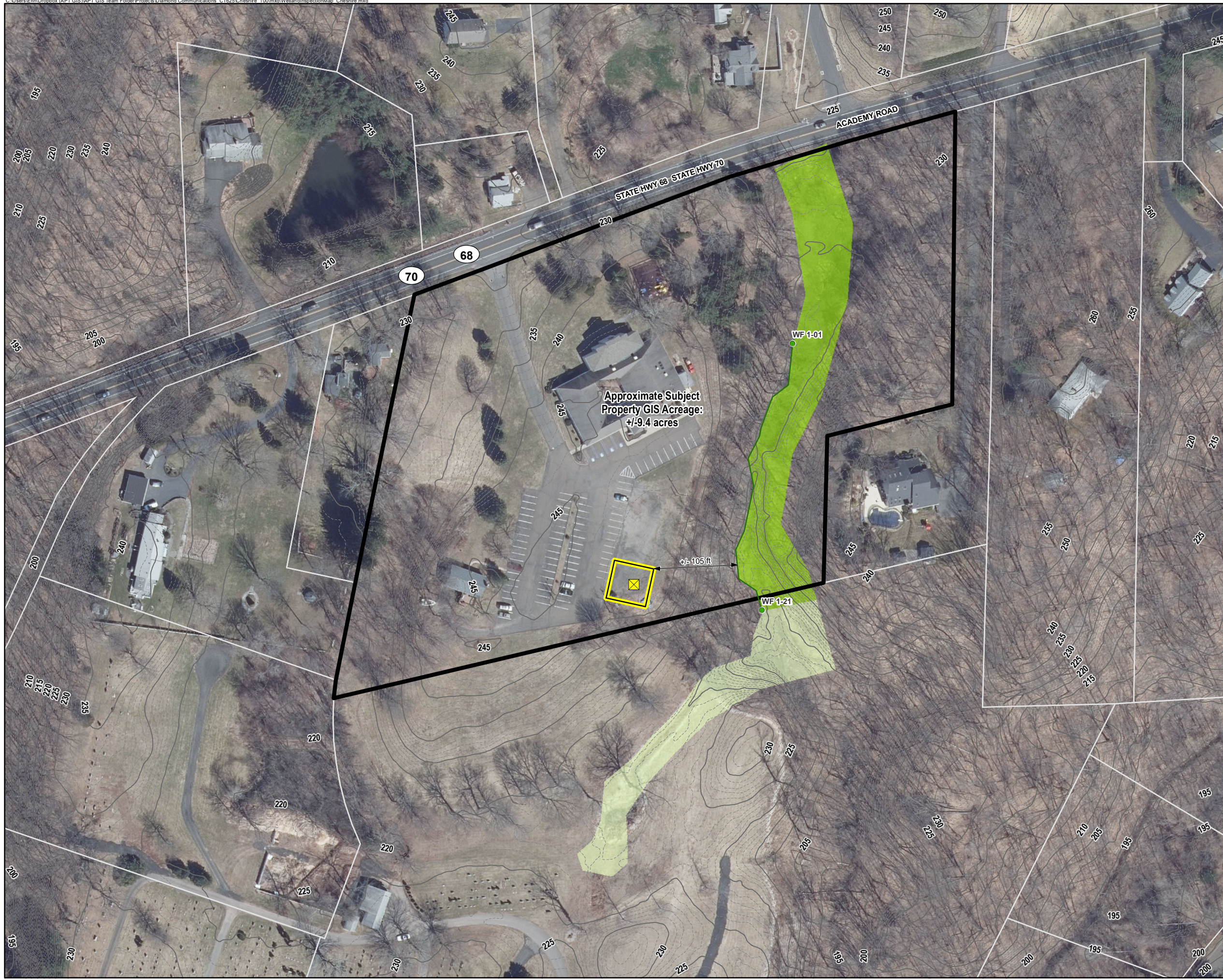
Red Maple (<i>Acer rubrum</i>)	Silky Dogwood (<i>Cornus amomum</i>)
Multiflora Rose* (<i>Rosa multiflora</i>)	Broad-Leaf Cattail (<i>Typha latifolia</i>)
Soft Rush (<i>Juncus effuses</i>)	Skunk Cabbage (<i>Symplocarpus foetidus</i>)

* denotes Connecticut Invasive Species Council invasive plant species

GENERAL COMMENTS:

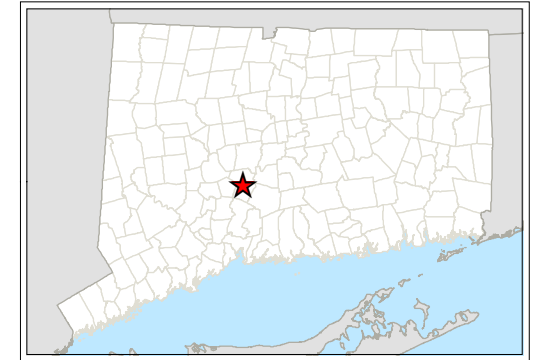
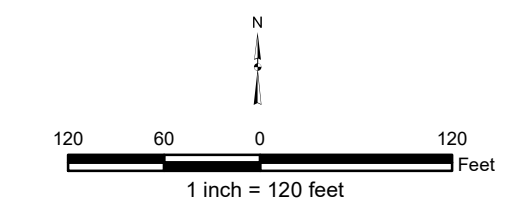
<p>All-Points Technology Corp., P.C. ("APT") understands that Diamond Communication proposes a telecommunications facility within existing paved surfaces at the far southeast corner of a paved parking lot at 185 Academy Road in Cheshire, CT. Access to the facility would use the existing paved access off Academy Road and utilities would use existing overhead structures to the north.</p> <p>No wetlands are located within or immediately adjacent to the proposed work activities. The nearest wetland area, Wetland 1, is located off the east side of the paved parking area at the base of a steep embankment. This wetland generally consists of a narrow riparian corridor that has experienced historic alteration in the form of a dam/weir located along its mid-point restricting flows to the south. This impoundment has resulted in flooded conditions to the north approaching Academy Road. As this feature drains south, some limited bordering hillside wetlands occur. In addition, a secondary intermittent watercourse feeds this perennial system from the southwest.</p> <p>The proposed communication facility development activities are located ±105 feet west of the nearest location to Wetland 1's boundary. Therefore, the project would not result in a likely adversely impact Wetland 1 due to the separating distance, the facility would be sited in an existing developed and disturbed area, and no mature vegetation would be removed, provided appropriate erosion controls are installed and maintained in accordance with the <i>2002 Connecticut Guidelines For Soil Erosion and Sediment Control</i>.</p>

Wetland Inspection Map Proposed Cheshire East CT Wireless Telecommunications Facility 185 Academy Road Cheshire, Connecticut



Legend

- Site
- Project Area (Lease Area)
- Subject Property
- Approximate Parcel Boundary (CT DEEP)
- 5-foot Contour (CTECO)
- 1-foot Contour (CTECO)
- Delineated Wetland Flags
- Delineated Wetland Boundary
- Wetland Area
- Approx. Field Identified Wetland Area



Map Sources:

Ortho Base Map: State of Connecticut 2019 aerial imagery provided by CTECO Map Service

Wetland Field Delineated by:
APT, Matthew Gustafson, Registered Soil Scientist; Date: 05/04/2020

Elevation contours derived from 2016 LIDAR data provided by CTECO

CTDEEP's data library (<http://www.ct.gov/deep>)
Data layers are maintained and updated by CTDEEP and represent the most recent publications.

Map Date: June 2020

General Background

Matt Gustafson is a Registered Soil Scientist, Wetland and Forestry Biologist, and Certified Professional in Erosion and Sedimentation Controls. His skills include Connecticut and federal wetland delineations, Army Corp of Engineers data plots, wetlands functions and values assessments, vernal pool analyses, threatened and endangered species and critical habitats inventories, biological surveys, vegetative habitat classification and cover-type mapping, environmental and construction monitoring, erosion control inspections and wetland mitigation planning and monitoring. Mr. Gustafson has consulted on numerous projects which involved erosion and sediment control planning, vegetative soil stabilization and storm water management Best Management Practices evaluation and selection. He is experienced in vernal pool monitoring and assessment, including identification of a wide variety of native amphibians and reptiles that utilize vernal pool habitats.

Matt has assisted with local, state and federal wetland permitting for a variety of projects including wireless telecommunications, electric and alternative energy utilities, roadway improvements, and commercial and public developments. He also has experience in GIS data creation and management, data analysis, mobile data collection applications, integrating GIS services and solutions, and mapping.

Representative Projects

Solar Energy Facility Developments, Connecticut

Matt assisted in developing environmental documentation for several solar energy facilities in Connecticut, from the due diligence phase through construction. Matt performed feasibility analyses, wetland delineations and function/value assessments, ACOE permitting coordination, rare species field investigations and state/federal compliance services. He also assisted in the development and implementation of wetland, vernal pool, and rare species protection programs and mitigation plans, and creation of environmental assessment documentation. Matt also provided compliance monitoring services including development and implementation of a contractor awareness program, inspection of erosion and sedimentation controls, rare species protection, and documentation to satisfy regulatory approval requirements.

Northeast Utilities, Central Connecticut Reliability Project

Matt assisted with field efforts associated with natural resource and constructability evaluations along a 35-mile electrical transmission corridor in central Connecticut. The natural resource evaluation included Connecticut and Federal wetland delineations, Army Corps of Engineers data plots, wetland functions and values assessment, inventory of several State and Federal Threatened and Endangered species, and habitat/land use cover-type mapping. The constructability evaluation included documenting and mapping key project features including existing and potential access routes, current and new transmission tower locations, and construction laydown areas and their proximities to wetlands and other sensitive natural resources. The data was used to assess potential impacts to resources and identify constructability constraints.

Utility Right of Way Rare Species/Wetland/Vernal Pool Investigations, Waterford, CT

Matt assisted with field investigations for the presence of several state listed rare species (flora and fauna) and habitat within a four-mile long electrical transmission corridor and immediately surrounding areas. Potential habitat was field-located using GPS survey equipment, catalogued and qualitatively described. He also conducted an extensive vernal pool investigation which identified, mapped and evaluated over fifteen vernal pool systems.

Utility Right-of-Way Wetland Investigation/Permitting/Compliance Monitoring, Card St./Tunnel Substation, Lebanon, CT

Matt assisted with field investigations and mapping for wetland resources within the entire 30 mile corridor including vernal pool assessments, constructability analyses and field location of important resources. Following these preliminary assessments, Matt assisted in securing various state and federal permits including the CT General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, Certificates of Environmental Compatibility and Public Need and Orders of Conditions issued by the Connecticut Siting Council, CT State Land Notifications, and Army Corps. Of Engineers Connecticut General Permit for activities within waters of the United States. During construction, Matt provided compliance monitoring for the various environmental permit requirements including compliance with the CT General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, CT DEEP Natural Diversity Database conditions, and Army Corps of Engineers CT General Permit.

