

**TOWN OF HADDAM**

**ZONING REGULATIONS**

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## SECTION 1

### PURPOSE AND EFFECTIVE DATE

- 1.1 **Purpose** -- These regulations, pursuant to the authority granted by Chapter 124 of the General Statutes of the State of Connecticut, as amended, are adopted by the Town of Haddam to promote the health, safety, convenience, and welfare of the inhabitants by dividing the municipality into zones and regulating therein the uses of land and the uses of buildings with a view to encouraging the most appropriate use of land in the municipality.
- 1.2 **Effective Date** -- Zoning Regulations for the Town of Haddam were first effective on October 10, 1958. A revision was approved November 4, 1974, effective November 21, 1974. There were numerous revisions from 1974 through 1997. The regulations were approved October 6, 1997, effective December 1, 1997.

The present regulations were effective September 23, 2005.

## SECTION 2

### INTERPRETATION, CHANGES, VALIDITY

- 2.1 **Interpretation** -- In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare.

It is not intended by the regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations or ordinances, except those specifically repealed by these regulations, or with private restrictions placed upon property by covenants running with the land (to which the Town is a party). Where these regulations pose a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of regulations, ordinances, contracts or deeds, the provisions of these regulations shall control.

- 2.2 **Changes**--The Planning and Zoning Commission may, after public notice and hearing, change, amend or repeal these regulations, in accordance with the provisions of Section 8-3 of the Connecticut General Statutes, as amended

The owners of any property affected by these regulations may petition the Planning and Zoning Commission, requesting a change, or changes, in the boundaries of a zoning district or districts, in the manner herein prescribed. Such petitions shall (a) be in writing; (b) be signed by the property owner or owners requesting such changes; (c) outline specifically the boundary changes which are requested; and (d) be accompanied by the required application fee; and a sign shall be posted in accordance with Section 30.5 of these regulations.

- 2.3 **Validity**--If any section or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

## SECTION 3

### DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, and the plural includes the singular, and the word "shall" is intended to be mandatory.

**Accessory Apartment** -- A dwelling unit with bedroom, kitchen and bathroom facilities created within a single family residential structure. An accessory apartment shall be subordinate to the single family structure in size and appearance.

**Attached Accessory Apartment** -- A dwelling unit that shares a common wall with the principal dwelling unit.

**Accessory Building** -- A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

**Accessory Use** -- A use customarily incidental and subordinate to the principal use of a building, and located on the same lot with such principal use or building.

**Address Sign** -- any sign indicating street address, name of occupant and/or name of residence.

**Aquifer** -- A geologic unit capable of yielding usable amounts of water.

**Attic** -- The space between the ceiling beams of the top story and the roof rafters.

**Banner Sign** -- any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to or composed of paper, plastic or fabric of any kind. National flags, flags of political entities and subdivisions and state or town flags shall not be considered banners.

**Base Flood** -- The 100 year flood: the flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** -- A portion of a building partly underground, but having less than half of its clear height below the average grade of the adjoining ground.

**Bed and Breakfast** -- An owner-occupied, single-family residence where lodging for no more than four (4) overnight guests is provided for compensation.

**Billboard Sign** -- an outdoor advertising sign which advertises goods, products or services or a business, organization, event, person, place or thing not sold on the premises on which the sign is located, unless such sign is more specifically defined herein.

**Building** -- Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

**Business Sign** -- any sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such a sign is located.

**Cellar** -- A portion of a building partly underground, having half or more than half of its clear height below the average of the adjoining ground.

**Changeable Sign** -- any sign, either fixed or mobile, that is designated so that character, letters or illustrations can be changed or rearranged without altering the surface of the sign upon which the characters, letters or illustrations are mounted, i.e. bulletin boards, blackboards, marquees.

**Certificate of Zoning Compliance** -- a document stating that the site plan of a proposed use has been adhered to and completed and/or is in conformance with these Regulations.

**Certification** -- a signed, written declaration or statement that a thing is true, accurate or meeting the applicable requirements of these regulations.

**Commercial Boat Cruise Line Facility and Passenger Terminal** -- A dock, wharf, slip basin or similar landing facility whose primary use is the docking of vessels engaged in commercial boat cruises, excursions and tours, and which may include minor nonstructural repairing and servicing of such vessels and includes company offices, ticket offices, and waiting rooms, but which expressly excludes construction, major repairing of structural components, overhauling and dry-docking of such vessels.

**Commercial Motor Vehicle** -- Any motor vehicle with a commercial vehicle, livery, taxi or commercial trailer vehicle registration.

**Commission** -- the Planning and Zoning Commission of the Town of Haddam, Connecticut.

**Construction Sign** -- any sign giving the names of the architects, engineers, contractors, developers and/or lending institutions responsible for construction on the site where the sign is located.

**County Soil and Water Conservation District** -- the Middlesex County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.

**Coverage** -- The percentage which the aggregate building area of all buildings and parking where applicable on a lot bears to the total area of that lot.

**Cutting, Commercial** -- Any cutting or removal of trees which exceeds one acre in extent and is not covered under the definition of non-commercial cutting contained herein.

**Cutting, Non-Commercial** -- The cutting or removal of trees on a lot for the purpose of preparing a site for the construction of a building, structure or other use and/or cutting for the customary maintenance and improvement of a lot.

**Development** -- any construction or grading activities to improved or unimproved real estate, or 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.

**Directional Sign** -- a sign not located on the premises of a business which assists in locating the business.

**Directly Illuminated** -- shall mean any sign emitting artificial light directly, or through any transparent or translucent material.

**Directory Sign** -- any sign where the name or names and locations of a business, organization, event, person, place or thing or of the occupants or of the building is given.

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

**Docking Facility for Commercial Fishing Boats** -- A dock, wharf, slip basin or similar landing facility for vessels engaged in fishery or shell fishery.



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**Dwelling, Housing for Elderly and/or Physically handicapped Persons --** Dwelling units, 1) designed exclusively to be occupied by and to meet specific requirements and design standards suitable for occupancy by one or more elderly persons at least one of who is at least 55 years of age or over and/or is physically handicapped; and, 2) which shall 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, the owner's 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. Dwellings for the elderly and/or physically handicapped persons may include accessory community rooms and facilities for the use of the occupants as well as other essential service facilities, such as laundry rooms.

**Dwelling, Single-family --** A building containing one dwelling unit on a lot for the use of one family.

**Dwelling, Two-family --** A building containing two dwelling units on a lot for the use of two families.

**Dwelling unit --** One of more rooms arranged for the use of one family living together as a single habitable unit, with cooking, living, sanitary and sleeping facilities.

**Erect --** to build, construct, raise up, set up, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

**Erosion --** any movement of soil or rock fragments by water, wind, ice or gravity.

**Existing manufactured home park or subdivision --** 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 before the effective date of the flood plain management regulations adopted by a community.

**Expansion of an existing manufactured home park or subdivision --** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

**Family --** The term "family," as used in these regulations, includes the following: (1) An individual; (2) Two or more persons related by blood, marriage or adoption;

and (3) Up to five unrelated individuals.

**Floor Area** -- The sum of the gross horizontal areas for residential use of the several floors of a building, measured from the exterior faces of exterior wall or from the center lines of walls separating two dwelling units. Floor area also includes:

1. Basement or cellar which is used primarily for year-round living accommodations (e.g. finished recreation room).
2. Attics and top half-stories provided that:
  - a) the height shall not be less than seven and one-third feet over not less than one-third the area of the floor when used for sleeping, study or similar activity, and,
  - b) such areas be connected with the floor below by a permanent inside stairway.
3. Stairways
4. Closets
5. Halls

**Flood Boundary and Floodway Map** -- An official map of the Town of Haddam on which the Federal Insurance Administration has delineated the 100 year, 500-year and floodway boundaries.

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

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

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

**Free-Standing Or Attached Sign**-- all wording, lettering and accompanying design and symbols, together with the background, whether open or enclosed, on which they are displayed. The area does not include minimal supporting framework or bracing, but it does include any decorative structure.

**Grade** -- The finished ground level adjoining the base of all exterior walls of a building or structure and any related earth retaining structure.

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

**Hazardous Waste** -- Waste material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976.

**Height, Building** (Definition is applicable to all structures in the Connecticut River Gateway Conservation Zone) -- The vertical distance between a horizontal plane drawn through the lowest point of a building or structure which is visible above grade and its uppermost point, excluding chimneys. **Height, Building** (Definition is applicable to all structures outside of the Connecticut River Gateway Conservation Zone). The vertical distance from the average finished grade within ten feet from the walls of a building to the highest point of flat or mansard roofs including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs.

**Home Occupation Sign** -- any sign as defined herein erected to advertise the location of a home occupation.

**Indirectly Illuminated Sign** -- any sign illuminated with an artificial light external to the sign. The light shall be so shielded that rays from it are not directed beyond the lot upon which the sign is located.

**Interior Lot** -- A building lot which does not meet the frontage requirements of Table I.

**Kennel, Commercial** -- Premises maintained and operated as a business for boarding, grooming, training or breeding dogs and/or cats.

**Lot** -- A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to such building and including such open spaces as are intended to be used in connection therewith or as are required by subdivision. In the case of commercial, industrial, public, or institutional buildings, or housing for elderly and/or physically handicapped persons, a group of buildings devoted to a common interest or use and under the same ownership may be considered as occupying the same lot.

**Lowest Floor** -- The lowest floor of the enclosed area of a building (including basement and/or cellar.)

**Manufactured Home** -- A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreation vehicles, park trailers, or travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. When located on a lot, a manufactured home shall be considered to be a residence and subject to all the regulations prescribed for the zoning district in which it is located, or shall be fully licensed and ready for highway use.

**Manufactured Home Park or Subdivision** -- A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

**Marina** -- A waterfront land use which offers berths for recreational boating and providing such ancillary indoor and outdoor boat facilities as boat storage, sales of provisions, fuel, materials and supplies, rentals, and services for boaters, such as rest rooms, showers, laundries, repairs and parking.

**New Construction** -- Structures for which the start of construction or substantial improvement commenced on or after the effective date of the applicable regulation.

**New manufactured home park or subdivisions** -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home 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 the effective date of floodplain management regulations adopted by a community.

**Non-Conforming Lot** -- a lot legally existing on the effective date of these regulations or any applicable amendment but which fails by reason of such adoption, revision or amendment to conform to the present regulations for any prescribed lot requirement.

**Non-Conforming Use** -- Use of a building or of land that does not conform to the regulations for the zone in which it is situated.

**Outdoor Recreational Facilities** -- One or more buildings, structures or uses either used for or accessory to the provision for organized recreational activities or opportunities for persons other than those who lawfully reside on the premises. Outdoor recreational facilities include, but are not limited to campgrounds, fairgrounds, camping sites, cabins for seasonal use, horse or riding stables, facilities where horses are bred, boarded or trained (other than horses owned by persons lawfully residing on the premises), golf courses or driving ranges, ball fields, tennis

courts or clubs, swimming pools or facilities, ski slopes or areas, or any combination thereof or similar or related uses.

**Painted Upon Or Applied To A Building** -- when used with reference to a sign shall mean all lettering, wording and accompanying designs or symbols, together with any background of a different color than the predominant color of the building.

**Parking Space** -- The area required for parking one automobile.

**Person** -- shall mean and include any person, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.

**Pole Sign** -- any sign erected on a pole or poles that is wholly or partially independent of any building and support. The area of the pole itself is not counted in computation of the size of such sign.

**Primary Recharge Area** -- That area immediately overlying the stratified-drift aquifer and adjacent areas of stratified drift that may not have sufficient thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between stratified drift and adjacent till or bedrock.

**Private School** -- Any building or group of buildings the use is solely for primary, secondary or higher education, which meets the State's requirements for primary, secondary or higher education and which is not operated or funded by the Town, State, or Federal Government. This may include a campus style setting with a variety of buildings including but not limited to residential dormitories, administrative buildings, athletic fields, gymnasiums, cafeterias, classrooms, as well as staff housing in the form of single family, duplex or multifamily dwellings.

**Real Estate Sign** -- any sign which is used to offer for sale, lease or rent the property upon which it is located.

**Recreation vehicle** -- 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.

**Refuse** -- Waste, junk, garbage, debris, rubbish or trash, but not including sewage collected or disposed of in lawful facilities.

**Roof Line** -- the juncture of the roof and the perimeter wall of the structure

**Secondary Recharge Area** -- The land adjacent to the primary recharge area from which groundwater moves down gradient into the aquifer.

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

**Self Storage Facility**—A single story facility containing rental units for cold storage of household goods; recreational equipment; business, commercial or industrial inventory; fixtures, and other similar personal property. No service or repair shall be permitted in the storage units or on the property. Individual units shall not be serviced by water or electrical service.

**Signs** -- any external surface, fabric or device which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal, product or geometric shape, designed to attract attention or convey information visually and which is exposed to public view. For the purpose of this regulation, the term “sign” shall include all structural members and shall include vending machines, the exterior surface of which are so designed as to convey information as to the contents offered therefrom. Signs can be either fixed or mobile.

**Sign Face** -- shall mean a surface defined by one continuous perimeter of the geometric shape having the smallest area which encompasses all lettering, wording, design or symbols, together with any background different from the balance of the wall on which it is located, if such background is designed as an integral part of and obviously related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

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

**Soil Erosion and Sediment Control Plan** -- A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Special Exceptions or Special Permits** -- a use which is allowable only when facts and conditions specified in the regulations as those upon which the use is permitted are found to exist.

**Special Flood Hazard Area** -- An area shown as an overlay on the Zoning Map of the Town of Haddam which contains the land in the flood plain within the town subject to a one percent or greater chance of flooding in any given year. The special Flood Hazard Area includes all Flood Insurance Zones A and A1-A30 as designated on the Flood Insurance Rate Maps.

**Start of Construction** -- Includes substantial improvements, and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Street Banner Sign** -- any banner sign which is stretched across and hung over a public right-of-way.

**Street Frontage** -- frontage on any public street or highway.

**Structure** -- A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure. Anything constructed or which is located on, above or beneath the ground, except driveways, sidewalks, parking areas, curbing and fences which are less than six (6) feet high, including anything located on, above or beneath the water which is not primarily utilized or intended for navigation.

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

**Substantial Improvement** -- Any combination of repairs, reconstruction, alteration, or improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, as determined by the cost approach to value, the quantity survey method, the segregated cost method or the square foot method either: a) before the improvement or repair is started, or b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living

conditions, or b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Tag Sale** -- The temporary use of land and the buildings thereon for the purpose of public sale of personal household goods by the owner thereof in conjunction with the cleaning-out or vacating of residential premises. In no way does it encompass the sale of any goods brought to the premises for the purpose of public sale, except wherein more than one family enter into such a sale at one location. The term "tag sale" shall include "garage sale," "yard sale," "barn sale," and any similar activity.

**Temporary Sign** -- any sign erected for a defined period of time.

**Traffic Sign** -- any sign denoting entrances, exits or parking for the premises upon which the sign is located.

**Trailer** -- as used in Section 16 of these regulations shall include mobile homes used as dwellings and any vehicle which is used, or suitable for use, as living quarters, and which is or may be mounted on wheels, and which is or may be propelled, either by its own power or by another power-driven vehicle to which it may be attached

**Vertical Wall Area of a Wall of a Building** -- the square footage of the wall, including windows and doors, said surface being measured up to but not including the roof

**Violation** -- as used in Section 11 of these regulations, violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other developments without the elevation certificate, other certifications, or other evidence of compliance required by these regulations, or is presumed to be in violation until such time as that documentation is provided.

**Water Company** -- Any individual, partnership, association, corporation, municipality or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eight percent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purpose of this definition.



**Watercourse** -- Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog and all other bodies of water, natural or artificial, public or private.

**Yard, Front** -- An open, unoccupied space, extending across the full width of the lot between the front wall of a building and the front lot line.

**Yard, Side** -- An open, unoccupied space between a building and the side lot line, extending from the front yard, or front lot line, to the rear line. A corner lot shall be considered to have two front yards and two side yards.

**Yard, Rear** -- An open, unoccupied space, extending across the full width of the lot between the rear-most wall of a building and the rear lot line.

## SECTION 4

### LOTS

- 4.1 No building shall be used, built or placed on any lot unless such lot has the required minimum frontage for the underlying zoning district on a town road or an approved subdivision street. Said frontage requirements shall not, however, apply to the following:
- a. Any existing lot having at least 25 feet frontage on such a street if such lot was not, on February 25, 1970, and at no time thereafter, contiguous to, or a part of, any tract or parcel of land under the same ownership which had, including such lot, at least 50 feet frontage on such street; or
  - b. Any lot served by an access strip, and having no frontage, or only such frontage as is afforded by the entrance of said access strip into such lot, provided that:
    1. Interior lots may be approved by the Commission, after site plan review, only if it finds that the land characteristics and physical conditions both on-site and in close proximity to the proposed lot(s) would not make the creation of such lot(s) impractical, unreasonable, or undesirable;
    2. The minimum rectangle of an interior lot shall not lie more than one (1) lot removed from a town road as shown on the most current map entitled "Town Roads Haddam" prepared by the Connecticut Department of Transportation and designated as TR-60, or approved subdivision street, as measured along the access strip;
    3. Access strips shall conform to the following:
      - a. Access strip shall provide unobstructed vehicular access for such lot to and from a town road or street in an approved subdivision;
      - b. No portion of such access strip serves more than one (1) lot, except when it crosses an inland wetland; up to a maximum of three (3) lots;

- c. Such access strip shall be not less than 25 feet in width for residential uses and not less than 50 feet in width for commercial or industrial uses;
  - d. No portion of such access strip laterally adjoins more than one other access strip or driveway, with a minimum distance of 450 feet between non-adjoining access strips;
  - e. The length of the access strip, as measured along its centerline, from the edge of the street right-of-way to the closest point of the minimum rectangle, shall not exceed 500 feet except in the case of lots in excess of 5 acres. In such cases the length of the access strip may be increased to a maximum of 1,000 feet.
  - f. Such access strip either forms a part of such lot or is over a permanent and recorded vehicular and utility access easement in favor of such a lot, existing at the time of the adoption of this regulation, with rights to construct, install, and the obligation to maintain the necessary facilities.
4. The minimum area of such lot shall not be less than one acre more than that required for the zone in which such lot is located. In any case where a lot is located so as to include two different zones, the requirements of the zone with the greater area demands shall be met;
  5. The deeded right of way of an interior lot shall not be included in the lot area computation of any lot;
  6. Not more than one interior lot shall be allowed in a subdivision containing up to five lots. No more than two interior lots shall be allowed in a subdivision containing up to 11 lots, and one interior lot for each additional 11 lots, or fraction thereof.
  7. Interior lots in excess of five (5) acres are not subject to the restrictions set forth in 4.1.b.6.
- 4.2 The minimum lot area shall consist of one contiguous acre of land in which a proposed dwelling can be located, (one-half acre in the "C-1 Zones"). This minimum lot area shall be unencumbered by easements for vehicular access, or conservation purposes, private right-of-way for vehicles, utility and

drainage easements shall not exceed 15 percent of the area (a right-of-way or access with no defined dimensions shall be assumed to be 25 feet in width), wetland, watercourse or flood hazard area. Said minimum lot area shall be capable of accommodating a rectangle, between the front, side and rear yard setback lines, and a 50 foot setback from wetlands and watercourses with each of the four sides not less than 150 feet, (100 feet in "C-1 Zones"). The minimum rectangle shall not include: (1) land subject to easements for drainage facilities, utilities (except for utility service to one or two dwellings) and vehicular access; (2) land classified as wetland, swamp, watercourse or flood hazard area; or (3) land with a slope in excess of 25 percent as measured over 100 foot intervals perpendicular to the contour lines.

Proposed dwellings shall be located within the minimum rectangle.

The rectangle on a corner lot shall be placed behind both the front yard setback lines.

All driveways shall have a maximum grade of 15% and constructed of a minimum of 8" of gravel. Driveways that exceed 10% shall be surfaced with a minimum of 2" of bituminous concrete.

4.3 Any plot of land which legally existed prior to March 17, 1956, the effective date of the initial enactment of the subdivision by the Town of Haddam, shall be entitled to a lot division, into no more than two lots in the aggregate, which lots shall meet the requirements of the Town of Haddam current Zoning Regulation if the owner of said lot can demonstrate to the satisfaction of the Commission or its' agent the following:

1. The lot, which is the subject of the application, preexisted the enactment of subdivision regulations by the Town of Haddam.
2. Proof of preexistence shall be by way of a certificate of title certified to the Haddam Planning and Zoning Commission or its agent issued by an attorney licensed to practice law in the State of Connecticut and an opinion letter from said attorney that in his opinion the lot predated the enactment of Subdivision Regulations in the Town of Haddam, has since that date not been subsequently divided to create another lot and that this shall constitute a first division of the land. OR
3. Proof of preexistence shall be by way of a chain of title certified to the Haddam Planning and Zoning Commission or its agent issued by an land surveyor licensed to practice land surveying in the State of Connecticut and an opinion letter from said surveyor that in his

opinion the lot predated the enactment of Subdivision Regulations in the Town of Haddam, has since that date not been subsequently divided to create another lot and that this shall constitute a first division of the land. Such opinion letter shall be signed and contain the embossed seal of the land surveyor. The land surveyor shall supply certified copies of deeds relating the parcel from the Office of the Haddam Town Clerk.

4. An A-2 Survey shall be provided demonstrating compliance with the Haddam Zoning Regulations.

4.4 Applications for Zoning Permits on parcels, which do not meet the requirements of the current Zoning Regulations and are claimed to have existed prior to October 10, 1958, the effective date of the initial enactment of Zoning Regulations by the Town of Haddam, the applicant shall provide the Zoning Enforcement Office with evidence in accordance with 4.3.2A or 4.3.2B above.

## SECTION 4A.

### CONSERVATION SUBDIVISIONS

4A.1. Conservation Subdivisions; Purpose: The Commission finds that certain parcels of land, because of their unique physical characteristics, may benefit from additional flexibility in the design of subdivisions. Such benefits may include: improved living and working environments; more economical subdivision layouts; greater ingenuity and originality in total subdivision and individual site design; and, especially, the preservation of valuable open space to serve recreational, scenic, and other public purposes. The Commission also finds that, in order to achieve these benefits, it will sometimes be necessary to permit modifications of the minimum lot area, frontage, width, and yards, and the maximum building height and percentage of allowable land coverage. These Conservation Subdivision regulations are therefore intended to provide a mechanism to permit such modifications, while, at the same time, assuring (1) adequate maintenance and restricted use of open space areas for maximum public benefit; (2) adequate protection of the neighborhood; and (3) the conservation of natural resources and of Haddam's rural character.

4A.2. Special Permit Required: Conservation Subdivisions shall require a special permit. Any such special permit must comply with the standards, criteria and procedures set forth in both Section 4A and Section 15 of the Zoning Regulations.

4A.3. Standards for Approval:

- a. There shall be no minimum number of lots required for the approval of a Conservation Subdivision.
- b. Minimum Area, Yards and Coverage. The following minimum standards shall apply to Conservation Subdivisions in lieu of the standards that would otherwise apply to lots in the underlying zoning district pursuant to other provisions of these Zoning Regulations:

Standard	R-2/R-2a Zones One Family or Two Family
Minimum Lot Area	25,000 Square Feet for One-Family 40,000 Square Feet for Two-Family
Minimum Lot Frontage	25 Feet
Minimum Front Yard	20 Feet
Minimum Side and Rear Yards	15 Feet except that a minimum yard of 75 feet shall be maintained along the boundary of any part of land that is not part of a Conservation Subdivision.
Maximum % of Land Coverage	30%

- c. **Determining Maximum Lot Density Or "Yield":** Applicants shall estimate the maximum, legally permissible lot density on the basis of a "yield plan." Such "yield plans" shall consist of "conventional" lot and street layouts (i.e., layouts conforming to the provisions of the Zoning Regulations and Subdivision Regulations that would be applicable in the absence of these Conservation Subdivision regulations). Although such plans may be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a conventional layout. Except as provided in Section 4A.3.d of these Regulations, the maximum density of lots in the Conservation Subdivision shall be no greater than the density in the conceptual yield plan, provided the Commission finds that the yield plan is reasonably accurate.

In order to prepare a realistic yield plan, applicants generally first need to map, at a minimum, basic topography, locations of wetlands and watercourses, 100-year floodplains, and slopes exceeding 25%. On "conceptual" lots that will not be served by a public or community sewerage system, the applicant must demonstrate the suitability of the soils for individual septic systems. The Commission may require additional testing in areas that have not been adequately tested or that are determined to be marginal. The Commission may allow testing on fewer than all of the proposed "conceptual" lots if it finds that the

testing has been adequate to constitute a representative sampling of soil conditions.

- d. (1) **Minimum Percentage of Open Space:** (1) A minimum of forty-five percent (45%) to fifty-five percent (55%) of the total tract area (the "Minimum Percentage")(as calculated using the criteria in Subsection 4A.3.d(2) below), not including the following kinds of land, shall be designated as permanent open space (the "Minimum Open Space Acreage"):
- (i) Land required for street rights-of-way, stormwater management ponds or basins, and rights-of-way for underground pipelines, telephone, cable, or electrical power lines, or other public utilities.
  - (ii) Land under permanent easement prohibiting future development (including easements for drainage, access and utilities).

The percentage of the Minimum Open Space Acreage that comprises wetlands and watercourses, as defined by Conn. Gen. Stat. § 22a-38, as amended (together hereinafter referred to as "Non-Buildable Land"), shall not be greater than the percentage of such Non-Buildable Land in the subdivision tract as a whole. For example, if twenty-five percent (25%) of the total tract area consists of Non-Buildable Land, then up to twenty-five percent (25%) of the Minimum Open Space Acreage may consist of such Non-Buildable Land.

- (2) Any special permit issued pursuant to this Section 4A shall set forth a Minimum Percentage based on the following criteria:
- (i) If greater than sixty percent (60%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be forty-five percent (45%).
  - (ii) If forty percent (40%) to sixty percent (60%) of the total tract consists of Non-Buildable Land, the Minimum Percentage shall be fifty percent (50%).
  - (iii) If less than forty percent (40%) of the total tract area consists of Non-Buildable Land, the Minimum Percentage shall be fifty-five percent (55%).



(3) Upon a demonstration by the applicant that one or more septic systems or water-supply wells cannot reasonably be placed within the proposed residential lots without compromising an important design element of the Conservation Subdivision, the Commission may permit a portion of the Minimum Open Space Acreage to be used for individual or community septic systems or wells.

e. **Density Incentives To Encourage Public Access:** The Commission may offer a lot-density bonus to encourage the dedication of additional open space land for public use, including trails, active recreation, etc. The density bonus shall be computed on the basis of a maximum of one additional lot per five additional acres of publicly accessible open space provided by the applicant. For purposes of this Section 4A.3.e, "additional acres of publicly accessible open space" shall mean open space that exceeds the Minimum Percentage required by Section 4a.3.d. The decision whether to accept an applicant's offer to dedicate open space for public access shall be at the discretion of the Commission. In making that decision, the Commission shall be guided by the recommendations contained in Haddam's Plan of Conservation and Development, particularly those sections dealing with trail networks and/or recreational facilities. The Commission may require that a percentage of the land dedicated to publicly accessible open space be suitable for active recreation purposes. However, in order to preserve a reasonable portion of natural areas on the site, no more than fifty percent (50%) of the open space shall be utilized for active recreation. The application for a special permit for the Conservation Subdivision shall specify the purposes for which publicly accessible open space areas are proposed.

**4A.4 Special Permit Criteria:** In determining whether to approve a proposed Conservation Subdivision, the Commission shall give due consideration to the standards and criteria set forth in Section 15 of these Regulations. A special permit that is issued for a Conservation Subdivision shall not, in and of itself, be sufficient to allow the creation of a Conservation Subdivision. Rather, the special permit shall simply entitle the applicant to seek subdivision approval using the modified standards set forth in Section 4A.3 of these Regulations. If the applicant is denied a special permit for a Conservation Subdivision pursuant to this Section 4A, the applicant may file an application for a standard subdivision pursuant to Section 2 of the Town of Haddam Subdivision Regulations.

## SECTION 5

### ZONES

5.1 For the purposes of these regulations, the Town of Haddam is divided into a number of zones as shown on the zoning map. The zones are:

Residential (R- 1)  
Residential (R-2)  
Residential (R-2A)  
Commercial (C-1)  
Industrial (I-1)  
Industrial (I-2)  
Industrial Park (IP-1)

5.2 There are a number of overlay zones that provide additional regulations for property in those zones. The overlay zones are:

Gateway Conservation Zone  
Flood Hazard Zone  
Aquifer Protection Zone

5.3 The zone boundary lines are intended generally to follow the center lines of streets and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from the center line of the traveled way or other boundary line as indicated.

5.4 In case of uncertainty as to the true location of a zone boundary line in a particular instance, the determination thereof shall be made by the Zoning Enforcement Officer.

5.5 This section eliminated on January 20, 2000.

**SECTION 6**  
**RESIDENTIAL ZONES**

- 6.1 The following uses are permitted by right:
- a. Single family and two-family dwellings and accessory buildings and uses. See Table 1 for lot requirements for single and two-family dwellings and Section 6.4 for minimum floor areas.
  - b. Bed and Breakfast limited to two(2) bedrooms and serving no meals except breakfast.
  - c. Agriculture, forestry, truck gardening, livestock and poultry raising and dairy farming.
  - d. Temporary roadside stands for the seasonal sale of farm produce and products grown within the Town of Haddam, only when accessory to the premises on which they stand, provided they shall contain not more than 200 square feet in area. Such stand shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections , and not less than 10 feet from the side boundary.
  - e. Tag sales, subject to the provisions of Section 20 of these regulations.
  - f. Attached accessory apartments subject to the standards and conditions specified in Section 6.5.
  - g. Home occupations (See Section 23.1)
- 6.2 The following uses are permitted subject to approval of a site plan in accordance with Section 14 of these regulations:
- a. Nursery schools and day care centers for twelve (12) or fewer children.
  - b. Public recreational uses not subject to special permit. Shooting ranges, racetracks, amusement parks and other uses so deemed by the Commissioner are prohibited. Municipal parks may be allowed under site plan review.
  - c. Home occupations (See Section 23.2)
  - d. Nursery gardening and greenhouses.

- e. Buildings used for the storing, processing and manufacture of agriculture and forestry products accessory to a farm

6.3 The following uses may be permitted subject to the issuance of a special permit by the planning and zoning commission in accordance with Section 15 of these regulations, and for such length of time as determined by the Commission.

- a. Cemeteries
- b. Nursing and convalescent homes. In addition to the customary special permit requirements, the following conditions must be met:
  - 1. The maximum area of the building measured to the outside walls shall not exceed ten percent of the gross area of the lot.
  - 2. Off-street parking shall be provided in accordance with the provisions of Section 21. The parking area shall be exclusive of the front, side and rear yard requirements, and shall be screened from rear and side lot lines by a landscaped strip at least fifteen feet wide, seeded to grass and properly planted to trees and shrubs. The requirements of this section are in addition to and not in lieu of other requirements for the districts involved. Nursing and convalescent homes are not permitted except in the specified districts and in accordance with this section. In the case of a nursing or convalescent home existing on or before August 18, 1970, the parking and screening requirements herein shall apply only to an addition or expansion and not to the nursing or convalescent home existing at the time of such expansion or addition.
- c. Outdoor Recreational Facilities, both public and private, whether commercial or of a non-profit or charitable nature. (See Section 24)
- d. Post offices, serving only the Town of Haddam, and operated by the United States Postal Service.
- e. In addition to the customary special permit requirements, the following conditions shall be met:
  - 1. The maximum combined coverage of buildings, accessory structures and uses, driveways and parking areas shall not

exceed 50% of the lot area.

2. Off-street parking shall be provided for at least one automobile per employee. Parking spaces shall also be provided in the ratio of one car to every 150 square feet of gross floor area of the building. Parking areas shall be designed so as to avoid conflict with on-site loading and unloading of vehicles.
  3. Front, side and rear yards, as defined in these regulations, shall not contain buildings, accessory structures and uses, parking areas and driveways, except as necessary for ingress and egress to the site.
  4. On the lot or part thereof adjoining a Residential Zone, without separation by a street or road, there shall be a 15 foot buffer strip, which shall not be used in satisfying yard requirements, seeded to grass and properly landscaped with trees and shrubs. Failure to maintain such strip in good condition shall constitute a violation of these regulations by the owner of such lot or portion thereof.
  5. The applicant's plan shall address the following:
    - \*Maximization of road sight distances
    - \*Maximization of pedestrian safety
    - \*Minimization of potential points of conflict with respect to vehicular turning movements
  6. Building plans, including front, side and rear elevations, shall be submitted to insure a harmonious relationship with surrounding residential uses.
- f. Veterinary hospital or commercial kennel provided that no dogs are kept in any buildings or enclosures within 500 feet of any property line, and further provided that none of these uses shall create offensive odors or noise noticeable off the premises.
  - g. Police stations, fire houses, volunteer ambulance headquarters or other municipal buildings and uses.
  - h. Housing for elderly and/or physically handicapped persons.

In addition to customary special permit requirements, the provisions of Section 13 shall be applied.

- i. Churches and schools, except correctional institutions.
- j. Bona fide clubs or community houses not operated for profit.
- k. Professional and/or business offices subject to the following requirements
  1. Professional and/or business offices may be proposed for a parcel of land bordering, contiguous with or adjacent to a commercial or industrial zone on either Routes 81, 82 or 154, except South of the Higganum Center C-1 zone. The lot must include a minimum of 80,000 square feet excluding land in flood plain zones and existing conservation zones. The use and all accessory and ancillary uses, buildings and buffering must be within 500 feet of the zone boundary. The 500 feet shall be measured off the zone boundary as mapped without regard to such additional commercial or industrial land as may result from the application of Section 5.3 of the Zoning Regulations.
  2. The proposed use must be so designed and laid out as to serve as a buffer or transition between the commercial or industrial zone and the neighboring residential zone. To accomplish this end, in addition to the review criteria of Section 14 of the Zoning Regulations, the Commission shall consider details of the proposal involving buffering between the proposed use and the remaining residential zone, conservation easements or other methods employed to create a transitional area as well as the style, layout and design of the proposed use, the patterns of development of both the residential zone and the neighboring commercial or industrial zone, and the permit would have on the uses existing in both zones.
  3. The applicable schedule of Area, Height, Bulk and Placement Regulation shall be in accordance with the residential designation of the zone where the parcel exists as found in Table I of the Zoning Regulations. The maximum combined coverage of buildings, accessory structures and parking area shall not exceed 45% of the lot area. In instances where a sideyard involves property dedicated to a buffer zone, the minimum sideyard shall be increased to the depth of the

required buffer.

4. Each special permit use shall include a buffer area on each side of the area which faces another property in a residential zone. The buffer shall be not less than 30 feet wide, planted with such vegetative matter as the Commission shall approve, suitably landscaped and maintained.
  5. Parking shall conform to the provision of Section 21 as applicable.
  6. Signage shall be in accordance with those permitted for a residential zone under the Zoning Regulations.
  7. Lighting shall be designed, located and maintained so as to minimize glare and illumination off the parcel. Special care should be taken to design the lighting in such a fashion that it does not interfere with or encroach upon nearby residential uses.
  8. Access to the use must be from a state highway or a town road facing or bordering an existing commercial or industrial parcel.
  9. Child day care centers or group day care homes licensed under Section 19a-77 of the *Connecticut General Statutes* or a school for kindergarten age children per Section 10 of the *Connecticut General Statutes* are permitted by Special Permit in professional and/or business offices approved and constructed pursuant to section k. 1. through 9 of these regulations. (Effective Date: November 22, 2004)
- l. Communication towers subject to the provisions of Section 25.
  - m. Permanent year-round farm markets provided they meet all of the following conditions:
    1. The market shall be on a parcel, which abuts a state highway or a town collector road.
    2. Products and services which may be sold shall include produce, dairy and food products primarily from products grown or produced on the premises or elsewhere in Connecticut when reasonably available and except during times of winter weather

conditions; farm bakery products; hot and cold deli products which must be prepared on site; light grocery, soups, coffee, cider, juices, and soda; flowers; seasonal farm products (such as honey, maple syrup, jams, dried fruits and candy); seasonal crafts (such as wreaths, baskets ornaments, flower pots); pick your own vegetables and fruits; pre-cut Christmas trees, and horticultural supplies.