Environmental Compliance Monitoring, Siting Council-approved Facilities, Connecticut

Matt has provided environmental monitoring services during construction of numerous telecommunication, electrical utility infrastructure, and solar facilities to ensure compliance with Certificates of Environmental Compatibility and Public Need and Orders of Conditions issued by the Connecticut Siting Council. Monitoring responsibilities include inspection of erosion and sedimentation controls, vernal pool protection plan implementation, amphibian and reptile sweeps, and development and implementation of contractor awareness programs. to educate construction personnel of the environmentally sensitive nature of these projects. Numerous projects have been completed under the direction of Matt fully complying with all elements of the various conditions of approval relating to environmental sensitivity. Where compliance issues have occurred, each has been resolved without net degradation to the environment or project delays.

Education	University of Vermont, The Rubenstein School of Environment and Natural Resources B.S., Double Major: Environmental Science and Forestry, May 2011
Continuing Education	New England Soil Certification Program, completed 2012
Registrations	Registered Soil Scientist, Society of Soil Scientists of Southern New England. Connecticut Association of Wetland Scientists.
Certifications	OSHA Hazardous Water Operations and Emergency Response (HAZWOPER) Training (29 CFR 1910.120) Certified Professional in Erosion and Sedimentation Controls (CPESC) #6523

Site Name: Cheshire East CT
Cumulative Power Density

Operator	Operating Frequency	Number of Trans.	ERP Per Trans.	Total ERP	Distance to Target	Calculated Power Density	Maximum Permissible Exposure*	Fraction of MPE
	(MHz)		(watts)	(watts)	(feet)	(mW/cm ²)	(mW/cm ²)	(%)
VZW 700	746	4	593	2370.8	90	0.1053	0.4973333333	21.16%
VZW Cellular LTE	880	4	593	2370.6	90	0.1052	0.5866666667	17.94%
VZW PCS	1970	4	1137	4548	90	0.2019	1.0	20.19%
VZW AWS	2145	4	1230	4918.8	90	0.2184	1.0	21.84%
VZW CBRS	3550	4	40	160	90	0.0071	1.0	0.71%

Total Percentage of Maximum Permissible Exposure 81.85%

*Guidelines adopted by the FCC on August 1, 1996, 47 CFR Section 1.13101 based on NCRP Report 86, 1986 and generally on ANSI

MHz = Megahertz

mW/cm² = milliwatts per square centimeter

ERP = Effective Radiated Power

Absolute worst case maximum values used, including the following assumptions:

1. closest accessible point is distance from antenna to base of pole;
2. continuous transmission from all available channels at full power for indefinite time period; and,
3. all RF energy is assumed to be directed solely to the base of the pole.



July 17, 2020

Ms. Stacey Vairo
c/o All Points Technology Corp.
567 Vauxhall Street Extension, Suite 311
Waterford, CT 06385

Subject: Phase IA Cultural Resource Reconnaissance Survey
Proposed Wireless Telecommunications Facility
185 Academy Road
Cheshire, CT
Diamond Communications, LLC
ENV-21-0034

Dear Ms. Vairo:

The State Historic Preservation Office (SHPO) has reviewed the preliminary archaeological assessment report prepared by Heritage Consultants (Heritage) dated June 22, 2020 as part of the larger submittal for a proposed telecommunications facility. The proposed activities are subject to review by this office pursuant to the National Historic Preservation Act and in accordance with Federal Communications Commission regulations. SHPO understands that the proposed undertaking includes the installation of a 99 foot tall monopine within a 52 foot by 50 foot chain-link equipment compound, located at the southern boundary of the Subject Property. Antennae configuration is proposed to be in 10 foot increments at 70 feet, 80 feet and 90 feet above ground level (AGL), respectively. Access is to be from an existing paved drive, originating off of Academy Road.

No previously identified archaeological sites are located within 0.5 miles of the project area. One resource listed in the National Register of Historic Places (NR), the Cheshire Historic District (NR# 86002793) is located within the Area of Potential Effect-Visual Effects (APE-VE). The individually listed Congregational Church of Cheshire (NR# 73001950) is located within the district. Five properties listed on the State Register of Historic Places, The Abraham Jarvis House, the Phillips House, the Congregation Church, Bowden Hall, and the Town Center State Register Historic District are all within the APE-VE. However, distance, intervening foliage, and varying topography will prevent the installation from being visible from these resources the majority of the time.

The preliminary archaeological assessment consisted of a pedestrian survey of areas that would be subject to ground disturbing impacts as part of the proposed undertaking. No cultural material

State Historic Preservation Office

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from either historic or prehistoric periods. Soil profiles within the project area indicate well drained soils on low slopes. A review of historic maps and aerials indicate the property was used primarily for farming, prior to construction of the Cheshire United Methodist Church, constructed c. 1972. The proposed access area and compound are located in area previously disturbed by construction of the chu5rch and parking lot, and therefore have a low potential to contain intact archaeological deposits.