3. Buildings shall meet setback requirements of the zone in which they are located.
4. Adequate off street parking shall be provided but in no event, less than one (1) space for each 250 square feet of gross building area of the market.
5. The market shall be located within either an existing farm structure or a permanent separate rural, farm-like structure that is not to exceed 1,500 square feet and is compatible with the neighborhood.

n. Private Schools

Such use shall be permitted only in the R-2 and R-2A Zones.

Minimum lot area shall be seven (7) Acres.

Minimum front yard shall be seventy (70) Feet.

Minimum side and rear yards shall be thirty five (35) feet.

Maximum height shall be thirty five (35) feet.

Maximum coverage of buildings and impervious surfaces shall not exceed twenty (20) percent. The design engineer shall demonstrate through the use of design techniques and best management practices that coverages between eleven (11) and twenty (20) percent are equivalent to the runoff equivalent of ten (10) percent.

The Commission may impose such buffering and/or screening requirements as it deems necessary to protect adjacent properties from any off site impacts of the proposed use.



- o. Within the Gateway Conservation Zone, residential dwellings in excess of 4,000 square feet of total floor area, pursuant to the standards and criteria of Section 10, Gateway Conservation Zone. (Effective Date: December 1, 2004)
- 6.4. This paragraph was deleted on March 16, 1998.
- 6.5. Accessory Apartment Requirements -- The construction of accessory apartments shall only be allowed in existing residential structures and are subject to the following standards and conditions:
- a. Requests for accessory apartments must demonstrate that all health, building, fire, and other local and state codes and regulations can be satisfied.
  - b. Either the single family dwelling or the apartment unit shall be occupied by the owner of the premises. Evidence of this restriction shall be filed on the land records and in a form approved by Town Counsel. The accessory apartment may not be occupied by more than three (3) people.
  - c. The non-accessory unit portion of the single family residence shall meet the minimum floor area requirements of these regulations.
  - d. The floor area of the accessory apartment shall not exceed 33 1/3% of the non-accessory unit.
  - e. The maximum number of bedrooms in an accessory apartment shall be two (2).
  - f. Conversion of a structure to accommodate an accessory apartment must conform to setbacks and coverage requirements of the underlying zone. An existing structure in a nonconforming location on a lot may be converted to accommodate an accessory apartment provided such conversion does not result in an expansion of such nonconformity. There shall be no external evidence of the accessory apartment other than what is required by the Fire Marshal, Building Official or Health Official. Under such requirements construction shall be in harmony with the single family character of the structure and the neighborhood. The construction of new exterior stairways shall be properly screened from view off site.
  - g. There shall be no more than two dwellings units per lot.

- h. No structure on a lot with an accessory apartment is eligible to be used for a professional office or a home occupation.
- i. Off street parking shall be provided in accordance with Section 21 and shall be accomplished so as to not disrupt the single family character of the lot.

6.6 Parking and Storage of Commercial Motor Vehicles and Construction Equipment in Residential Districts (See Section 21.4)

**SECTION 7**  
**COMMERCIAL ZONES - C1**

7.1 The following uses are permitted by right:

- a. Bed and Breakfast limited to two(2) bedrooms and serving no meals except breakfast.
- b. Agriculture, forestry, truck gardening, livestock and poultry raising and dairy farming.
- c. Temporary roadside stands for the seasonal sale of farm produce and products, only when accessory to the premises on which they stand, provided they shall contain not more than 200 square feet in area. Such stand shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections, and not less than 10 feet from the side boundary.
- d. Tag sales, subject to the provisions of Section 20 of these regulations.
- e. Existing residential units and their expansion, excluding the conversion of single family dwellings to two family dwellings.

7.2 The following uses are permitted subject to approval of a site plan in accordance with Section 14 of these regulations:

- a. Retail stores.
- b. Professional and business offices.
- c. Theaters.
- d. Barber and beauty shops.
- e. Watch and shoe repair and similar personal services.
- f. Tailoring and cleaning establishments.
- g. Financial institutions.

- h. Churches and schools.
- i. Bona fide clubs or community houses not operated for profit.
- j. Public recreational uses, non-profit parks and playgrounds.
- k. Nursery gardening and greenhouses.
- l. Buildings used for the storing, processing and manufacture of agriculture and forestry products accessory to a farm.

7.3 The following uses are permitted subject to the issuance of a special permit by the planning and zoning commission:

- a. Filling stations.
- b. Automobile sales and repair shops.
- c. Automobile parking lots.
- d. Marinas, docking facilities for commercial fishing boats and commercial boat cruise line facilities and passenger terminals.
- e. Stores for the sale of alcoholic beverages.
- f. Restaurants; including drive-in type establishments where customer are serviced in motor vehicles or primarily at food take-out counters
- g. Post offices.
- h. Police stations, fire houses, volunteer ambulance headquarters or other municipal building and uses.
- i. Housing for elderly and/or physically handicapped persons. In addition to customary special permit requirements, the provisions of Section 13 shall be applied.
- j. One or more dwelling units in combination on a lot with other uses permitted in the commercial zone subject to the provisions of Section 26.
- k. Contracting or construction yards subject to the following:

1. The Commission may require a buffer strip between 5 and 100 feet in width and where necessary, require landscaping as in accordance with Section 7.4.
2. All fences erected shall be no closer than 15 feet from the lot boundaries and at a height determined appropriate by the Commission.
3. All other aspects of the activity must be compatible with other surrounding uses as determined by the Commission.

l. Communication towers subject to the provisions of Section 25.

m. Self Storage Facility

7.4 Buffering Requirements -- Where any lot or part thereof abuts a lot devoted to residential use without separation by a street, or where the lot is used for a contracting or construction yard and the commission determines a buffer strip is necessary there shall be a fifteen (15') foot wide landscaped buffer strip properly seeded with grass and planted with trees and shrubs to insure an adequate screening between commercial or industrial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for commercial purposes. The buffer strip shall be located on the lot devoted to the commercial use. Failure to maintain such strip in good condition shall constitute a violation of these regulations by the owner of such lot or portion thereof.

## SECTION 7A.

### VILLAGE DISTRICT

#### 7A.1 PURPOSE AND SCOPE:

The purpose of this zoning district (the "Village District") is to integrate and reconcile the protection and preservation of aesthetic resources and promote environmental protection, economic development, education, recreational development, historic preservation and the preservation of community character concerning the Higganum Center area of the Town of Haddam that possesses characteristics consistent with village centers. Specifically, this Village District exists to promote and preserve community assets and unique resources, and encourage denser commercial development consistent and in harmony with existing structures in the Higganum Center area of the Town of Haddam. These regulations are not promulgated pursuant to C.G.S. 8-2j and are not intended to create or require the imposition of any regulations pursuant thereto.

Furthermore, it is the intent of this Section to encourage the conservation, conversion and preservation of existing buildings and uses in a manner which maintains or enhances the historic, natural and community character of the Higganum Center area of the Town of Haddam, and is consistent with village center architecture, denser commercial village land use patterns, and a pedestrian friendly atmosphere. The arrangement and orientation of any proposed building or site improvement should be both appropriate for the property, and consistent with the development of the village center, adjacent properties, and properties within the immediate neighborhood.

In addition to specifying minimum standards for the Village District, and in order to encourage denser commercial development consistent with village centers, this Village District also provides a special procedure that authorizes the Planning and Zoning Commission (as used herein the term "Commission" shall mean the Planning and Zoning Commission) to modify certain standards of the Regulations under special circumstances. The purpose of this modification procedure is to encourage property and business owners to develop commercial uses that go beyond simply meeting the minimum standards in order to substantially advance the goals of this Village District. This modification procedure is limited to certain regulatory standards, and is further limited in the degree to which any modification may be approved. Specifically, this modification procedure to be utilized by the Planning and Zoning Commission does not provide for complete variance relief as is

delegated to the Zoning Board of Appeals of the Town of Haddam, as provided by law.

**7A.2 APPLICATION REVIEW PROCESS:**

- A. These Village District Zoning Regulations provide for certain permitted uses within the District subject to one of the following review processes:
1. Administrative Review and Zoning Permit by the officer and/or person charged with the enforcement of these Regulations by the Commission as provided by Section 7A.6 of these Regulations;
  2. Site Plan review as provided by this Section, and as further provided by Section 14 of these Regulations; and/or
  3. Special Permit review as provided by this Section, and as further provided by Section 15 of these Regulations.

The purpose and intent of this regulatory review procedure is to promote the efficient review of proposals, and consistent application of the Regulations, whereby less intense uses may be permitted subject to the Administrative Review and Zoning Permit process, with more intense uses being subjected to either the Site Plan or Special Permit review process. The procedure further provides that the Commission may specially modify, in limited fashion, certain regulatory standards when reviewing proposed uses. This modification procedure is specified in Section 7A.5.

- B. This Village District shall not apply to existing non-conforming buildings and uses unless otherwise provided by Section 29 of these Regulations.

**7A.3 MINIMUM STANDARDS:**

- A. The minimum standards for all uses in the Village District are the standards set forth in Section 4, Table 1 of these regulations, plus the following standards:
1. New streets or major driveways (e.g., common driveways or driveway serving buildings of more than 15,000 square feet of total floor area) shall be connected to a state highway or town road .

2. Notwithstanding any provision of these Regulations, and to the extent permitted by state health and sanitation regulations, shared septic and well system arrangements that facilitate denser commercial development are encouraged.
3. The landscape design of any site development proposal shall reinforce functional qualities of existing open space and landscape patterns within the Village District.
4. To the extent possible relative to site constraints, safety issues and traffic patterns, parking areas shall not be located in a required minimum front yard, and parking areas shall be designed with no more than ten (10) spaces without a landscaped island or buffer area.
5. Notwithstanding any provision of Section 21 of these Regulations, parking areas shared with adjacent properties, or parking on public streets in designated places, are encouraged and may receive credit for compliance with Section 21 subject to any shared parking being consistent with the purpose and scope of this Section and the public safety. To the extent possible, give constraints, all shared parking areas shall include access to adjacent parking areas and undeveloped parcels to assure a coordinated and consistent parking area for the entire Village District. Where shared parking is provided or on street parking is available, the Commission shall have the discretion to determine the total required spaces consistent with the use of the properties.
6. Provision for safe and convenient pedestrian access shall be included.
7. To the extent possible given site constraints, exposed storage areas shall be limited, and machinery, waste containers, service areas, truck loading areas, utility buildings, and central air conditioning facilities shall be screened from view of public streets and abutting properties using plantings, fencing or other methods compatible with the purpose and scope of this Section as may be determined by the Commission.
8. Plain concrete, plain metal, and plain plywood are not permitted building materials for the exterior street or parking area



façade(s) of any building unless such materials are approved by the Commission within its discretion, or as part of a modification request as provided herein.

#### **7A.4 PERMITTED USES:**

A. Any use not expressly permitted hereunder is prohibited. The following uses are permitted as of right subject to these regulations:

1. The following uses are permitted by Administrative Review and Zoning Permit as provided by Section 7A.6 of these Regulations, where the total floor area for such proposed use does not exceed 2,000 square feet of total floor area:

- (a) Retail;
- (b) Business or professional office;
- (c) Theatre;
- (d) Barber shop, beauty salon and standard personal service establishments;
- (e) Bank or financial institute (provided that no drive-through services are permitted unless the drive-through use is approved by the Planning and Zoning Commission as provided by Section 7A.5 of this Section);
- (f) Restaurant (provided that no drive-through services are permitted unless the drive-through use is approved by the Commission as provided by Section 7A.5 of this Section);
- (g) Bakery or other food service shops
- (h) Bed and breakfast establishment:
- (i) single-family residential use where such residential use is part of a mixed use development the ratio of residential to commercial units shall be within the discretion of the Commission given the attendant circumstances;
- (j) Artist, artisan and craft establishment; and

- (k) Municipal, state or federal park, or duly qualified private land trust subject to limitations of Section 24 of these Regulations.

2. Site Plan Review:

The following uses are permitted subject to site plan approval as provided by Section 14 of these Regulations and this Section:

All those uses as provided in Section 7A.4.A.1. of this Section, where such use is in excess of 2,000 square feet of total floor area. Provided, any retail use shall not exceed 15,000 square feet of total floor area, and no bakery or other food service shop shall exceed 5000 square feet without a special permit.

3. Special Permit Review

The following uses are permitted subject to Special Permit review as provided by Section 15 of these Regulations, and this Section:

- (a) Public transportation facility;
- (b) Hotel, and/or conference center;
- (c) Post office;
- (d) School or educational facilities;
- (e) Church or house of worship;
- (f) Bakery or other food service shop (in excess of 5,000 square feet)
- (g) Housing for the elderly (see Section 13);
- (h) Assisted living or congregate housing (see Section 13A);
- (i) A multi-family residential use where such use is part of a mixed use development (see Section 26);
- (j) Health club or private recreational facility (not subject to limitations of Section 24);

- (k) Dry cleaning facilities;
- (l) Clubs owned and managed by qualified charitable organizations;
- (m) Light manufacturing with accessory retail sales and/or storage, not to exceed 5,000 square feet in total floor area;
- (n) Recreational facilities including, outdoor recreational facilities (see Section 24) Municipal uses except those housing public works facilities;
- (o) municipal or community sewer or septage systems.

B. An applicant may seek a modification of any regulatory requirement concerning a use permitted by administrative, site plan or special permit review, as provided by Section 7A.5 of this Section. However, the provisions of the modification provisions of Section 7A.5 must be substantially satisfied as determined by the Commission, including, but not limited to, the public hearing requirement.

**7A.5 MODIFICATION PROCEDURE FOR USES PERMITTED IN VILLAGE DISTRICT:**

A. In an effort to encourage denser development within the Village District consistent with a village center, and promote environmental protection, economic development, education, recreational development, historic preservation and the preservation of community character within this Village District, an applicant may seek a modification of certain regulatory requirements as provided by this subsection. In addition, to those minimum standards required by this Section, and those standards provided by the Administrative Review and Zoning Permit, Site Plan, and Special Permit review and approval processes, the applicant must demonstrate to the satisfaction of the Commission that such modification adds to and complements the character of the Village District, does not adversely impact upon adjacent property or properties in the Village District, and substantially satisfies the standards as provided in this subsection. This is not a variance procedure as permitted by C.G.S. 8-6 and the procedure is limited to the following regulatory requirements applicable to the Village District and if not expressly provided for herein no modification of any other requirement may be granted by the

Commission nor may the Commission grant a modification or change in use:

1. Lot coverage;
2. Minimum lot size;
3. Minimum lot frontage;
4. Front, side and rear yard setbacks;
5. Building height;
6. Sizes of outdoor signs;
7. The requirement that dwelling units and other permitted uses be in the same structure (Section 26.1.(a)).
8. Dwelling density (Section 26.1(b)), commercial gross square footage (Section 26.1(d)), and recreation and open space requirements (Section 26.1(i)) applicable to mixed uses under Section 26 hereof;
9. Parking requirements;
10. Construction materials

The Commission may not grant any modification in excess of 75% of the regulatory requirement, sought to be modified in effect at the time of the request. Table 1, section 4 shall set the minimum and maximum modifications that may be granted.

- B. Any application to modify any of the aforementioned regulatory standards is subject to a public hearing as provided by Section 8-7d of the Connecticut General Statutes. In addition, any such application must satisfy this subsection, and Sections 14 and 15, if such proposal requires Site Plan or Special Permit approval, respectively. No showing of a hardship shall be necessary for the Commission to grant any modification pursuant to Section 7 inclusive nor shall any regulation herein prohibit any applicant from seeking a variance in addition to any modification which may be granted hereby.
- C. In addition to the regulatory standards set forth in Section 7A.3, in

reviewing a modification request as provided for in this Section, the Commission may consider any of the following standards if it determines such standards to be applicable or relevant to the application, and may approve such modification application if it determines in its discretion that such application substantially satisfies such standards:

1. The locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site development design. Creative reuse of existing buildings of significant historical or architectural interest is encouraged in order to reduce or minimize the removal or loss of historic, traditional or significant structures or architectural elements.
2. Exterior signage, site lighting and accessory structures shall support a uniform architectural theme and present a harmonious relationship with the adjacent properties and properties within the Village District. The design and material of any exterior structures shall be consistent with a village theme in the Village District, including the color, size, height, proportion of openings, roof treatments, building materials and landscaping.
3. The scale, proportions, massing and detail of the proposed construction shall be comparable to the scale, proportion, massing and detailing of structures located on adjacent properties, and other properties in the Village - District, and shall be consistent with a village theme.
4. The use and integration of stone walls, landscaping, walkways, benches and attractive fences consistent with a pedestrian-friendly atmosphere shall be incorporated into the site plan.
5. Provision shall be made for parking bicycles in locations that are safely segregated from automobile traffic and parking.
6. The applicant shall consider minimizing parking by demonstrating whether the applicant has been able to enter into a long-term parking sharing agreement with an adjacent property owner, or owners of properties within the Village District in the immediate vicinity of the subject real property, or by making use of available on street parking.

- D. The applicant shall provide an architectural plan illustrating project elevations, architectural features, building materials, lighting designs and landscaping designs.
- E. The applicant shall demonstrate to the satisfaction of the Commission that the proposed modification will produce equal or better results than could be achieved by a site development without the requested modification, and further demonstrate that the requested proposed modification is the minimum necessary to achieve a site development consistent with the purposes, scope, goals, objectives and standards of this Section, and is consistent with the public health and safety as provided by these Regulations.
- F. If the Commission determines in its discretion that the applicant has substantially satisfied the requirements for a modification, the Commission may, by a majority vote of the commission, vote, approve the modification application request. This modification approval shall be specifically noted on the approved plans, and notice of such modification shall be recorded on the land records of the Town of Haddam within sixty (60) days of the date of the approval, or within sixty (60) days of the expiration of any appeal period, as provided by law.

#### 7A.6 ADMINISTRATIVE ENFORCEMENT

- A. The Planning and Zoning Commission authorizes the Zoning Enforcement Officer of the Town of Haddam ("ZEO") to approve certain uses as provided by Section 7.A.4.A of these Regulations entitled "Administrative Review and Zoning Permit," which is a subsection of Section 7A entitled "Village District Zoning Regulations." This is not a delegation of enforcement authority for such enforcement that may be provided for under C.G.S. 8-6.
- B. The ZEO may approve certain uses as provided by Section 7.A.4.A, subject to the applicable provisions provided in these Regulations. Any application for Zoning Permit as provided by this Section 7A.6 shall be requested, in writing, by the owner of the subject property.
- C. Any decision by the ZEO concerning an application for a Zoning Permit as provided in this Section 7A.6, shall be noticed by newspaper publication within fifteen (15) days of such decision. The applicant shall be responsible the cost of publication and the Town shall cause same to be published. Any such cost and fees shall be collected as part

of the application fee when the application is submitted to the clerk of the Commission.

- D. Any party aggrieved by a decision of the ZEO concerning an application for a Zoning Permit as provided by this Section, may petition the Planning and Zoning Commission within fifteen (15) days of the date that notice of the ZEO's decision is published to review the application. This provision applies to an aggrieved applicant who must publish notice of the ZEO's decision as provided by Section 7A.6(C) regardless as to whether the ZEO's decision is to approve or deny the applicant's application for Zoning Permit. The Commission shall entertain a public hearing or meeting, at its discretion, concerning such petition at the Commission's next regular scheduled meeting provided that notice of such public hearing, in the event the Commission requires same, is published as provided by Section 8-7 of the Connecticut General Statutes. The provisions of Section 8-7d of the Connecticut General Statutes shall apply to such public hearing. A filing fee for such appeal shall be required which shall include an amount sufficient to satisfy costs associated with all public hearing and decision publication requirements.
- E. The Commission will review de novo any application submitted pursuant to this Section 7A.6, for the purpose of determining whether the application complies with the terms and provisions of Section 7A.6. The Commission shall render a decision on any such application. Any such decision by the Commission shall be published as provided by law, and is subject to appeal as provided by Section 8-8 of the Connecticut General Statutes.

## SECTION 8

### INDUSTRIAL ZONE - I-1

- 8.1 The following uses are permitted by right:
- a. Single family and two family dwellings and accessory buildings existing prior to the effective date of this regulation. Residences in industrial zones shall conform to the regulations prescribed for R-1 zones. See Table I for lot requirements for single and two family dwellings.
  - b. Uses existing prior to the effective date of this regulation, provided that expansion, except, for uses permitted in Section 8.1, or change in use of existing buildings or uses, are subject to Section 8.2 of these regulations.
  - c. Agriculture, forestry, truck gardening, livestock and poultry raising and dairy farming.
  - d. Temporary roadside stand for the seasonal sale of farm produce and products, only when accessory to the premises on which they stand, provide they shall contain not more than 200 square feet in area. Such stand shall be not less than 20 feet from any street line, and not less than 50 feet from any street intersections, and not less than 10 feet from the side boundary.
  - e. Tag sales, subject to the provisions of Section 20 of these regulations.
- 8.2 The following uses are permitted subject to the issuance of a special permit by the planning and zoning commission:
- a. Legal industrial uses which are not dangerous by reason of fire or explosion hazard, nor injurious, noxious or detrimental to the community or neighborhood by reason of the emission dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature, except for the following which are prohibited: Acetylene gas manufacture; acid manufacture; alcohol and ammonia manufacture; ash storage or treatment/arsenal; asphalt manufacture or refining; blast furnace; bleaching powder or chlorine manufacture; boiler works, brewery; cement, lime, gypsum or plaster-of-Paris manufacture; coke oven; crematories; creosote manufacture or



treatment, disinfectants manufacture; distillation of bones, coal or wood; dyestuff manufacture; explosives or fireworks manufacture or storage; fat rendering; fertilizer manufacture; gas manufacture; glue, size or gelatin manufacture; oilcloth or linoleum manufacture; paper and pulp manufacture; refining of, or wholesale storage of petroleum or its products; rolling mill or drop-forge; shoe polish manufacture; smelting of tin, copper, zinc, or iron ores; slaughter of animals or fowls and stockyards; tanning, curing or storage of rawhides or skins; tar distillations or manufacture; tar roofing or waterproofing manufacture; yeast plant; junk yard.

- b. Expansion or change in use of existing buildings or uses, except for residential purposes (See also Section 29 on Non-Conforming Buildings and Uses)
- c. Professional and business offices and post offices.
- d. Contracting or construction yard subject to the following:
  - 1) The Commission may require a buffer strip between 5 and 100 feet in width and where necessary, require landscaping as in accordance with Section 8.3
  - 2) All fences erected shall be no closer than 15 feet from the parcel boundaries and at a height determined appropriate by the Commission.
  - 3) All other aspects of the activity must be compatible with other surroundings uses as determined by the Commission.
- e. Communication towers subject to provisions of Section 25.

8.3 Buffering Requirements -- Where any lot or part thereof abuts a lot devoted to residential use without separation by a street or where the lot is used for a construction or contracting yard and the Commission determines a buffer strip necessary, there shall be a fifteen (15') foot wide landscaped buffer strip properly seeded with grass and planted with trees and shrubs to insure an adequate screening between commercial or industrial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed with and approved by the Planning and Zoning Commission before such lot or portions thereof may be used for industrial purposes. The buffer strip shall be located on the lot devoted to the industrial use. Failure to maintain such strip in good condition shall

constitute a violation of these regulations by the owner of such lot or portion thereof.

#### 8.4 Performance Standards

- a. Dust, dirt, fly ash and smoke: No dust, dirt, fly ash or smoke shall be emitted into the air as to endanger the public health and safety; to impair the safety, value and enjoyment of other property; or constitute a critical source of air pollution by itself or in conjunction with other existing sources of dust, dirt, fly ash or smoke.
- b. Odors, gases and fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
- c. Noise: With the exception of time signals and noise necessarily 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.
- d. Glare and heat: The use shall be arranged so that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.
- e. 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.
- f. Sewage: The disposal of sanitary wastes shall comply with standards and regulations established by the most recent edition of the Public Health Code of the State of Connecticut. The discharge of substances into rivers and streams shall be subject to regulations of the Connecticut Department of Environmental Protection and to any other applicable regulation.

There shall be no discharge of industrial waste onto the ground or into ground or surface waters.

- g. Fire and explosion hazards: The uses shall conform to the Fire Safety Code of the State of Connecticut, and any other applicable regulation.
- h. Ionizing radiation and radioactive materials: The use shall conform to the most recent edition of the Public Health Code of the State of

Connecticut with regard to sources of ionizing radiation and radioactive materials and to any other applicable regulation.

- i. Electromagnetic interference: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

## **SECTION 8A**

### **INDUSTRIAL ZONE – I-2**

**8A.1** The following uses are permitted subject to the issuance of a special permit by the planning and zoning commission:

- a.** Gas powered electric generation facilities subject to the performance standards enumerated in Section 8.4.
- b.** Ancillary executive and administrative offices.

## SECTION 9

### INDUSTRIAL PARK ZONE

- 9.1 Description and Purpose -- The Industrial Park District has been established in order to provide for the most rational and orderly development of land uses. Further development of residences is prohibited in the district in order to effectively utilize the supply of suitable industrial land and to prevent residences from being established under mutually adverse conditions.

The regulations for this district are intended to encourage development compatible with surrounding or abutting residential, institutional and public uses, and to insure suitable open spaces, landscaping and parking area. To these ends, development is limited to a relatively low density; external effects are minimized; and permitted uses are confined to those administrative, storage, distribution, and manufacturing activities that can be carried on in a stable and orderly manner, and to permit those facilities that are necessary to serve the needs of the district.

- 9.2 The following uses are permitted by right: none
- 9.3 The following uses are permitted subject to approved by a site plan in accordance with Section 14 of these Regulations: none
- 9.4 The following uses, and no others, shall be permitted in the industrial park district subject to the issuance of a special permit in accordance with Section 15 of these regulations, including site plan review, by the Planning and Zoning Commission:
- a. Executive or administrative offices.
  - b. Research laboratories.
  - c. The manufacture, processing or assembling of goods.
  - d. Warehousing or wholesale business.
  - e. Any necessary or related uses customarily incidental to any permitted use or necessary to adequately serve the needs of the district shall be permitted in the Industrial Park District.

- f. Communication towers subject to the provisions of Section 25.

#### 9.5 Open Space and Other Requirements

- a. Each lot shall have a minimum of two acres and shall have a frontage of 200 feet or more on an approved Town road and for each acre over the minimum lot size an additional 25 feet frontage on an approved Town road shall be required.
- b. A ratio of seven square feet of land area to one square foot of floor area excluding basement floor area but including the area occupied by accessory structures and outdoor uses, shall be maintained.
  - 1) A portion of or all abutting permanent public open space land may, at the discretion of the Commission, be considered to fulfill in part the open space land required in the determination of the permitted floor area, to the extent that the Planning and Zoning Commission determines it to be:
    - \* an equitable distribution among abutting industrial uses as determined by Commission, and
    - \* consistent with the objectives of this ordinance and the interests of the community.
  - 2) A portion or all of the area occupied by accessory buildings, parking areas, and outdoor uses may, at the discretion of the Commission, be considered to fulfill in part the open space land area required in determination of the permitted floor area to the extent that the Planning and Zoning Commission determines it to be consistent with the objectives of this ordinance and the interest of the community.
- c. No primary building shall be less than 5,000 square feet in floor area;
- d. No building or other structure shall extend within 70 feet of any street line or within 30 feet of any lot line.

#### 9.6 Performance Standards

- a. Dust, dirt, fly ash and smoke: No dust, dirt, fly ash or smoke shall be emitted into the air as to endanger the public health and safety; to impair the safety, value and enjoyment of other property; or constitute

a critical source of air pollution by itself or in conjunction with other existing sources of dust, dirt, fly ash or smoke.

- b. Odors, gases and fumes: No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
- c. Noise: With the exception of time signals and noise necessarily 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.
- d. Glare and heat: The use shall be arranged so that any glare or radiant heat produced is shielded so as not to be perceptible at or beyond any property line.
- e. 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.
- f. Sewage: The disposal of sanitary wastes shall comply with standards and regulations established by the most recent edition of the Public Health Code of the State of Connecticut. The discharge of substances into rivers and streams shall be subject to regulations of the Connecticut Department of Environmental Protection and to any other applicable regulation.
- g. There shall be no discharge of industrial waste onto the ground or into ground or surface waters.
- g. Fire and explosion hazards: The uses shall conform to the Fire Safety Code of the State of Connecticut, and any other applicable regulation.
- h. Ionizing radiation and radioactive materials: The use shall conform to the most recent edition of the Public Health Code of the State of Connecticut with regard to sources of ionizing radiation and radioactive materials and to any other applicable regulation.
- i. Electromagnetic interference: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference, and to any other applicable regulation.

## 9.7 General Requirements

- a. Only outdoor storage areas which are in accord with the objectives of the Industrial Park District and are shown on the approved Site Development Plan on file with the Town Clerk are permitted.
- b. Off-street parking and loading spaces shall be provided in accordance with Section 21.
- c. Provisions shall be made in the development of any parcel, when deemed practical and necessary and in accordance with the objectives of the Industrial Park District, to allow for future access to abutting parcels.
- d. All utilities shall be placed underground.
- e. Appropriate screening shall be provided for parking areas, loading areas, accessory buildings, storage areas and other appropriate areas as required by Section 8.3 for Industrial Zones.
- f. All roads shall be constructed according to the appropriate Subdivision Regulations of the Town of Haddam.
- g. Where any lot or part thereof abuts a lot devoted to residential use without separation by a street, there shall be a fifteen (15') foot wide landscaped buffer strip properly seeded with grass and planted with trees and shrubs to insure an adequate screening between commercial or industrial and residential uses. Plans showing the work to be done, with assurance of completion and future maintenance, shall be filed with and approved by the Planning and Zoning commission before such lot or portions thereof may be used for commercial purposes. The buffer strip shall be located on the lot devoted to the commercial or industrial use. Failure to maintain such strip in good condition shall constitute a violation of these Regulations by the owner of such lot or portion thereof.



## SECTION 10

### GATEWAY CONSERVATION ZONE

10.1 Permitted Uses -- With the exception of uses prohibited in Section 10.2, all uses, which are permitted by right, permitted with site plan review or permitted by special permit, under the Haddam Zoning Regulations, in the zone designated in Section 5.1 shall also be permitted with the same conditions, in such zones within the Gateway Conservation Zone.

#### 10.2 Prohibited Uses

- a. Dumping and Storing of Refuse: No dumping or storage of refuse shall be permitted other than the temporary dumping or storage of small amounts of such material for brief periods pending final lawful disposition, or shall any new public solid waste disposal facility be established or an existing facility be expanded in area.
- b. Removal of Earth Materials: The removal of soil and earth materials shall be prohibited except as indicated in Section 18 of these regulations.
- c. Signs, Directional: Signs which call the attention of the general public to any commercial activities, services or products not available on the premises where the sign is located are prohibited.

(The following Sections were effective December 1, 2004.)

10.3 Setback from a Water Course -- No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered within one hundred (100) feet of the high tide line, as defined in the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands. At its discretion, upon determination of functional need, the local commission having jurisdiction may issue a special permit to reduce the setback for structures that require direct access to the water as an operational necessity such as piers, docks, and boathouses.

Buildings and structures accessory to a conforming residential use, not intended for human occupancy, and outside the Gateway Conservation Zone, are exempt from this regulation.

## 10.4 Definitions

For the purposes of Section 10, Gateway Conservation Zone, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the context, words used in the present tense include the future, and the plural includes the singular, and the word "shall" is intended to be mandatory.

Commercial Cutting Plan -- A plan showing the applicant's property and abutting property owners, a description of the activity to be undertaken, and a certification by a public or consulting forester that the plan is consistent with the "Minimum Standards for Cutting Timber" set forth in "Town of Haddam Wetlands Commission Forest Practices Regulations" adopted 1/10/2000.

Developed Area -- To be determined and defined by the Haddam Planning and Zoning Commission.

Non-Commercial Cutting -- The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure and/or cutting for the customary maintenance and lot improvement. Sale of cordwood or other incidental forest products resulting from such maintenance and lot improvement shall not constitute commercial cutting.

Earth Materials Removal -- The removal, excavation or mining of minerals, sand, gravel, clay, bedrock, peat, loam or topsoil.

Erosion and Sedimentation Control Plan -- A plan which sets forth measures to be undertaken for the control of erosion and sedimentation.

Height -- The vertical distance between a horizontal plane through the highest point of a building or structure, excluding chimneys, and the lowest point of a building or structure which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height.

The Commission may consider and may approve a special permit application which allows maximum height to be measured from a new finished manufactured grade if such new grade is determined by the Commission to be consistent with the standards of special permit requirements for residential structures in excess of four thousand (4,000) square feet of total

floor area. The special permit is mandatory for all structure in excess of four thousand (4,000) square feet, and optional for structure with a total floor area of four thousand (4,000) square feet or less.

Human Occupancy -- The use of an enclosed space having a means of egress, light, ventilation and access to sanitary facilities to house any person or persons for the purpose of living, working or playing.

Multi-Family Project -- Any group of three or more dwelling units in one or more buildings on a single lot.

Site Plan -- A plan which includes the description and location of all existing and/or proposed buildings, structures and uses on a lot; utility lines, vehicular drives and parking areas, access, lighting, drainage and waste disposal facilities; adjacent ownership, outstanding physical features, watercourses and wetlands; any proposed modification or alteration of the lot's natural features, including the disturbance of vegetation and soil cover; and such further information as may reasonably be required.

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

Story Above Grade -- Any story having its finished floor surface entirely above grade, and any other story having its finished floor surface partially or entirely below grade where the finished surface of the floor next above is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter of the building or more than twelve (12) feet at any point.

Town -- A town which has voted to be governed by the provisions of Sections 25-102d through 25-102h of the Connecticut General Statutes, Lower Connecticut River Conservation Zone.

Total Floor Area -- The sum of the gross area of all floors in a structure, measured from the exterior faces of exterior walls. Gross floor area includes any area which is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has a structural headroom of at least six (6) feet. A basement or first floor which is located entirely below ground surface shall not be included in total floor area calculations.

Wetlands -- Those areas identified and defined in Section 22a-32, Connecticut General Statutes, as amended and Section 22a-38, Connecticut General Statutes, as amended.

10.5 Special Permit for Residential Structures in the Gateway Conservation Zone -- A Special Permit is required for all construction, reconstruction, enlargement, or structural alterations of principal and accessory residential structures which results in one or more buildings or structures having a combined total floor area in excess of 4000 square feet, in accordance with Sections 14 and 15 of the Haddam Zoning Regulations.

10.6 Residential Dwellings with Total Floor Area greater than 4,000 Square Feet -

- a. Purpose -- To assure that large scale residential structures and significant site modifications located within the Gateway Conservation Zone will not cause deterioration of the natural and traditional river scene.
- b. Exception -- A special permit shall not be required for residential structures over four thousand (4,000) square feet in total floor area under this Section if it can be demonstrated by the applicant that the proposed structure or structures will not be visible from the Connecticut River. Demonstration that a structure will not be visible from the Connecticut River shall consist of an area topographic map showing that there is intervening ground at an elevation at least thirty-five (35) feet above ground elevation of the proposed structure.
- c. Submission -- In addition to other town requirements for special permit applications, the applicant will provide site plans and building elevations prepared by an architect and/or landscape architect which show information on existing and proposed topography, building design and height measurements, proposed grading including cuts, fills and retaining walls, any required buffer area, proposed landscaping and plans for access to the waterfront, if applicable.
- d. Special Permit Criteria
  - 1) Proposed site development shall maintain the essential natural characteristics of the site, such as major landforms, natural vegetative and wildlife communities, hydrologic features, scenic qualities and open space that contributes to a sense of place.