Therefore, based on the information provided to our office, SHPO concurs with the findings of the cultural resources survey that additional archaeological investigations are not warranted, and the proposed undertaking will have no adverse effects to sites listed on or eligible for listing on the National Register of Historic Places, with the following conditions:

1. The antennae, wires, mounts, and associated equipment will be designed, painted to match adjacent materials, and installed to be as non-visible as possible, and
2. if not in use for six consecutive months, the antennae, mounts, and equipment shall be removed by the telecommunications facility owner. This removal shall occur within 90 days of the end of such six-month period.

The State Historic Preservation Office appreciates the opportunity to review and comment upon this project. These comments are provided in accordance with the Connecticut Environmental Policy Act and Section 106 of the National Historic Preservation Act. For further information please contact Marena Wisniewski, Environmental Reviewer, at (860) 500-2357 or marena.wisniewski@ct.gov.

Sincerely,




A handwritten signature in black ink that reads "Mary B. Dunne". The signature is written in a cursive, flowing style.

Mary B. Dunne
State Historic Preservation Officer

Natural Diversity Data Base Areas

CHESHIRE, CT

June 2020

-  State and Federal Listed Species
-  Critical Habitat
-  Town Boundary

NOTE: This map shows general locations of State and Federal Listed Species and Critical Habitats. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDDB) from a variety of data sources. Exact locations of species have been buffered to produce the generalized locations.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a hatched area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

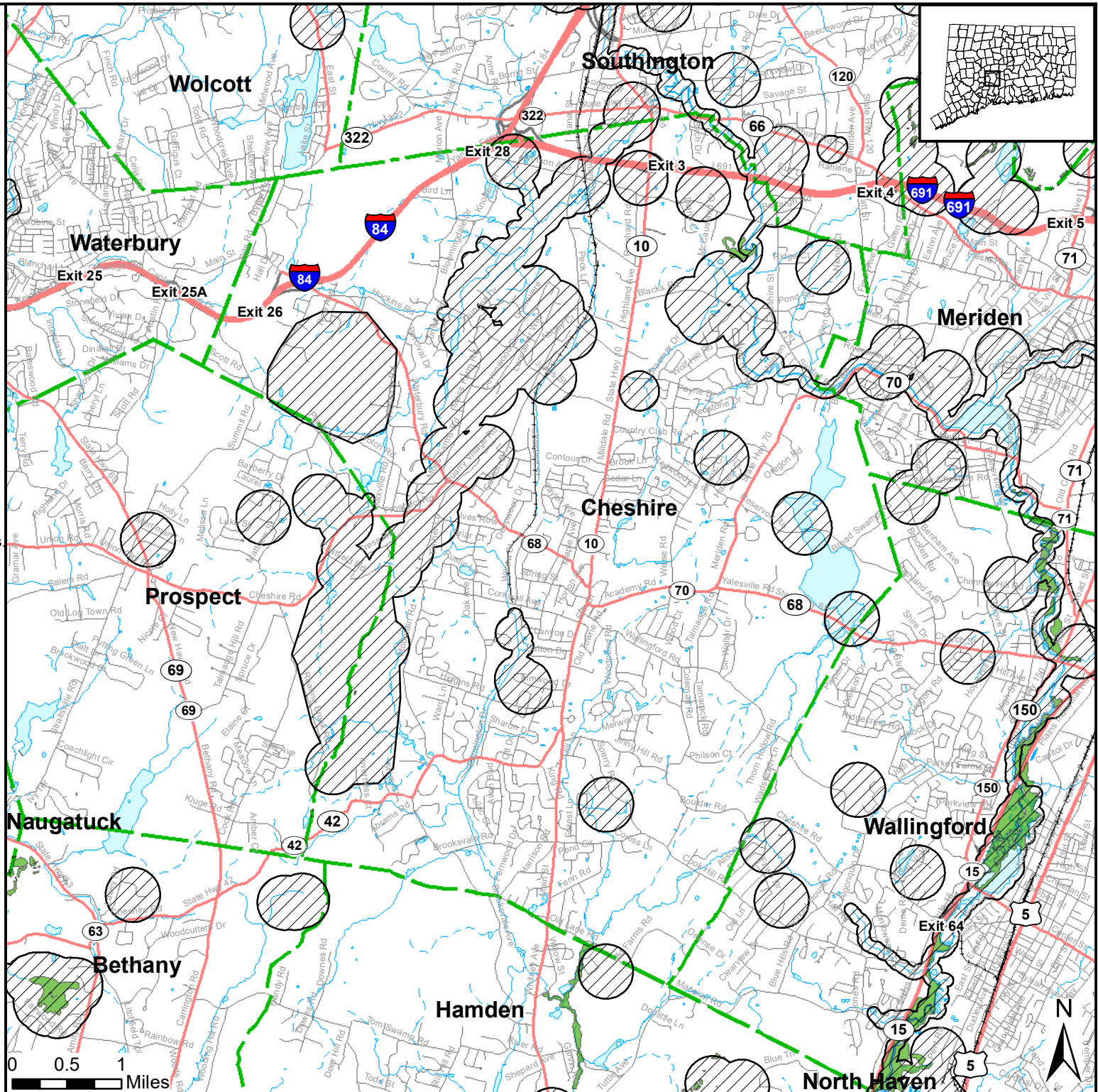
www.ct.gov/deep/nddbrequest

Use the CTECO Interactive Map Viewers at <http://cteco.uconn.edu> to more precisely search for and locate a site and to view aerial imagery with NDDB Areas.

QUESTIONS: Department of Energy and Environmental Protection (DEEP)
79 Elm St, Hartford, CT 06106
email: deep.nddbrequest@ct.gov
Phone: (860) 424-3011



Connecticut Department of Energy & Environmental Protection
Bureau of Natural Resources
Wildlife Division



5

SECTION 5

Visibility Analysis

As set forth in detail in the enclosed Preliminary Viewshed Memorandum, areas where the tower site would be visible year-round comprise approximately 6 acres within the 2-mile radius (8,042-acre) study area. The majority of the year-round views occur on the host property and immediately south within the adjacent cemetery. Additional year-round visibility may extend to several residential areas to the north across Route 68. No year-round visibility is predicted beyond 0.25 miles from the Proposed Facility.

DTV will conduct a balloon test to evaluate and field-verify the results of the initial viewshed evaluation and prepare photographic simulations from several vantage points. DTV will provide a copy of these field results and simulations once they become available.



PRELIMINARY VIEWSHED MEMO

Date: July 21, 2020

To: Diamond Communications, LLC
820 Morris Turnpike – Suite 104
Short Hills, NJ 07078
Attn: Scott Von Rein, Director of Site Development

From: Brian Gaudet, Project Manager

Re: Proposed Telecommunications Facility – Cheshire East CT
185 Academy Road, Cheshire, CT
APT Project No. CT625100

Diamond Communications, LLC (“Diamond”) has identified a proposed location for development of a wireless telecommunications Facility at 185 Academy Road in Cheshire, Connecticut (the “Host Property”). The Host Property is a ±8.1-acre parcel located south of Connecticut State Route 68 (“Route 68”). It is developed with the Cheshire United Methodist Church, a residence and paved parking lot. Residential neighborhoods are located north and southwest of the Host Property. A cemetery is immediately to the south and the Cheshire Academy campus is located to the west.

The proposed Facility would include a ±95-foot tall steel monopole designed to resemble a pine tree (“monopine”). An additional 4’ of faux branching would extend the monopine to a height of 99’ above ground level (“AGL”) The monopine would be located within a ±52-foot by ±50-foot gravel based fenced equipment compound (the “Facility”) located in the southcentral portion of the Host Property, just east of the paved parking lot.

At the request of Diamond, All-Points Technology Corporation, P.C. (“APT”) has prepared initial viewshed mapping to provide a preliminary evaluation of the visibility associated with the proposed Facility. To conduct this assessment, a predictive computer model was developed specifically for this project using ESRI’s ArcMap Geographic Information System (“GIS”)¹ software and available GIS data. The predictive model provides an initial estimate of potential visibility throughout a pre-defined “Study Area”, in this case a two-mile radius surrounding the proposed Facility.

¹ ArcMap is a Geographic Information System desktop application developed by the Environmental Systems Research Institute for creating maps, performing spatial analysis, and managing geographic data.

The predictive model incorporates project and Study Area-specific data, including the Facility location, its ground elevation and the proposed Facility height, as well as the surrounding topography, existing vegetation, and structures (the primary features that can block direct lines of sight). The Study Area extends into the neighboring municipality of Wallingford to the east. Route 68 bisects the Study Area in a roughly east to west direction. Connecticut State Route 10 bisects the Study Area in a roughly north to south direction.

A digital surface model ("DSM"), capturing both the natural and built features on the Earth's surface, was generated for the extent of the Study Area utilizing State of Connecticut 2016 LiDAR² LAS³ data points. LiDAR is a remote-sensing technology that develops elevation data by measuring the time it takes for laser light to return from the surface to the instrument's sensors. The varying reflectivity of objects also means that the "returns" can be classified based on the characteristics of the reflected light, normally into categories such as "bare earth," "vegetation," "road," or "building". Derived from the 2016 LiDAR data, the LAS datasets contain the corresponding elevation point data and return classification values. The Study Area DSM incorporates the first return LAS dataset values that are associated with the highest feature in the landscape, typically a treetop, top of a building, and/or the highest point of other tall structures.

Once the DSM was generated, ESRI's Viewshed Tool was utilized to identify locations within the Study Area where the proposed Facility may be visible. ESRI's Viewshed Tool predicts visibility by identifying those cells⁴ within the DSM that can be seen from an observer location. Cells where visibility was indicated were extracted and converted from a raster dataset to a polygon feature which was then overlaid onto an aerial photograph and topographic base map. Since the DSM includes the highest relative feature in the landscape, isolated "visible" cells are often indicated within heavily forested areas (e.g., from the top of the highest tree) or on building rooftops during the initial processing. It is recognized that these areas do not represent typical viewer locations and overstate visibility. As such, the resulting polygon feature is further refined by extracting those areas. The viewshed results are also cross-checked against the most current aerial photographs to assess whether significant changes (a new housing development, for example) have occurred since the time the LiDAR-based LAS datasets were captured.

The results of the preliminary analysis are intended to provide a representation of those areas where portions of the Facility may potentially be visible to the human eye without the aid of magnification, based on a viewer eye-height of five (5) feet above the ground and the combination of intervening topography, trees and other vegetation, and structures. However, the Facility may not necessarily be visible from all locations within those areas identified by the predictive model, which has limitations. For instance, it is important to note that the computer model cannot account for mass density, tree diameters and branching variability of trees, or the degradation of views that occurs with distance. As a result, some areas depicted on the viewshed maps as theoretically offering potential visibility of the Facility may be over-predicted because the quality of those views is not sufficient for the human eye to recognize the Facility or discriminate it from other surrounding or intervening objects.