- 2) Structures shall be adapted to the existing terrain, rather than altering the earth form to create a platformed development site.
- 3) Structures located above the crest of hillsides facing the river shall be held back from the crest of the hill to maintain a clear sense of the hillside brow in its natural coordination.
- 4) Vertical architectural elements shall not be over emphasized in a manner which disrupts the natural silhouette of the hillside. Structures shall be designed so that the slope angle of the roof pitch is generally at or below the angle of the natural hillside or manufactured slope.
- 5) Building forms shall be scaled to the particular environmental setting to avoid excessively massive forms that fail to enhance the hillside character. Massing of structural elements such as large roof areas shall be broken up to approximate natural slopes.
- 6) Roof lines shall relate to the slope and topography. Rooftop treatment shall be designed to avoid monotony of materials, forms and colors. Dark colored roof treatments, which reduce visual impact of the structure on the landscape, are preferred.
- 7) Site design shall preserve the existing natural landscape where possible and include new landscaping which is compatible with existing natural vegetation, the scenic character of the area, and increases visual buffering between the building and the River or its tributaries within the Gateway Conservation Zone.
- 8) Development shall be located so as to minimize disturbance of sensitive areas. The smallest practical area of land should be exposed at any one time during development and the length of exposure should be kept to shortest practical time. Disturbed areas shall be replanted with trees, shrubs and ground cover which are compatible with existing vegetation.
- 9) Site grading shall avoid straight and unnatural slope faces. Cut and fill slopes shall have curved configurations to reflect as closely as possible the forms and shapes of surrounding topography. At intersections of manufactured and natural slopes, abrupt angular intersections should be avoided and contours should be curved to blend with the natural slope.

10.7 Findings – The following findings shall be made by the Commission for Special Permits within the Gateway Conservation Zone:

- a. Proposed structures and site work have been designed to fit the hillside rather than altering the hillside to fit the structure and site design.
- b. Disturbance to existing topographic forms is minimized and proposed grading and excavation will not result in soil erosion and silting of lower slopes.
- c. The proposed development retains or enhances the visual character of the site and the area by utilizing proper structural scale and character, varied architectural treatments and appropriate plant material to buffer mass of the building from the river or its tributaries in the Gateway Conservation Zone.
- d. The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the river scene.

10.8 Vegetated Buffer -- There shall be no cutting of vegetation within a strip of land extending 50 feet in horizontal distance inland from the high tide line, as defined in Section 22a-359c of the Connecticut General Statutes, of the Connecticut River or any of its tributaries or associated wetlands, except as provided in this section.

- a. There shall be no clear cut openings, and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. Existing vegetation less than three feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses. Pruning of tree branches on the bottom third of trees is permitted. Fields which have reverted primarily to shrubs, trees or other woody vegetation shall be regulated under the provisions of this section. Cleared openings legally in existence on the effective date of these regulations may be maintained but shall not be enlarged.
- b. There shall be no timber harvesting within the buffer area except to remove safety hazards. When removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. Prior to cutting of diseased or damaged trees, a determination about the conditions of such trees shall be made by the

zoning enforcement officer, or a letter stating the necessity of such action submitted to the zoning officer by a public or consulting forester.

- c. In no event shall an opening be cleared for development, including but not limited to surface regarding, stormwater drainage structures, construction of retention walls, construction of principal or accessory structures, driveway construction, sewage disposal areas, and lawns and gardens.
- d. A footpath not to exceed five feet in width is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- e. Stairs or similar structures may be allowed with a permit from the zoning enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of five feet in width and does not extend below or over the high tide line of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.
- f. A vegetated buffer shall not be required for areas within the Conservation District which have been mapped and designated by the Planning and Zoning Commission as "developed areas". In such developed areas, property owners are encouraged, where feasible, to maintain a vegetated area of trees and shrubs immediately adjacent to the water to avoid erosion and enhance the scenic quality of the river scene.

## SECTION 11

### SPECIAL FLOOD HAZARD ZONE REGULATIONS

- 11.1 Purpose -- It is the purpose of these regulations to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- a. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
  - b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
  - d. Control filling, grading, dredging and other development which may increase erosion or flood damage;
  - e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- 11.2 Objectives -- The objectives of these regulations are:
- a. To protect human life and health;
  - b. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - c. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
  - d. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
  - e. To insure that potential home buyers are notified that property is in a



flood area.

11.3 Basis -- The basis for establishing the Special Flood Hazard Area is the Federal Insurance Administration's scientific and engineering report entitled "The Flood Insurance Study for the Town of Haddam, Connecticut, Middlesex County," effective July 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodways Maps, as amended or revised. Such Study, maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of these regulations.

#### 11.4 General Provisions

- a. A building permit, zoning permit, site plan approval and/or special exception shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- b. The Zoning Enforcement Officer shall notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and evidence of such notification shall be sent to the Federal Insurance Administration. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- c. The Zoning Enforcement Officer shall advise applicant that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
- d. The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.
- e. Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations shall be prohibited in the Special Flood Hazard Area, except in conformance

with these regulations.

- f. When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood evaluation of floodway data available from Federal, State or other source in order to administer Section 11.5 and 11.7 of these regulations.
- g. The Zoning Enforcement Officer shall record and maintain the following:
  - a) the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all or new or substantially improved structures,
  - b) the elevation (in relation to mean sea level) to which the new or substantially improved structures have been floor-proofed.
  - c) certification as to floodway heights, and
  - d) any and all certifications required under Section 11 of these regulations.
- h. The Zoning Enforcement Officer shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

#### 11.5 General Standards

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic or hydrostatic load, including the effects of buoyancy.
- b. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- c. All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- h. All manufactured homes (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level.
- i.. A building permit, zoning permit, site plan approval and/or special exception/permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process, or processes, are to be followed for the particular land use which is being proposed.
- j. In a zone where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development ( including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
- k. Use of land, construction other activities permitted within this Section shall be subject to approval by all applicable federal or state agencies.

11.6 Specific Standards -- The following provisions shall apply in all areas of special flood hazard A1-30, AE, AH or A zones where base flood elevation data has been provided in accordance with Section 11.4f or 11.7d of these regulations.

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

- b. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall: a) be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water: b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer.
  
- c. All manufactured homes (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be a) elevated so that the lowest floor is above the base flood elevation and b) placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not limited to, the use of over-the-top or frame ties to ground anchors.
  
- a. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
  - 1) Encroachments, including fill, new construction, substantial improvements, and other developments shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
  
  - 2) All new construction and substantial improvements in the floodway shall comply with flood hazard reduction provisions noted in this Section.

**11.7 Standards For Subdivision Proposals -- In all special flood hazard areas the following requirements shall apply:**

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- d. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

**11.8 Warning and Disclaimer of Liability -- The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Haddam or by any officer or employee thereof for any flood damages result from reliance on this ordinance or any administrative decision lawfully made thereunder.**

## SECTION 12

### AQUIFER PROTECTION ZONE

12.1 Purpose -- To protect the quality of groundwater through control of those activities that contribute pollutants to aquifers designated as existing or potential sources of public water supply.

12.2 The boundaries of the Aquifer Protection Zone, comprising primary and secondary recharge areas of aquifers designated as existing or potential sources of public water supply, are based on data established by the U.S. Geological Survey. Such boundaries shall be superimposed on the existing land use zones on the "Town of Haddam Comprehensive Zoning Map".

There are other areas within the Town of Haddam that have been identified as aquifers by the Natural Resource Center, Department of Environmental Protection in cooperation with the U.S. Geological Survey. However, these aquifers have not been designated as existing or potential sources or public water supply and are not included in the Aquifer Protection Zone.)

#### 12.3 Use Regulations

- a. Within a designated Aquifer Protection Zone, no land shall be used and no structure erected, constructed, reconstructed, altered or used except in conformance with these regulations and all other requirements of the applicable zone. All uses which are permitted in the existing land use zones are also permitted in an Aquifer Protection Zone with the following exceptions, restrictions and requirements.
- b. The following uses are prohibited:
  - 1) Disposal of solid waste in sanitary landfills or dumps, and
  - 2) Disposal of hazardous wastes.
- c. Road salt storage shall be permitted when such piles are located in a storage shed or covered so that rain water does not leach the salt. Storage must be underlaid by an impervious surface and run-off should be collected in an evaporative detention basin, or discharged to a surface water body with sufficient discharge to dilute the run-off.
- d. Underground fuel oil storage tanks and piping shall be designed in

conformance with the Rules and Regulations of the State Fire Marshal as authorized under Section 29-62 through 29-66 of the Connecticut General Statutes. The building Inspector or Fire Marshal shall inspect the fuel storage facilities prior to backfilling to insure prevention of leakage.

- e. All commercial and industrial uses are subject to a site plan review by the Planning and Zoning Commission. All commercial or industrial uses which involve the use, storage or manufacture of hazardous materials, including but not limited to those identified by section 3001 of the Resource Conservation and Recovery Act, shall be referred to the Connecticut Department of Environment Protection. In addition to the requirements set forth in Section 14 of the Haddam Zoning Regulations, the site plan shall be accompanied by a report detailing the following information:
  - 1) Amount of composition of industrial or commercial wastes including fly-ash and proposed method of disposal of such wastes outside the aquifer protection zone.
  - 2) Amount and composition of any hazardous materials including, but not limited to, those identified by Section 3001 of the Resource Conservation and Recovery Act of 1976, that are used, stored, transported, manufactured, or discharged at the site.
- f. New and enlarged manure storage sites shall be approved by the Department of Environmental Protection.
- g. Municipal septage disposal sites and lagoons are subject to a special permit and site plan review by the Planning and Zoning Commission. As part of the application for special permit and site plan review, the applicant shall submit the approval of the Water Compliance Unit of the Department of Environmental Protection. The application for special permit and site plan review will be considered incomplete and no public hearing shall be scheduled, without such approval.

## SECTION 13

### HOUSING FOR ELDERLY AND/OR HANDICAPPED PERSONS

- 13.1 The purpose of this section is to provide for alternative housing types with flexibility in the design and siting of structures exclusively for elderly and/or handicapped persons.
- 13.2 The applicant shall provide justification to the Commission that there is a need, among the citizenry of the Town of Haddam for housing for elderly and/or physically handicapped persons, sufficient to warrant consideration of the applicant's proposed development.
- 13.3 The applicant shall demonstrate to the Commission that future elderly and/or physically handicapped residents of the proposed development will be adequately served by transportation, shopping, recreation and service facilities and that the location is appropriate to insure that the health, safety, welfare and quality of living of residents are protected.
- 13.4 Applications for housing for elderly and/or physically handicapped persons, made pursuant to this section, shall be subject to the issuance of a special permit by the Planning and Zoning Commission and shall be permitted in residential and commercial zones only. Applications under this section shall meet the open space requirements for conservation subdivisions as set forth in Section 4.A.

Applications shall be subject to all requirements of Section 15, Special Permits.

#### 13.5 Specific Requirements

- a. Minimum Lot Area: 5 acres
- b. Yards and Coverage:
  - 1) Minimum Front Yard - 50 ft. or 2.5 times building height, whichever is greater.
  - 2) All other yards - 40 ft. or 2.5 times building height, whichever is greater.
  - 3) Maximum percent of land coverage by buildings: 15%
- c. Density: Maximum density shall be calculated on the basis of 4



bedrooms multiplied by the adjusted area. Adjusted area calculations shall be in accordance with Table II, of these regulations, the purpose of which is to provide for the deletion of unbuildable land in computing the maximum allowed density.

- d. Dwelling Units: No building shall contain more than eight (8) dwelling units and there shall be no more than 96 bedrooms per development.
- e. The maximum number of bedrooms in each dwelling unit shall be two.
- f. No space having its floor level above the second floor level above the finished grade shall be used for dwelling purposes and no space having its floor level below the finished grade shall be used for dwelling purposes except as a recreation or utility room.
- g. A statement of proposed residency shall be submitted with the application. It shall include a provision that a surviving spouse under age of 55 may be permitted to remain in the complex and that, except where prohibited by federal or state laws or regulations, Haddam residents shall be given first preference in occupancy.
- h. As part of the application, the applicant shall submit a statement from the Town Director of Health certifying that the land on which the housing will be constructed is satisfactory for on-site sewage disposal and water supply systems.

## SECTION 13A

### CONTINUING CARE RESIDENTIAL COMMUNITY

- 13A.1 The purpose of this section is to provide for the development of housing for an aging population which needs assistance in daily living. It is intended that this type of development will provide assistance where necessary to elderly persons who desire to live in their own residences to the maximum extent possible and to provide for increasing levels of care and assistance as needed. It is anticipated that such facility will be operated only by licensed professionals as mandated by the Connecticut Department of Public Health. Certification of such licensure will be required with any application for a special permit.
- 13A.2 A Continuing Care Residential Community may include independent living units in townhouses or attached single family houses, Assisted Living Facilities, Day Care Center for the Elderly, Convalescent or Nursing Facilities and associated recreation facilities which are intended for the use of the residents of the development.
- 13A.3 The total density calculation shall include a maximum density for independent living/assisted living units (residences) not to exceed six (6) two (2) bedroom units per acre and the number of nursing facility beds shall not exceed six (6) beds per acre.
- 13A.4 Building heights shall not exceed two and one half (2 ½) stories or thirty five (35) feet in height, whichever is less.
- 13A.5 All utility lines shall be placed underground.
- 13A.6 For purposes of this section, interior courtyards without roofs shall not be included in building area calculations but shall be included in the maximum coverage calculations in Table 1 for commercial uses.
- 13A.7 Off-street parking shall be in accordance with Section 21, except that one half (1/2) of the parking may be constructed of "grassy pavers".
- 13A.8 A pedestrian circulation system, with wheel chair access, shall be designed to provide separation between pedestrian and vehicular traffic.

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- 13A.9 Buildings shall be integrated in terms of architecture, color, texture, scale and shall be compatible to Colonial Style Architecture.
- 13A.10 The development site shall be located only in an area which contains soil with characteristics which will support an on-site water supply system and septic disposal.
- 13A.11 The development shall contain restrictions requiring at least one person in each independent living unit and all persons residing in any nursing home be over the age of sixty (60) years.
- 13A.12 The total number of nursing home beds shall not exceed the number of independent living/assisted living units.
- 13A.13 The minimum site size for a Continuing Care Residential Community shall be at least five (5) acres.
- 13A.14 Continuing Care Residential Communities shall be subject to the granting of a Special Permit by the Planning & Zoning Commission and may only be constructed in Commercial Zones.
- 13A.15 This section is not subject to variances or waivers of any zoning regulation and the Zoning Board of Appeals is prohibited from granting a variance of any of the above requirements.

## SECTION 14

### SITE PLAN REVIEW

**14.1 Site Plan Requirements** - Applications submitted for site plan review shall include a description of all proposed uses and structures and a Site Plan, prepared and certified by a land surveyor and/or professional engineer licensed in the State of Connecticut showing the subject lot and all structures on adjacent properties within 200 feet of the lot lines of subject lot; location and dimension of all proposed outdoor signs; and, any building plans for proposed structures as the Commission may require. Final Site Plans shall be clearly and legibly drawn in ink or printed on translucent linen, or any other material approved by the Public Records Administrator, and shall be 36 inches long and 24 inches wide or 18 inches long and 12 inches wide or 24 inches long and 18 inches wide, at a scale of 40 feet to 1 inch or at a scale acceptable to the Commission and accompanied by four (4) prints. The maps and plans shall be tied to the Connecticut Grid System coordinates for all sites containing twenty (20) or more acres in area, with at least two coordinates for each plan sheet. Final Site Plans shall be a "Class A-2 Survey" as defined by the Connecticut Association of Land Surveyors, Inc. and as approved by the State Board of Registration for Professional Engineers and Land Surveyors, and shall indicate the following:

- a. Name and address of the applicant, owner of record, name of development and all adjacent property owners.
- b. Name, address and professional seal of individual responsible for preparing the Site Plan.
- c. A location map (scale one inch equals 1,000 feet) showing location of site in relation to existing Town roads.
- d. Date, north arrow, scale and total acreage of site.
- e. The words, "Approved by the Haddam Planning and Zoning Commission" with a designated place for the signature of the Chairman or Secretary and date of signing.
- f. An outline of all existing and proposed deed restrictions or covenants applying to the property.

- g. Existing and proposed contours of the land at intervals of five feet, or less, as deemed appropriate by the Commission.
- h. Location and design of all existing and proposed uses not requiring a structure. For site plan reviews pursuant to Section 4.2 the rectangle specified in these regulations, with appropriate dimensions to show clearance from setbacks and other encumbrances, if any.
- i. Floor areas, principal uses and entrances and exits of each building.
- j. Location and design of all existing and proposed roads, curbs, sidewalks, driveways, and parking and loading areas with the number of stalls provided therewith.
- k. Location of existing and proposed buffer strips and screening, where necessary, showing the type, size and species of shrubs, trees, or other planting and landscaping materials; where applicable, the boundary of the minimum width of landscaped buffer strip that is required under the applicable use zone regulations with dimensions from property line.
- l. Location and design of all existing and proposed sanitary waste disposals and storm water drainage facilities, as well as other underground and above-ground utilities.
- m. Location and type of any existing or proposed exterior lighting including provisions for shading of such lighting.
- n. Where the applicant wishes to develop in stages, a Site Plan indicating initial development and each additional development stage shall be submitted for approval.
- o. In the case of uses or facilities requiring approval of any town, state and/or federal agency, department and/or official, the approval of such agency, department and/or official shall be submitted by the applicant.
- p. Location of existing water courses, wetlands, wooded areas and rock outcrops and other significant physical features on and within 200 feet of the property.
- q. Location of all permanent monuments.

- r. Location and design of all existing and proposed water supply systems for drinking and sanitary purposes, and for fire protection.

For developments that serve 25 or more residents and/or have 15 or more water service connections:

- 1) the site plan shall indicated whether or not the development will be served by a Community Water Company.
- 2) if a development is to be served by a Community Water Company, the applicant must submit the necessary State Department of Public Utility Commission and Department of Health Services certificates of compliance.

NOTE: As of October 1, 1984, prior to the creation or expansion of any community water company serving 25-1000 people or having 15-250 service connections, a certificate of public convenience and necessity that is granted jointly by DPUC and DOHS must be obtained. The Haddam Planning and Zoning Commission is prohibited by law to approve a development that uses such a community water company unless a certificate has already been issued by DPUC and DOHS to that water company.

- 14.2 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development totals, cumulatively, more than one-half acre. Only a single family dwelling that is not a part of a subdivision of land shall be exempt from the submission of an erosion and sediment control plan. (For details of a soil erosion and sediment control plan see Section 27).
- 14.3 The Commission may require a cash performance bond to be posted for any or all erosion and sediment control and site stabilization measures. The Commission may also require a bond, as a condition of approval of a modified site plan, to insure that the modifications of a site plan are met. Should a bond be required, it shall comply with the bonding regulations of Section 28.
- 14.4 Unless otherwise directed by the Commission, when a site plan is approved, the applicant, within ninety (90) days, shall file a copy of the plan, signed and dated by the Chairman or Secretary of the Commission on mylar (or other dimensionally stable material) with the Town Clerk and the use(s) shown therein are not authorized until three (3) additional paper copies of the said signed and filed plan have been deposited with the Zoning Enforcement Officer. Any site plan not filed for record within the specified ninety (90) days shall become null and void.