The preliminary viewshed mapping results indicate that predicted year-round visibility associated with the proposed Facility could include approximately 6 acres (representing less than 0.1 percent of the 8,042-acre Study Area). The predicted year-round visibility occurs primarily on the Host Property and extending south

² Light Detection and Ranging.

³ An LAS file is an industry-standard binary format for storing airborne LiDAR data.

⁴ Each DSM cell size is 1 square meter.

within the cemetery. Additional predicted year-round visibility also may extend to select locations within the residential development across Route 68 to the north. No year-round visibility is predicted to areas beyond ± 0.25 -mile from the Facility.

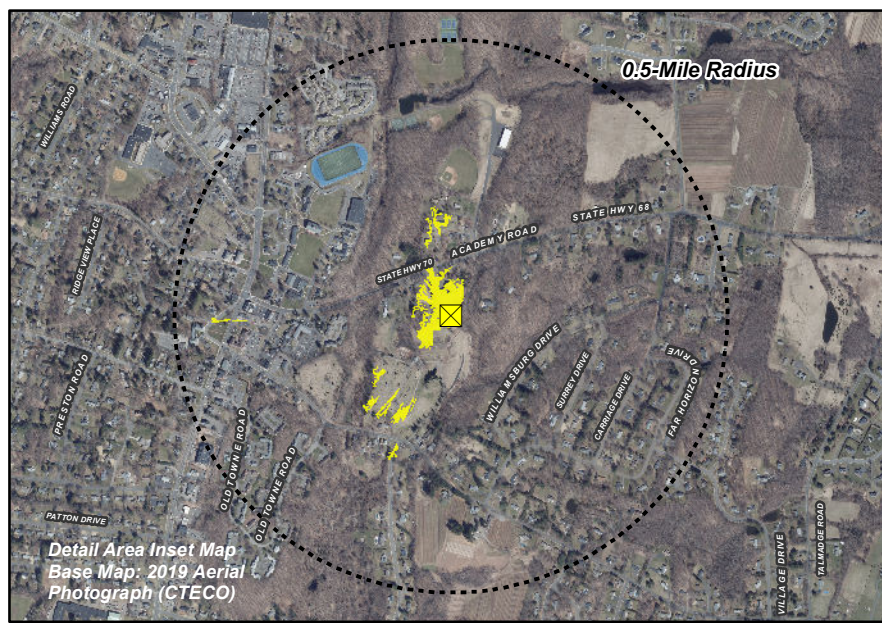
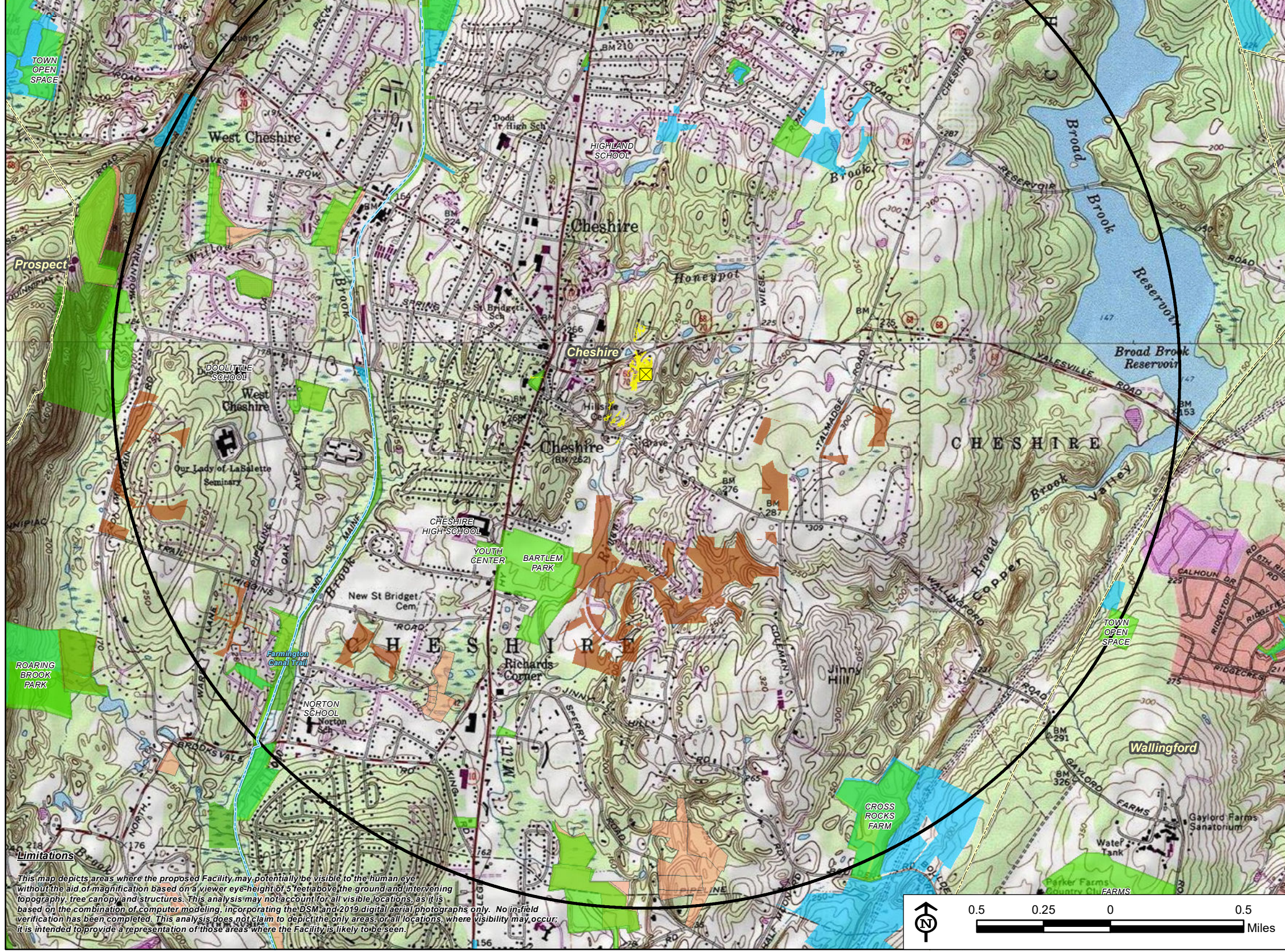
The maps provided as attachments offer a preliminary basis for understanding the extent of visibility that may occur throughout the Study Area, but they do not address the character of those potential views. Note also that the results of the computer model have not been field verified. Our experience is that the computer model's sensitivity typically results in the initial mapping being over-predictive of the Facility's viewshed. These initial results will be field-verified and presented in Diamond's application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need.