14.5 The Site Plan review shall take into consideration the following general areas:

- a. Compatibility with the Plan of Development of the Town.
- b. Compliance with the Zoning Regulations of the Town.
- c. The provision of adequate public safety devices, facilities and access for fire and police protection.
- d. The effect of the use on the public health and environmental quality of the surrounding area and that of the Town.
- e. The provisions of adequate traffic access, interior circulation systems and off-street parking and loading. In addition, consideration shall be given to the effect of the proposed use on traffic patterns in the surrounding area, in order that such use shall not impair the movement of through traffic along adjoining thoroughfares through congestion or reduction of street capacity.
- f. The adequacy of screening and landscaping of the site in order to enhance the general character and appearance of the surrounding area.
- g. The proper shielding of outdoor lights and illuminated signs from the view of adjacent residential lots and streets.
- h. Location and distance from school, church or other buildings of public assembly.
- i. Distance the new use is set back from property lines or other uses which it might adversely affect.

14.6 Waiver of Certain Site Plan Requirements

- a. The Commission, upon written request of an applicant for a customary home occupation, for the parking and storage of commercial motor vehicles and construction equipment in residential districts, for site plan approval of an interior lot may waive the submission of, or modify the content of, specific items required by these regulations.
- b. Notwithstanding the above, Commission may not waive erosion and sediment control plan requirements, where applicable (Section 27).

- c. The Commission may, upon written request of an applicant, approve a modification of an already approved site plan, without public hearing and without the submission of a new site plan application, if the Commission determines that the modification is not substantial and does not substantially impact one or more of the areas of review consideration found at Section 14.5 of these regulations.
  
- d. The Commission may, upon written request of an applicant, approve an alteration to any existing structure or a modification of any existing use, where such structure or use would ordinarily require site plan review if:
  - 1) such structure or use has existed for a period of time in excess of one year; and
  
  - 2) the alteration or modification is not substantial and does not substantially impact one or more of the areas of review consideration found at Section 14.5 of this ordinance.



## SECTION 15

### SPECIAL PERMITS

- 15.1 **Purpose** -- In dividing the Town of Haddam into zones it is to be recognized that there are certain uses which may be necessary to the Town but which may be detrimental to their neighbors if proper safeguards are not taken. The Planning and Zoning Commission must evaluate the impact of such uses upon neighboring uses and surrounding areas and decide whether or not to grant a special permit for such uses.
- 15.2 **General Considerations** -- The Planning and Zoning Commission may, upon application, authorize the issuance of special permits where required for specific uses and for specific times within these regulations. In authorizing the issuance of a special permit, the Commission shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives.
- a. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
  - b. That the proposed use shall be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the zone, the neighborhood and the Town and will not be detrimental to established properties in the area.
- 15.3 In furtherance of this objective the Commission may refuse to grant a special permit if it has reasonable cause to believe: (a) that the proximity of the proposed special permit use will have a detrimental effect upon any church, school, library, public playground or similar facility or use; (b) that the number of similar special permit uses in the vicinity is such that the granting of a new special permit is detrimental to the public health, safety and welfare
- 15.4 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the zone or conflict with the traffic characteristics of the neighborhood.

- 15.5 The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- 15.6 All applications for uses requiring the issuance of a special permit shall be accompanied by a Site Plan in conformance with Section 14 of these regulations.

The Planning and Zoning Commission shall, within 65 days of receipt of a complete application, including all supporting documents, for a special permit, hold a public hearing. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two days, the first not more than 15 days, nor less than 10 days, and the last not less than two days before the date of such hearing. The Commission shall act on the application not later than 65 days after such hearing. Whether the Commission grants or denies a special permit, it shall state upon its records the reason for its decision. Notice of the decision of the commission shall be addressed by certified mail to the applicant in writing within 15 days after such decision has been rendered. Notice of the action of the commission shall be published in a newspaper having a substantial circulation in the Town with 15 days after such action has been taken.

**Bonds** -- To assure conformance with all proposals, excluding buildings, shown on an approved site plan, a performance bond in an amount determined by the Commission may be required. Should a bond be required, it shall comply with the bonding regulations of Section 28.

- 15.8 **Filing and Effective Date** -- A special permit granted by the Commission shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and in the Land Records of the Town in accordance with Section 8-3d of the General Statutes of Connecticut, as amended.
- 15.9 **Review** -- The site of the permit shall be visited not less than every two years by the Zoning Enforcement Officer to check for conformity with these regulations and any condition of the permit.
- 15.10 **Revocation and Termination**-- Any special permit is subject to revocation in accordance with the provisions of Section 30.

## SECTION 16

### TRAILERS

- 16.1 No trailers shall be or remain parked on any land in the Town of Haddam, off the public highways, unless the owner thereof shall have applied for and obtained a zoning permit therefore from the Zoning Enforcement Officer with the exception of the following classes of trailers, which are excluded from the operation of this regulation.
- a. Trailers occupied as living quarters, which are parked on land in the Town of Haddam on November 21, 1974, so long as such trailers shall remain on the same site.
  - b. Trailers which are both unoccupied and held for resale or repair, in the course of trade, by a dealer licensed as may be required by law.
  - c. Trailers which are unoccupied, provided however that such trailers shall be subject to the provisions of Section 16.7 of these regulations.
- 16.2 No trailer shall be or remain parked on any land in the Town of Haddam for more than 30 days in any calendar year, except as hereinafter provided.
- 16.3 The Zoning Enforcement Officer may approve the use of a trailer for living quarters to an individual engaged in construction of a residence on the same premises, provided that such approval shall not extend for a period longer than 12 months, and provided that such trailer shall have a water supply and sewage disposal system approved by the Haddam Health Officer. In the event the trailer is proposed to be located in a special flood hazard area, placement of the trailer is subject to the provisions of Section 11 of these regulations, as it relates to manufactured homes.
- 16.4 An annual inspection fee of \$7.50 shall be charged for each trailer licensed hereunder, and each license shall be valid for one year from the date of issuance, but only for the particular trailer and location specified therein.
- 16.5 Each license application shall be accompanied by the proper inspection fee and shall contain the following information:
- a. The make, model, serial number, and motor vehicle registration number of the subject trailer;
  - b. The name and home address of the owner of the trailer;

- c. The number of persons who will occupy the trailer as living quarters;
  - d. The specific location in the Town of Haddam to be occupied by the trailer.
  - e. Health Director Approval
  - f. Building Permit
- 16.6 The application for licenses under this regulation shall constitute authorization for inspection of the subject premises, at all reasonable times, by an appropriate official or agent of the Town of Haddam.
- 16.7 No more than one trailer at a time may be parked on one lot. Adjoining lots having common ownership shall be considered one lot for the purpose of this restriction.
- 16.8 Any person convicted of violating or aiding the violation of any provision of this section shall be fined not more than \$100.00 and each day of violation shall constitute a separate offense.
- 16.9 The Federally mandated flood hazard zone regulations found at Section 11 of these regulations contain additional restrictions on trailers and supersede these regulations in areas of conflict.

## SECTION 17

### OUTDOOR SIGNS

- 17.1 **Statement of Purpose** -- Haddam is a town with an essentially residential and rural character. It is a town with a rich history of agriculture, industry and commerce. It contains many areas of historical and aesthetic importance. The purpose of this chapter is to permit such signs that will not, by their quantity, size, height, location, construction or manner of display, endanger public health and safety; and to permit objectives set forth in the Zoning Regulations.
- 17.2 **Signs Regulated** -- No sign as defined by this regulation shall be erected or maintained within the limits of the Town of Haddam except those specifically permitted by these regulations, for which a registration in accordance with the regulation has been received by the Zoning Enforcement Officer or the Planning and Zoning Commission.
- 17.3 **Signs Allowed Without Registration In All Zones** -- Anything to the contrary in this regulation notwithstanding, the following signs are permitted of right and do not require a registration unless they vary from the allowable standards set herein:
- a. Flags. National flags, flags of political entities and subdivisions and State, town or local flags. Flags indicating weather conditions and flags which are emblems of religious, charitable, public or non-profit organizations are included.
  - b. Identification Signs (on premises). One sign, painted upon or applied to a building or free-standing, either fixed or changeable, setting forth or denoting the name of any subdivision, group, housing project, school, college, park, church, charitable service, religious, governmental, educational or non-profit organization or other public facility when located on the premises of such institution, provided such sign face shall not exceed twenty-four (24) square feet in area.
  - c. Identification Signs (off premises). Public, charitable, fraternal, religious or other non-profit institutions may erect permanent off-premises signs not more than three (3) in number and not more than four (4) square feet in area per sign, listing the name of the organization, the time and place of meeting and other pertinent information. Such signs may contain a logo or distinguishing mark or

character associated with the organization.

- d. Address Signs. Occupants of a residence may display their names, the names of their residence and/or its street address on a single sign per parcel of land not exceeding six (6) square feet in area.
- e. Newspaper Boxes. Boxes, tubes or receptacles for the delivery and receipt of newspapers may be placed along roadways or on buildings or premises and may contain the name of the newspaper or other publication, provided that the total area of signage of any such item shall not exceed one (1) square feet in size.
- f. Plaques. Commemorative or informational plaques placed by public interest organization or agencies recognized by the Town of Haddam, State of Connecticut or United States government. Such plaques not to exceed 6 square feet in size.
- g. Public Signs. Signs of a public or non-commercial nature, which shall include community service information signs, public bulletin boards, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty, including State and Town traffic, locational and directional signs.
- h. Home Occupation(s) Signs. Signs permitted by Section 23.2c of these regulations for home occupations and approved with site plan approval pursuant to Section 6.2c and Section 14 of these regulations.
- i. Temporary Signs.
  - 1) Construction Signs. One sign per building which is under construction or structural alteration or repair announcing the character of the building enterprise or the purposes for which the building is intended, including the names of architects, engineers, contractors, developers and lending institutions responsible for the construction on the site, provided the area of such sign shall not exceed six (6) square feet in residential districts or thirty-two (32) square feet in other districts. Such signs shall be removed within thirty (30) days of the completion of construction.
  - 2.) Real Estate Signs. One sign per street frontage not exceeding

six (6) square feet in residential districts or any thirty-two (32) square feet in other districts, advertising the sale, rental or lease of the premises on which displayed

- 3) Special Event Displays. A sign or signs may be erected on the premises of any establishment having a grand opening or special event, provided that such signs shall not exceed thirty-two (32) square feet in aggregate area and all such signs for any business shall be displayed for a period not to exceed ninety (90) calendar days within any twelve (12) month period.
- 4.) Auction Signs: One temporary sign not more than twelve (12) square feet in area, advertising a public auction of property located in a residential district may be displayed on the premises on which the property is located, provided that the duration of the display shall not exceed thirty (30) days in any one calendar year.
- 5.) Tag, Yard, Barn or Similar Sale Signs. One temporary sign not more than six (6) square feet in area, advertising the sale of items of personal property owned by a person residing on the premises may be displayed on the premises providing that such sign shall not be erected more than twelve (12) days in advance of the sale date and shall be removed with two (2) days after the sale. In addition, each tag sale is permitted two (2) off-premises directional sign not to exceed one (1) square foot each. Such signs shall be displayed only in the areas in which their display is not prohibited by state or local law or regulation and, if placed in front of property owned by another, then signs may be displayed only with written permission of the property owner. (Subject to limitation in Section 20 of these regulations.)
- 6) Roadside Stands. One temporary sign not more than twelve (12) square feet in area is allowed for each temporary roadside stand for the seasonal sale of farm produce allowed pursuant to Sections 6.1d, 7.1c and 8.1d of these regulations.
- 7) Temporary Business Signs. In addition to all other permitted signage, each business shall be allowed one (1) on-premises sign per street frontage for the purposes of advertising help wanted or other similar special needs. Each sign shall not exceed six (6) square feet in area.

- 8) Political Signs. Any political campaign sign or sign concerning a matter of public interest or controversy including any poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol and any other advertising device, the purpose of which is to announce the candidacy of any person or persons seeking public office of offices or to state a position or opinion on a matter of public interest or controversy. Each sign shall not exceed thirty-two (32) square feet and may only be displayed ninety (90) days before an event (if applicable) and must be removed within two (2) days of the event. Such signs shall be displayed only in areas in which their display is not prohibited by state or local law or regulation.
- 9) Street banners (Off Premises). Public, charitable, fraternal, religious or other non-profit institutions may erect a single special event sign, either on or off premises, not more than thirty-two (32) square feet per side, to be displayed not more than thirty (30) days before the event being advertised and to be removed within two (2) days after the event.

**17.4 Signs Allowed With Registration In Residential Zones** -- Every business permitted under the provisions of Section 6.1, 6.2 and 6.3 (except home occupations as defined and regulated under Section 23) of these regulations may have on the property on which the business is conducted one plain or indirectly illuminated, non-flashing, non-rotating sign, not more than six (6) square feet in area, indicating the name of the owner or proprietor, the character of the business and/or the products or services made, sold or delivered on the premises.

**17.5 Signs Allowed With Registration In Non-residential Zones** -- In non-residential zones, every business may erect upon the property on which the business is conducted plain or directly or indirectly illuminated, non-flashing, non-rotating business signs indicating the name of the owner or proprietor, the character of the business, the name of the business and/or the products or services made, sold or delivered on the premises. These signs may be either painted on, applied, or attached to a building or a combination of said sign types. All such signs shall be subject to the following requirements and limitations:

- a. Business signs, when painted on, applied or attached to a building, either flat or hanging there from, may not exceed five percent (5%) of each wall area or thirty two (32) square feet (whichever is larger) in



- aggregate sign face area per side.
- b. No sign shall protrude above the highest portion of the roof ridge line.
  - c. Signs affixed either flat or parallel to the building shall not project more than twelve (12) inches from the front of the building and shall not project beyond the side of the building.
  - d. Signs which hang perpendicular to the building shall provide a clearance of at least eight (8) feet from the grade to the sign. This shall not apply to flags or banners.
  - e. In the case of multiple businesses in the same location or shopping malls, there may be a free-standing directory consisting of a header with the name of the building or mall, not to exceed one square foot per 200 square feet of business floor area, with a minimum allowable size of 18 square feet and additional individual business identification signs of not more than six (6) square feet each, with an overall height not to exceed twenty two (22) feet. Such sign shall be placed such that it meets all town, state or federal regulations associated with set back from existing roadways.
  - f. In addition to the signs permitted by sections a. and e., each parcel may have one free-standing sign detached from any building per each 200 feet of road frontage. Such signs shall be not more than thirty two (32) square feet in sign face area per side. No free-standing sign shall have a height greater than twenty (20) feet. In any instance where a parcel has road frontage in excess of 200 feet, and there is more than one (1) free-standing sign, no such additional free-standing sign shall be within 150 feet of any other free-standing or directory sign. Such sign shall be placed such that they meet all town, state or federal regulations associated with set back from existing roadways.
  - g. In determining the total permitted sign area, only one side of a two-sided free standing or hanging sign will be considered.
  - h. Traffic signs approved with a site plan shall not be included in the total allowable sign face area under this regulation.
  - i. Traffic, rate or informational signs mandated by federal, state or local or regulation shall not be included in the total allowable sign face as unless they exceed legally required minimum sizes and then only by the amount which such sign(s) exceed such minimum sizes.

- j. In addition to the business signs allowed above, each business shall be allowed one "inverted T" or "A-Frame" non-fixed type sign per street frontage, not to exceed eight (8) square feet per side. Such sign shall displayed only in areas in which their display is not prohibited by state or local law or regulation.
- k. In addition to all other signage, each business shall be allowed one "open" or other advertising flag per street frontage, not to exceed fifteen (15) square feet in size, to be displayed on the business premises. No flag shall be placed in any areas where such display is prohibited by state or local law or regulation.
- l. Each business may place not more than two (2) off-premises directional signs, each sign not more than four (4) square feet per side in size, with written permission of the property owner, in any commercial zone, except that no directional signs may be located in the Gateway Zone or in any location where its display will be a hazard.
- m. In addition to all elements of signage and display allowed by this regulation, any business located in a non-residential zone may display merchandise or wares of the business outside of the premises of the business. All such displays shall be in accordance with an approved site plan submitted in accordance with Section 14 of the Haddam Zoning Regulations.

**17.6 Prohibited Signs -- It shall be unlawful to erect or maintain:**

- a. Any sign which is not included under the types of signs permitted in this regulation.
- b. Any sign or billboard which advertises or publicized an activity not conducted on the premises upon which such sign is maintained
- c. Any portable or changeable sign, except as otherwise permitted by this regulation.
- d. Any sign placed above the highest portion of the roof of any structure or building.
- e. Any temporary sign unless otherwise permitted by this regulation.

**17.7 Non-Conforming Signs -- Signs in non-residential areas which predate and**

do not conform to the provisions of this regulation shall be subject to the following restrictions and limitations:

- a. If said signs existed prior to January 1, 1992 and are registered by September 1, 1992, such sign may continue, except:
- b. If said sign or billboard shall need repair or renovation which involves the rebuilding of more than fifty percent (50%) of the structure, such structure shall be removed or brought into compliance. Nothing herein shall prevent the routine repair, maintenance, repainting, relettering or reapplication of advertising materials to any validly existing sign or non-conforming sign or billboard.

#### **17.8 Registration**

- a. No sign for which a registration is required under these regulations shall be erected unless and until a registration has been received by the Haddam Zoning Enforcement Officer. All applicants for a registration shall submit a registration to the Zoning Enforcement Officer on a form designated by the Commission. Such registration shall be kept on file for each business by the Zoning Enforcement Officer.
- b. All signs existing prior to January 1, 1992 shall be registered prior to September 1, 1992. No fee will be charged for registrations.

**17.9 Waivers** -- The Planning and Zoning Commission may waive or modify these sign regulations for any use for which a site plan is submitted for approval in accordance with Section 14 of these regulations or for any special permit use authorized pursuant to Section 15 of these regulations.

## SECTION 18

### REGULATION OF EARTH MATERIAL OPERATIONS

- 18.1 The purpose of this section is to provide the regulations for the preservation of a cover-crop on the land to prevent erosion, and to control any earth material operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of Haddam. The covering of earth material operations may be done with the top four inches of soil removed therefrom, and furnishing new topsoil or loam from off the premises will not be required. Excavations which uncover ledge or rock outcrops need not be covered or seeded.
- 18.2 The filling, removal, excavation or mining of mineral, sand, gravel, clay, bedrock, peat, loam or topsoil (herein referred to as "Earth Material Operations") is permitted in all zones, with the exception of the land designated as the "Gateway Conservation Zone," after issuance of a special permit by the Planning and Zoning Commission.
- 18.3 The following filling, removal, excavation or mining activities are permitted in all zones, including the Gateway Conservation Zone, without a special permit provided no permanent damage is done to the landscape:
- a. Valid non-conforming uses;
  - b. Foundation, trench and related site excavation performed after the issuance of a building permit; and
  - c. Removal in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal shall not exceed 300 cubic yards of material.
- 18.4 In addition to the customary special permit and site plan requirements as set forth in Section 15 and 14 of these regulations, the following information is required:
- a. Estimate of the amount of material to be filled, removed, excavated or mined.
  - b. Plan showing area to be filled, removed, excavated or mined.

- c. Existing and proposed drainage of the site.
- d. Proposed truck access to the excavation.
- e. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the location and types of any buildings to be erected.
- f. Final grading plan.
- g. Erosion and Sedimentation Control Plan showing measures to be taken both during and after earth materials operations.

18.5 The following conditions must be met for earth material operations:

- a. Failure to comply with the plans as approved and any deviation from the plans shall be cause for the Planning and Zoning Commission to revoke the permit.
- b. The applicant shall post a performance bond with the Town Treasurer in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- c. No fixed machinery shall be erected within 50 feet of any property or street line.
- d. No earth material operation shall take place within 50 feet of any property owner's line except by written consent of abutting property owner or within 50 feet of a street line if below the established grade of the street.
- e. No buildings except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Planning and Zoning Commission.
- f. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- g. During the period of filling, removal, excavation or mining, barricades or fences shall be erected as are deemed necessary by the Planning and

Zoning Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted.

- h. Truck access to earth material operations shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
  - i. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stockpiling of excavated materials on the site.
  - j. When earth material operations are completed, the site shall be graded so that slopes in disturbed areas shall be no steeper than one on two (vertical to horizontal). A layer of topsoil shall be spread over the excavated or filled area, except exposed rock surfaces, to minimum depth of four inches in accordance with the approved final grading plan. The area shall then be seeded with suitable cover-crop.
- 18.6 An permit issued under this section shall expire two years from the date of issuance unless renewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms with the plan of operations as approved.
- 18.7 Application for a special permit to conduct an earth material operation shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms available at the Land Use Office. Such application shall be accompanied by the appropriate fee.

## **SECTION 19**

**This section was eliminated when the Wetlands Commission took jurisdiction under Connecticut General Statutes Section 23-65k et. seq. and adopted Forest Practices Regulations on January 10, 2000.**

## **SECTION 20**

### **TAG SALES**

- 20.1 Tag sale(s) shall total no more than 28 days per owner in one calendar year, and occur no more than twice per owner in one calendar year.

Any sale exceeding these limits shall be considered a permanent business and subject to all regulations regarding such.

- 20.2 Signs advertising tag sales are subject to Section 17.3(i)(5) of the Haddam Zoning Regulations and Section 23-65 of the State of Connecticut General Statutes.

- 20.3 Permits for such sales may be obtained from the Zoning Enforcement Officer.

- 20.4 These regulations regarding tag sales are not intended to limit the duration or frequency of religious, fraternal, or other non-profit organizations' sales, bazaars, auctions, etc. for the purpose of raising funds.



## SECTION 21

### PARKING REGULATIONS

**21.1 General Standards** -- Off-street parking space adequate in size, layout and design to facilitate the free flow of traffic and the safe ingress to the egress from the premises shall be provided on the same lot, or on another lot under the same ownership within a radius of not more than 500 feet from the lot to which it is appurtenant. Each parking space shall be not less than 9 x 18 feet in dimension except for spaces which are required by law to be larger for handicapped access.

#### **21.2 Parking Requirements**

- a. Clubs, community houses, churches, theaters - one space per four seats or per four occupants.
- b. Drive-in restaurants - one space per 50 square feet of gross floor area, plus one space per employee.
- c. Dwellings - two spaces per family
- d. Filling stations and automobile repair shops - one space per employee, plus three spaces per bay.
- e. Greenhouses and nurseries - one space per employee, plus five additional spaces.
- f. Housing for elderly and/or handicapped persons - 1 space per dwelling.
- g. Manufacturing, processing, assembling plants, warehousing or wholesaling establishments, research laboratories and other industrial uses - one space per two employees on two largest shifts combined.
- h. Marinas - one and one-half spaces per boat slip.
- i. Medical, dental or veterinary offices - seven spaces per doctor.
- j. Nursing and convalescent homes - one space per employee at peak employment hours plus one automobile per six (6) beds.
- k. Post offices - off-street parking shall be provided for at least one

automobile per employee. Parking spaces shall also be provided in the ratio of one car to every 150 square feet of gross floor area of the building. Parking areas shall be designed so as to avoid conflict with on-site loading and unloading of vehicles.

- l. Professional and business offices and financial institutions - one stall per 350 feet gross floor area, plus one stall per employee
- m. Restaurants - one space per 50 square feet of public floor area, plus one space per employee.
- n. Retail stores, barber and beauty shops, watch and shoe repair and similar personal services, tailoring and cleaning establishments – one space per 200 square feet gross floor area, plus one space per employee.
- o. Hotels and motels - one space for each guest sleeping room.
- p. Self-service laundries and cleaners - one space per employee, plus one space per each two washing, drying or cleaning machines.
- q. Reasonable and appropriate off-street parking requirements for structure and land uses which do not fall within the categories listed under this section shall be determined by the Planning and Zoning Commission, which shall consider all factors in the parking needs of such use.

21.4 Not more than two (2) commercial motor vehicles and no construction equipment or related materials may be parked on a lot in a residential district. Such commercial vehicle(s) shall not exceed a gross vehicle weight of 11,000 pounds and their visibility off premises shall be minimized.

21.5 A zoning permit shall be required for an additional commercial vehicle to be parked or stored on a lot in a residential district. Such commercial vehicle shall be only allowed on lots of two or more acres. Said vehicle shall not exceed a gross vehicle weight of 20,000 pounds and shall be stored indoors or screened from view off premises, no closer than the dwelling or 100 feet from any street line, whichever is less, and 50 feet from any property line.

21.6 Except for those vehicles permitted by right in Section 21.4 above the Commission may limit hours of operation of commercial vehicles to be compatible with the neighborhood.

## **SECTION 22**

### **FENCES**

- 22.1 All fences shall be harmonious with the general character of the neighborhood. Fences shall not obstruct visibility for motorists entering and leaving a site or driving on a public highway and shall pose no other danger of public safety. In cases where there is uncertainty about any of these standards, the Zoning Enforcement Officer shall make final determination, after review by the Town Engineer.
- 22.2 Fences no higher than six (6) feet are permitted by right anywhere on a lot. Fences constructed beyond the minimum front, side and rear yard setback areas shall have the same height restriction as for any other structure.
- 22.3 Fences higher than six (6) feet in minimum front, side and rear yard setback areas are permitted after the granting of a zoning permit by the Zoning Enforcement Officer. Prior to the granting of such permit, written notification by the applicant shall be given to all property owners that are adjacent and across the street, unless the fence(s) are needed to:
- a. Screen an adjacent non-conforming use, or
  - b. Screen a residential use from a use which is not permitted by right in a residential zone.
- 22.4 The above provisions for zoning permit and ZEO review apply to properties which are not subject to approval of a site plan or special permit by the Planning and Zoning Commission. When such site plan or special permit is required under Section 14 or Section 15 of the Regulations, the Planning and Zoning Commission shall grant approval for any fences constructed, prior to the issuance of a zoning permit.

## SECTION 23

### HOME BUSINESSES

**23.1 Home Occupations without a permit --** A home occupation may be carried on in a residential premises without a zoning permit if:

- a. The business is carried on only by residents of the dwelling;
- b. There is no exterior evidence of the business including signs nor vehicles;
- c. The business shall not involve substantial deliveries of products or materials to the dwelling;
- d. No visitors or customers appear on site;
- e. No waste products are disposed on site, except sanitary waste incidental to residential use; and
- f. There is no structural modification to the building.

**23.2 Home Occupations with a permit --** A home occupation may be carried on in a residential premises after obtaining a permit from the Planning and Zoning Commission subject to the following:

- a. The occupation must be carried on by a resident of the premises and not more than one (1) non-resident employee on the premises and must be clearly secondary to residential use. If the resident is not the owner of the property, the application shall be co-signed by the owner.
- b. The total floor area utilized by the home occupation shall not exceed 25% of the total feet area devoted to residential use or 500 square feet in area whichever is less; i.e., if the space devoted to residential use equals 1,000 square feet then 250 square feet of the 1,000 square feet may be used for the home occupation. The site plan submitted by the applicant shall provide a dimension drawing of the floor area of all buildings to be used for the home occupation.
- c. There shall be no external evidence of the operation of the home occupation except for parking when deemed necessary by the Commission and a single non-illuminated sign. The necessary parking

shall not exceed two extra parking places. The single sign shall not exceed 2 square feet in area.

- d. The home occupation shall not create objectionable appearance, noise, smell, smoke, illumination, vibrations, radio or television interference or any other objectionable condition which might have deleterious effects on the neighborhood.
- e. In reviewing applications for home occupations, the Commission shall consider the potential hazards produced by increased traffic generation and the potential effects of such uses on the residential character of the area and property values.
- f. Parking of commercial vehicles related to the home occupation shall be made in accordance with the applicable provisions of Section 21 as they apply to the zone where the home occupation is located.
- g. The application for a home occupation shall include proof that notification has been given to all owner of properties within 200 feet of the lot lines of the subject lot.
- h. The permit shall be valid only for the applicant(s) and is not transferable. The site of the permit shall be visited not less than every two years by the Zoning Enforcement Officer to check for conformity with these regulations and any conditions of the permit.
- j. The permit may be limited by the Commission as to hours of operation and/or duration of permit or with such other restrictions or conditions for termination as the Commission may feel necessary to protect the public health, safety, convenience, or property values.
- k. Any permitted home occupation is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give a written warning upon discovery of the first such violation. Fifteen calendar days shall be allowed for correction of the violation. Any further violation(s) shall be reported to the Commission for action. The permit holder shall be asked to appear before the Commission and if it is found that there is a violation of any condition of the permit, the Commission may revoke said permit. Each successive day, after the fifteen days allowed for correction, shall be considered a separate violation for the purpose of this section.
- l. If the permit is revoked for cause, no new application for that site shall

be accepted until 12 months have passed from the date of such revocation.

m. Any permitted home occupation use shall terminate:

- 1) By order of the commission issued upon application therefore by the original resident applicant or by the owner of the property concerned;
- 2) If the use authorized thereby shall not have actually existed (without regard to any intent to abandon or resume) for a period of one year from the date of cessation or from the effective date of the grant of such permit, whichever is later;
- 3) If the use authorized thereby is abandoned;
- 4) Upon the happening of any event or the expiration of any period of time prescribed by the terms of such permit;
- 5) If the original applicant(s) of the home occupation no longer lives on the property.

n. The authorization of a permitted home occupation use shall not terminate if the pertinent use ceases by reason of fire or other casualty, provided that:

- 1) Notice of intent to resume or restore such use is filed with the Zoning Enforcement Officer within six months after cessation;
- 2) Such resumption or restoration is made and completed within two years after cessation.

## SECTION 24

### OUTDOOR RECREATIONAL FACILITIES

- 24.1 Outdoor recreational facilities are permitted in all residential zones upon issuance of a special permit by the Planning and Zoning Commission, the following conditions apply to these uses.
- 24.2 For the purposes of this regulation, a building, structure or use which is also an agricultural use, as permitted by Section 6.1c may be regulated as an outdoor recreational facility if its use is specifically listed in the definition of outdoor recreational facility, is a similar or related to a use specifically listed therein, or is a use of such magnitude, intensity or activity as to result in traffic, noise or interference with the use of neighboring or adjoining properties similar to that which is generated by the uses specifically listed therein.
- 24.3 Any existing such facility, building, structure or use shall not be substantially enlarged or expanded without issuance of a special permit.
- 24.4 In addition to customary special permit requirements, the following conditions must be met:
- a. the site plan should show the location of all buildings and structures, roads, driveway, campsites, tent sites, picnic area, parking and loading areas, pools, tennis courts, barns, stables, riding rings, or other appurtenances to the use;
  - b. the tract of land must contain at least twenty acres;
  - c. each use shall include a buffer area on each side of the area which faces another property in a residential zone. The buffer shall be not less than thirty feet wide, planted, with such vegetative matter as the Commission shall approve, suitably landscaped and maintained;
  - d. campsites, tent sites, and related facilities and structures are prohibited in the area of the site plan designated as the buffer strip, but the buffer strip may contain recreational and parking areas if said areas are landscaped in such a way as to prevent adverse effects on adjacent properties and structures.
  - e. the volume of noise from music and public address systems shall be so

controlled as to prevent objectionable and excessive noise emanating from the premises;

- f. for uses involving campgrounds or campsites, no patron shall occupy any campsite or trailer site for a total of more than thirty days between October 1st and the next following June 1st with the exception of caretaker personnel who may live in residential premises lawfully located on the site;
- g. the management of any outdoor recreational facility involving campsites or trailer sites shall keep a register in which is recorded for each patron the name, permanent address, registration number of the vehicle, length of stay and identification of the campsite involved. Such register shall be available to the Zoning Enforcement Officer to assure that there is no permanent occupancy and that the intent of this section is being complied with;
- h. each rental site shall be of such size and characteristics as to comply with all applicable state and federal regulations;
- i. signage shall be in accordance with limitation of Section 17.4. of the Zoning Regulations;
- j. lighting shall be designed, located and maintained so as to minimize glare and illumination off the parcel. Special care should be taken to design the lighting in such a fashion that it does not interfere with or encroach upon nearby residential uses;
- k. the applicable schedule of Area, Height, Bulk and Placement Regulation shall be in accordance with residential designation of the zone where the parcel exists as found in Table I of the Zoning Regulations. In instances where a side yard involves property dedicated to a buffer zone, the minimum side yard shall be increased by the depth of the required buffer.

24.5 By Special Permit, accessory uses may be allowed that are clearly secondary to the recreational use, provided that such accessory use shall cease if the applicant fails to operate the primary use for one year.



## SECTION 25

### REGULATED USES FACILITIES: ANTENNAS, MONOPOLE TOWERS, AND WIRELESS COMMUNICATION FACILITIES

**25.1 Statement of Purpose:** This regulation establishes standards, requirements and permitting procedures for regulated facilities, including antennas, towers, and wireless communication facilities, that are subject to local zoning regulation in Connecticut.

Its purpose is to regulate the placement of regulated facilities, including antennas, towers, and wireless communication facilities, in order to:

- preserve the character and appearance of the Town of Haddam while allowing adequate telecommunication services to be developed,
- protect the scenic, historic, environmental, and natural or man-made resources of the Town of Haddam,
- protect property values, and the health, safety and welfare of the Town of Haddam,
- minimize the total number and height of towers throughout the Town of Haddam,
- require the sharing of existing regulated facilities where possible,
- provide for facility locations consistent with the Town of Haddam Community Plan of Conservation and Development, and the Town of Haddam's comprehensive plan (zoning regulations and zoning map),
- minimize adverse visual effects through proper design, siting and screening,
- avoid potential damage to adjacent properties, and,
- provide for orderly removal of abandoned facilities.

These regulations are intended to be consistent with "The Telecommunications Act of 1996," as may be amended, in that: a) they do not prohibit, or have the effect of prohibiting, the provision of personal wireless services; b) they are not intended to

be used to unreasonably discriminate among providers of functionally equivalent services; and c) they do not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

## 25.2 Definitions:

- a. **Adequate Capacity.** Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the personal wireless facility or regulated facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless service facility or regulated facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.
- b. **Adequate Coverage.** Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural area like Haddam, this would be a signal strength of at least -90dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90dBm, as long as the signal regains its strength to greater than -90dBm further away from the Base Station. The outer boundary of the area of Adequate Coverage is that location past which the signal does not regain strength of greater than -90dBm.
- c. **Antenna.** The surface from which wireless radio signals are sent and received by a personal wireless service facility or regulated facility.
- d. **Camouflaged or Stealth Facility.** A wireless communication regulated facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

- e. **Carrier.** A company that provides wireless services.
- f. **Co-location.** The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.
- g. **Commission.** The Planning and Zoning Commission of the Town of Haddam.
- h. **Elevation.** The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The total elevation of the wireless service facility is AGL plus AMSL.
- i. **Environmental Assessment (EA).** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility or regulated facility is placed in certain designated areas.
- j. **Environmental Impact Statement (EIS).** A report which shall evaluate the existing conditions of the proposed regulated facility and the full impact of construction on the existing conditions, terrestrial ecology, environmental setting and cultural resources through the actions of grading, soil disturbance, facility construction, site drainage and any other above or below ground disturbance.
- k. **Equipment Shelter.** An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of the communication facility or regulated facility.
- l. **Fall Zone.** The area on the ground within a prescribed radius from the base of a wireless communication facility or regulated facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- m. **Reserved.**
- n. **Guyed Regulated Facility.** A monopole or existing lattice tower that is tied to the ground or other surface by diagonal cables.