Our preliminary results will be field-verified via a balloon test to supplement and fine tune the results of the preliminary computer modeling. The balloon test activities will consist of raising an approximately 4' diameter, brightly-colored, helium-filled balloon tethered at the proposed Facility height and driving along the local and State roads to inventory those locations where the balloon can be seen above/through the trees. Visual observations will be used to evaluate the results of the preliminary viewshed mapping and identify any discrepancies in the initial modeling. During the field activities, APT will also photo-document areas where the balloon can be seen (as well as locations it is not visible) and will prepare photographic simulations from several vantage points to depict scaled renderings of the proposed Facility. This information will be included in Diamond's application to the Connecticut Siting Council for a Certificate of Environmental Compatibility and Public Need.

Attachments



Statewide and Regional Overview Map



Detail Area Inset Map
Base Map: 2019 Aerial Photograph (CTECO)

Preliminary Viewshed Analysis Map

Proposed Wireless Telecommunications Facility
Cheshire East
185 Academy Road
Cheshire, Connecticut

Proposed facility height is 99 feet AGL.
Forest canopy height is derived from LIDAR data.
Study area encompasses a two-mile radius and includes 8,042 acres.
Information provided on this map has not been field verified
Base Map Source: USGS 7.5 Minute Topographic Quadrangle Maps, Meriden, CT (1992), Mount Carmel, CT (1984), Southington, CT (1992), and Wallingford, CT (1984)
Map Date: June 2020

Legend

- Proposed Site
- Study Area (2-Mile Radius)
- Predicted Year-Round Visibility (6 Acres)
- Municipal Boundary
- Trail
- Scenic Highway
- DEEP Boat Launches
- Municipal and Private Open Space Property
- State Forest/Park
- Protected Open Space Property**
- Federal
- Land Trust
- Municipal
- Private
- State

Data Sources:

Physical Geography / Background Data
A digital surface model (DSM) was created from the State of Connecticut 2016 LIDAR LAS data points. The DSM captures the natural and built features on the Earth's surface.
Municipal Open Space, State Recreation Areas, Trails, County Recreation Areas, and Town Boundary data obtained from CT DEEP. Scenic Roads: CTDOT State Scenic Highways (2015); Municipal Scenic Roads (compiled by APT)

Dedicated Open Space & Recreation Areas
Connecticut Department of Energy and Environmental Protection (DEEP): DEEP Property (May 2007); Federal Open Space (1997); Municipal and Private Open Space (1997); DEEP Boat Launches (1994)

Connecticut Forest & Parks Association, Connecticut Walk Books East & West

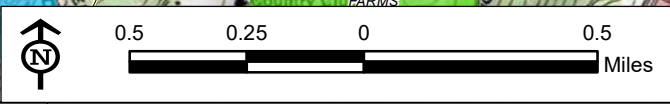
Other

CTDOT Scenic Strips (based on Department of Transportation data)

Notes

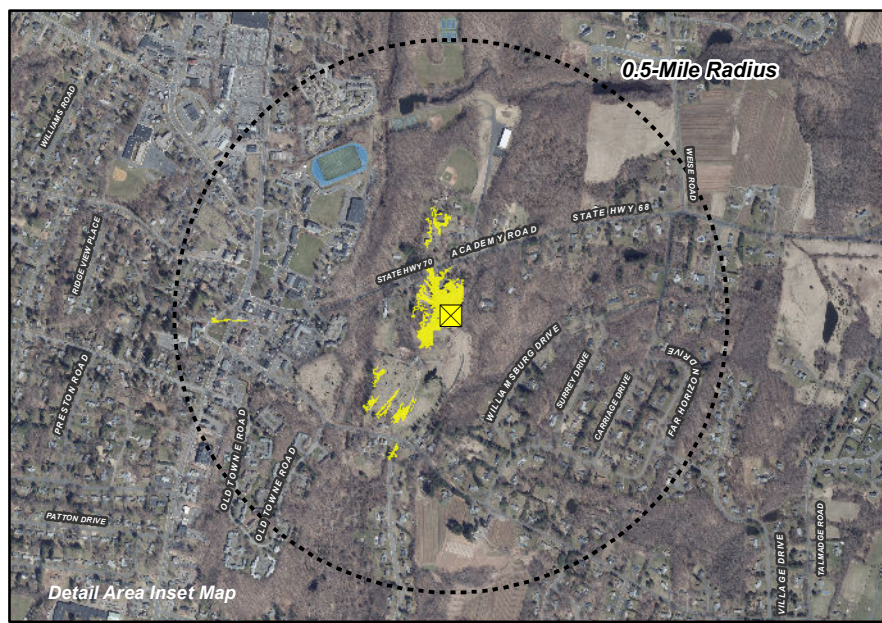
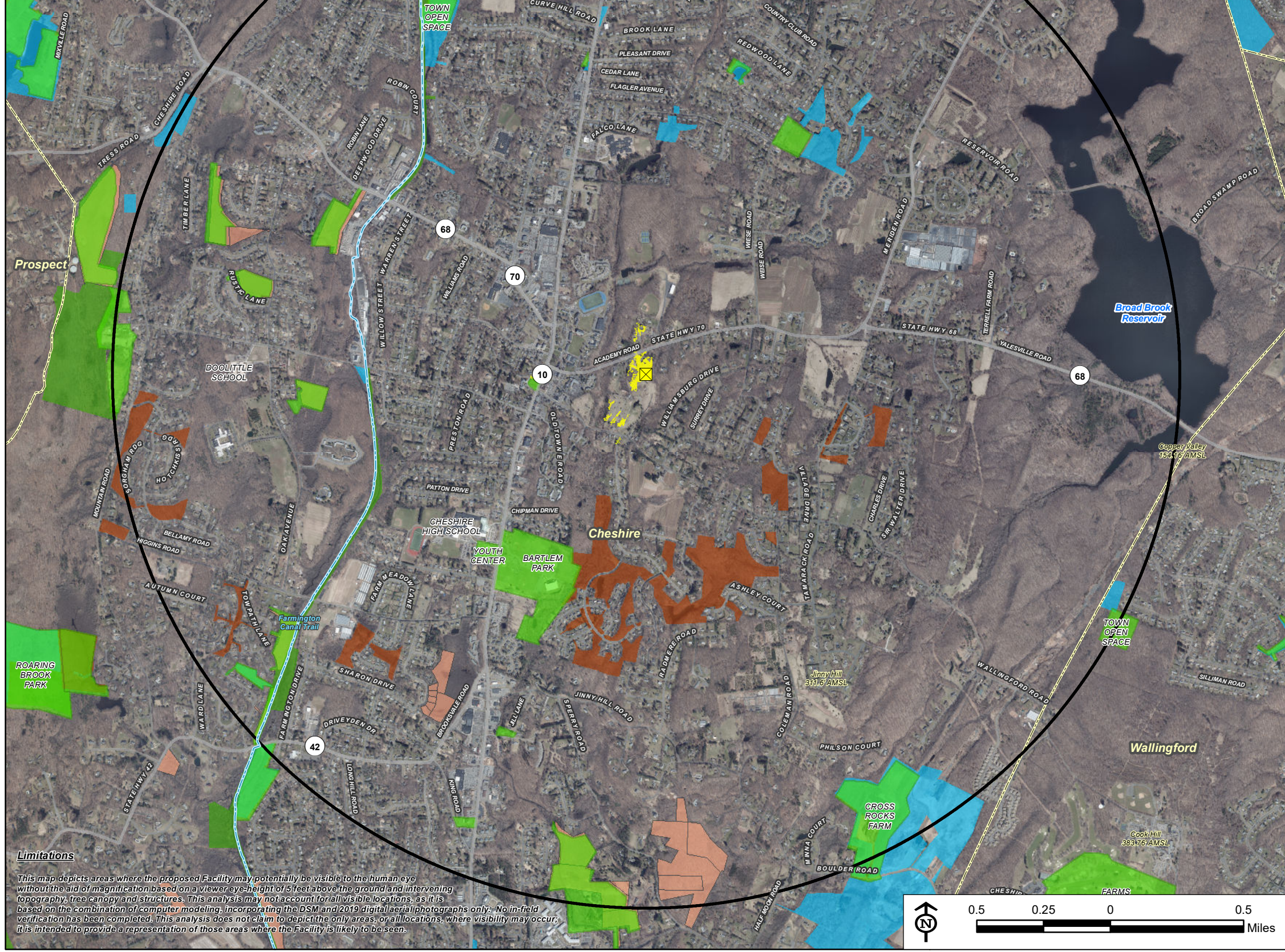
**Not all the sources listed above appear on the Viewshed Maps. Only those features within the scale of the graphic are shown.

Limitations
This map depicts areas where the proposed Facility may potentially be visible to the human eye without the aid of magnification based on a viewer eye-height of 5 feet above the ground and intervening topography, tree canopy and structures. This analysis may not account for all visible locations, as it is based on the combination of computer modeling, incorporating the DSM and 2019 digital aerial photographs only. No in-field verification has been completed. This analysis does not claim to depict the only areas, or all locations, where visibility may occur. It is intended to provide a representation of those areas where the Facility is likely to be seen.





Statewide and Regional Overview Map



Preliminary Viewshed Analysis Map

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Data Sources:

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