- o. **Lattice Regulated Facility.** A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel for an existing lattice tower.
- p. **Licensed Carrier.** A company authorized by the FCC to construct and operate a wireless communication facility or regulated facility.
- q. **Monopole Tower.** A regulated facility that involves a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.
- r. **Mount.** The structure or surface of a regulated facility upon which antennas are mounted, including the following four types of mounts:
  - 1. **Roof-mounted.** Mounted on the roof of a building.
  - 2. **Side-mounted.** Mounted on the side of a building.
  - 3. **Ground-mounted regulated facility.** Mounted on the ground.
  - 4. **Structure mounted.** Mounted on a structure other than a building.
- s. **Omnidirectional (whip) antenna.** A thin rod that beams and receives a signal in all directions.
- t. **Panel Antenna.** A flat surface antenna usually developed in multiples such as whip antennas, panel antennas, and dish antennas.
- u. **Propagation Studies or Coverage Plots.** Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific regulated facility structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the telecommunication facility proposed for the site.
- v. **Radiofrequency (RF) Engineer.** An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

- w. **Radiofrequency Radiation (RFR).** The emissions from wireless communication facilities or regulated facilities.
- x. **Regulated facility.** All regulated facilities as defined by Section 25.2 of these zoning regulations, including mounts, towers and antennas, service and/or sites where these facilities are proposed or exist, or service is to be provided from, relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation. A regulated facility, service and/or site includes, but is not limited to, a proposed co-located regulated facility, service and/or site.
- y. **Repeater.** A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.
- z. **Security Barrier.** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.
- aa. **Separation.** The distance between one carrier's array of antennas and another carrier's array.
- bb. **Whip Antenna.** A very thin antenna, usually omnidirectional.

### 25.3 Use Regulations:

- a. **Exemptions.** The following shall be exempt from this Section 25 of the zoning regulations of the Town of Haddam.
  - 1. Repair and maintenance of regulated facilities including antennas.
  - 2. Antenna used solely for residential television and radio reception.
  - 3. Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location.
  - 4. Antenna used by the Town of Haddam in conjunction with police stations, firehouses, volunteer ambulance headquarters or other municipal building uses.

b. Any proposed regulated facility shall require Special Permit review and approval as provided by Section 15, and this Section 25, of these zoning regulations. Any proposed regulated facility shall comply with all Site Plan and Special Permit requirements of Sections 14 and 15, respectively, of these zoning regulations, and, in addition, shall comply with all the requirements of this Section 25 of these zoning regulations. No provision of these zoning regulations, as applies to a regulated facility pursuant to this Section 25, may be waived or varied by the municipal zoning board of appeals, or other land use board under Chapters 124 and/or 126 of the Connecticut General Statutes, as provided by Section 8-6 of the Connecticut General Statutes or any other law.

c. **Permitted areas:**

1. A regulated facility is permitted in any zoning district of the Town of Haddam subject to Section 25.3(b). However, no regulated facility, including but not limited to co-locations, is permitted in the Gateway Conservation Zone as provided by Section 10 of these zoning regulations, except for co-location on existing electrical power line structures subject to the height restriction of Section 25.3(c)(3) of these zoning regulations.
2. Any regulated facility shall not exceed one hundred fifty (150) feet in height subject to Section 25.3(c)(3) of these zoning regulations. However, a regulated facility may be permitted up to, but not exceeding, a height of one hundred ninety (190) feet, within the Commission's discretion, if the regulated facility is proposed within one thousand (1,000) feet of the Route 9 right-of-way or additional tower height is required to accommodate co-location.
3. Any regulated facility proposal to be located within two hundred (200) feet of the Gateway Conservation Zone as provided by Section 10 of these zoning regulations, on a scenic area, scenic road or The National Register of Historic Places "Haddam Center Historic District: as shown in Appendix I of the Zoning Regulations, shall not exceed ten (10) feet of the height of the treeline or other

vegetation on the site, nor shall any antenna be located more than five (5) feet above the height of such structure. The Commission may require a height lower than this maximum height. No accessory building to service any regulated facility shall exceed twelve (12) feet in height, and shall not exceed 300 square feet in gross floor area.

#### 25.4 General Standards and Requirements for Regulated Facility:

- a. **Location.** Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.
  1. Applicants are urged to consider use of existing telephone, cable, or electric utility power lines or structures as sites for regulated facilities.
  2. The preferred location for free standing regulated facilities is where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and have the least long range visual effect. Town owned land or buildings are preferred locations where the Town has determined that such Town owned land or building is appropriate for a regulated facility. Unless adequate coverage and adequate capacity cannot otherwise be achieved, regulated facilities shall be sited off ridgelines and in as low a population density area as is possible.
  3. **Site Justification for Ground Mounted Regulated Facility.** An application for a ground mounted regulated facility shall include a detailed site justification report, prepared according to accepted engineering practice, which:
    - i. Establishes the location and defines the elevation of all proposed antenna facilities on the regulated facility consistent with federal regulations.
    - ii. Demonstrates that the proposed location (which includes both regulated facility position and antenna height) is superior to other potential locations for the proposed uses. Alternatives evaluated shall specifically include a

regulated facility of lesser height, the use of repeaters, and other less visible technologies. The applicant shall provide the commission with the "search area" for the regulated facility based on propagation analysis.

- iii. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the regulated facility.
- iv. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the regulated facility.
- v. Demonstrates that for each proposed use of the regulated facility the proposed height is the minimum necessary to provide adequate coverage. This shall specifically include, but not be limited to, an evaluation of the regulated facility's height of 50% and 75% of the proposed height.
- vi. Documents in writing that existing telecommunication regulated facility sites in the Town of Haddam, and in abutting municipalities within four (4) miles of the Haddam town boundary, cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Haddam. This shall include documentation that addresses the feasibility of repeaters in conjunction with regulated facility sites in the Town of Haddam and abutting towns to provide adequate coverage and/or adequate capacity to the Town of Haddam.

**b. Visibility, Camouflage and Color.** The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

**1. Requirements for Existing Buildings or Structures.**

- i. **Roof Mount.** Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.



- ii. **Side Mount.** Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building or structure.
  - iii. Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.
  - iv. Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.
2. **Requirements for Proposed Ground Mounted Regulated Facility Structures.** Proposed ground-mounted regulated facility structures shall provide a vegetated buffer of sufficient height and a depth of not less than 50' to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a regulated facility, the applicant shall submit a landscape plan. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the regulated facility on the neighborhood and community character. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). The Commission reserves the right to require stealth or camouflage designs such as regulated facilities made to resemble trees or other structures. The Commission may require that landscaping and buffer areas be preserved by a scenic or conservation easement and/or that the landscaping be within the leased area.
3. **Scenic Roads and Areas.**
- i. The Commission may approve a ground mounted regulated facility structure located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the

applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.

- ii. A regulated facility located within an area ranked high for protection according to the Town of Haddam Community Plan of Conservation and Development, or within 300 feet of a Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.

4. **Sight Line and Elevation Information.** Where the Commission determines that sight line and/or elevation information is necessary to determine compliance with these zoning regulations it shall require the following:

- i. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.
- ii. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest façade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.
- iii. Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet. These photographs shall be taken when deciduous leaves are off the trees.
- iv. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.
- v. Sight elevations. Sight elevations, or view at-grade, from

the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

- (a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- (b) Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
- (c) Any and all structures on the subject property.
- (d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- (e) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

**c. Environmental and Safety Standards.**

- 1. Regulated facilities and/or regulated facility shall not be located in wetlands. Locating of regulated facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
- 2. No hazardous waste shall be discharged on the site of any regulated facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- 3. These shall be no increase in the rate of stormwater runoff.

4. No signal lights or illumination shall be permitted unless required by the FCC or FAA, except for manually operated emergency lights for use only when operating personnel are on site.
5. **Radiofrequency Radiation (RFR) Standards and Requirements.** The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) or its successor publication.

**d. Additional Standards:**

1. **Feasible Alternative.** Where a new ground mounted regulated facility structure is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.
2. **Lot Size.** All ground mounted regulated facility structures and their associated equipment shelters shall be considered an accessory structure and use and shall comply with all of the requirements for the zoning district in which the regulated facility is to be located.
3. **Fall Zone.** In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted regulated facility structure to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be equal to 125% of the height of the regulated facility structure including any antennas or other appurtenances. Provision shall be made that no new public road, habitable dwelling, business or institutional use, or public recreational area be located within the fall zone. The required fall zone is to be located on the applicant/owners property in less the visual impact can be minimized by having the fall zone on a neighboring property. Such neighboring property shall not be developed and will be subject to a legally binding agreement preventing development during the time the regulated facility is in place.
4. **Addition Service Providers.** The proposed regulated facility shall be designated for a minimum of five (5) additional personal

wireless service providers, (including, but not limited to, personal wireless service providers for local police, fire and ambulance needs), unless it is determined by the Commission to be technically unfeasible or not desirable from an impact point-of-view.

5. **Construction Timing.** A Special Permit for the construction of a regulated facility shall not be granted for a regulated facility to be built on speculation. All regulated facilities must be utilized for the purpose stated in the Special Permit within ninety (90) days of completion of construction and all construction must be completed within one (1) year of the granting of the Special Permit.
6. **Signage.** A sign no greater than two (2) square feet indicating the name of the regulated facility owner and a 24 hour emergency telephone number shall be posted adjacent to the entry gate. No advertising shall be permitted from or on the regulated facility.

25.5 **Application Filing Requirements:** The following shall be included with an application for a Special Permit for all regulated facilities.

**a. General Filing Requirements**

1. Name, address and telephone number of applicant, co-applicants, and any agents for the applicant or co-applicants.
2. Co-applicants shall include the landowner of the subject property, and any licensed carriers and tenants for the proposed regulated facility.
3. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier."
4. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photoreproductions of signatures will not be accepted.

**b. Location Filing Requirements**

1. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, nearest CL&P pole number, and street address, if any.
2. Tax map and parcel number of subject property.
3. Zoning district designation for the subject parcel (submit copy of Town Zoning Map with parcel identified).
4. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
5. A region-wide map showing the existing wireless service regulated facilities in the Town and outside the Town within four miles of its boundary, and any proposed regulated facilities by the applicant and/or co-applicant(s) within four miles of the Town boundary.
6. A topographic location map at a scale of 1"=2,000' showing the regulated facility location, and the boundaries of the viewshed if a regulated facility is proposed (i.e., the area within which the regulated facility can be seen based upon an assessment of the topography surrounding the site).

**c. Additional Site Plan and Special Permit Requirements.** The following requirements shall be in addition to the requirements of Sections 14 and 15 of the Town of Haddam zoning regulations and Special Permit applications. Where the requirements of this Section are more restrictive than that of Sections 14 and 15, these requirements shall apply. A one-inch-equals-40 feet vicinity plan shall be submitted showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet.
3. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on

subject property and all adjacent properties within 300 feet.

4. Proposed location of the regulated facility including antenna, mount and equipment shelter(s).
5. Proposed security barrier, indicating type and extent as well as point of controlled entry.
6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the regulated facility.

**d. Design Filing Requirements**

1. Equipment brochures for the proposed regulated facilities such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
2. Materials of the proposed regulated facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
3. Colors of the proposed regulated facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as

cable runs, and security barrier, if any.

4. Dimensions of the regulated facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
5. Viewshed Analysis. Where a regulated facility is proposed, sight line graphs shall be provided to the proposed prime and alternative sites from visually impacted areas, such as residential developments, public roadways, recreational sites, historic districts, and historic sites. In lieu of sight line graphs, the Commission may accept photographs showing the regulated facility imposed on the photograph with the regulated facility height established in reference to a balloon flown, or comparable testing, to the proposed regulated facility height at the site, as required herein. This visual assessment shall be based upon the existing landscape conditions without leaf cover.
6. The applicant shall arrange with the Commission for a balloon test (with a balloon diameter of at least eight feet), crane test, or comparable testing within the Commission's discretion, at the proposed site to illustrate the height and position of a proposed ground mounted regulated facility structure. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town. The balloon, crane or other test shall be conducted or attempted for at least two days.

**e. Noise Requirements**

No regulated facility shall emit or cause to be emitted any noise beyond the lease area in excess of 45 (dBA).

**f. Radiofrequency Radiation (RFR) Filing Requirements**

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

1. Existing or ambient: the measurements of existing RFR.
2. Existing plus proposed facilities: maximum estimate of RFR from the proposed regulated facility plus the existing RFR



environment.

3. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

**g. Federal Environmental Filing Requirements**

1. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. 1). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any wireless communication regulated facility proposed in or involving any of the following: 1) wilderness areas, 2) wildlife preserves, 3) endangered species habitat, 4) historical site, 5) Indian religious site, 6) flood plain, 7) wetlands, 8) high intensity white lights in residential neighborhoods, 9) excessive radiofrequency exposure.
2. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each regulated facility site that requires such an Environmental Assessment to be submitted to the FCC.
3. For all Special Permit uses the applicant shall identify and assess the impact of the proposed regulated facility on areas recommended for protection or conservation as presented in the Town of Haddam Community Plan of Conservation and Development, and State Plan of Conservation and Development.
4. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

**25.6. Co-location**

- a. Licensed carriers shall share regulated facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a regulated facility shall demonstrate a good faith effort to co-locate with other

carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating wireless service regulated facilities;
  2. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed regulated facility; and
  3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
- b. In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert at the expense of the applicant in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide co-location.
- c. The Commission reserves the right to limit regulated facility structure height and the number of users on a regulated facility structure in order to preserve the character and appearance of the Town of Haddam.

## **25.7 Fees and Costs**

The applicant shall pay any costs that the Commission incurs for retaining one (1) or more qualified independent consultants to analyze and report on the application (including determining areas appropriate for regulated facilities, reviewing the structural integrity of the personal wireless service regulated facility design, and compliance with FCC Regulations), and the cost of the Town's monitoring of operation of the regulated facility. These consultants shall each be qualified professionals with degrees and/or special expertise in one of the following: 1) telecommunications engineering; 2) structural engineering; 3) monitoring of electromagnetic fields; and 4) other disciplines as determined necessary by the Commission

## **25.8 Modifications**

A modification of a regulated facility shall require a Special Permit

application and review as provided by Section 25 of these zoning regulations.

### **25.9 Monitoring and Maintenance**

- a.** The Commission may require that after the regulated facility is operational, the applicant submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation.
- b.** The Commission may require that after the regulated facility is operational, the applicant submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise standards as provided by Section 25 of this regulation.
- c.** The applicant and co-applicant shall maintain the regulated facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

### **25.10 Abandonment or Discontinuance of Use**

- a.** At such time that a licensed carrier plans to abandon or discontinue operation of a regulated facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the regulated facility shall be considered abandoned upon such discontinuation of operations.
- b.** Upon abandonment or discontinuation of all use of the facility for six months, the facility owner shall physically remove the facility within 90 days of the end of such six month period. "Physically removed" shall include, but not be limited to:
  - 1.** removal of antennas, mount, equipment, shelters and security barriers from the subject property.

2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- c. If a facility owner fails to remove a regulated facility in accordance with this section of this regulation, the Town shall have the authority to enter the subject property and physically remove the facility. The Commission shall require the applicant to post a cash bond, in accordance with Section 28 of these regulations, at the time of construction to cover costs for the removal of the regulated facility in the event the Town must remove the regulated facility. Town access to this bond shall remain until such time as the regulated facility is removed. If the bond is insufficient to cover the cost of removal the Town may lien the property owner for the difference between the bond amount and the actual cost including administrative expenses.

#### **25.11 Reconstruction or Replacement of Existing Regulated Facilities**

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. In addition, such Special Permit shall comply with all the provisions of Sections 14, 15 and 25, inclusive, of these zoning regulations.

## SECTION 26

### MIXED USES WITHIN A ZONE

- 26.1 Residential uses may be allowed in a Commercial Zone subject to the following:
- a. A building may contain a combination of dwelling units and other permitted commercial uses.
  - b. In addition to the commercial uses and structures permitted by the Zoning Regulations, the Commission may approve one (1) dwelling unit for each one-half (1/2) acre of land contained in the commercial lot up to 10 units, each dwelling unit not to exceed 2 bedrooms.
  - c. All other municipal and state requirements shall be satisfied.
  - d. Of the total gross square footage of finished space in the building of the lot, more than 55% shall be devoted to commercial use.
  - e. Dwelling units shall not be constructed in commercial zones located within the 100 year flood zone or areas subject to repeated flooding which could result in the periodic displacement of tenants because of temporary septic system failure and/or contamination of drinking water supplies.
  - f. That portion of a commercial lot which is classified as wetlands or watercourses shall not be included in the calculation and the determination of the number of dwelling units permitted.
  - g. The Commission shall have the discretion to determine whether dwelling units are appropriate in combination with certain commercial activities.
  - h. Land in the Aquifer Protection Zone shall be counted at 50 % of its area in calculating the number of dwelling units permitted.
  - i. There shall be located on each lot a minimum of 1,500 square feet per bedroom of land suitable for recreation and open space. This land shall not include land in buffer areas and shall not be included in the calculation of maximum percentage of land coverage required under

Table I, Note 3. This land shall be safely accessible to the dwelling units without crossing a vehicular area and otherwise suitable for such uses in the discretion of the Commission. For each dwelling unit, of the recreation space required, there shall be a least 300 square feet of land, directly abutting the units which is prepared, protected and equipped for recreational activities.

- j. Efficiency apartments shall be considered one bedroom for the purposes of these calculations.
- k. Layout and landscaping of the residential units in combination with the commercial units shall be in such a manner as to minimize the impact of the commercial uses, parking service areas and streets on the residential units.
- l. Commercial and residential units shall have separate entrances.
- m. Gross floor areas requirements for dwelling units shall be at least the following:
  - 1) Efficiency                      500 Square Feet
  - 2) 1 Bedroom                      700 Square Feet
  - 3) 2 Bedroom                      900 Square Feet
- n. The site plan submitted with an application shall include:
  - 1) Plans prepared by a professional engineer licensed in the State of Connecticut showing:
    - \*Details of the proposed water distribution/system supply;
    - \*Information defining the location and capacity of any storage tank(s) that may be required;
    - \*Calculations showing the estimated water demands of the entire development as proposed.
  - 2) The number of residents to be served and the number of service connections installed;
- o. Prior to the issuance of any zoning permit, the Applicant shall obtain a statement from the Director of Public Health stating that the proposed development has an adequate and potable water supply.

## SECTION 27

### EROSION AND SEDIMENT CONTROL PLANS

- 27.1 A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development total, cumulatively, more than one-half acre. Only a single family dwelling that is not a part of a subdivision of land shall be exempt from the submission of a soil erosion and sediment control plan.
- 27.2 To be eligible for certification, a soil erosion and sediment control plan shall contain 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 and found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.
- 27.3 Said plan shall contain, but is not limited to:
- a. A narrative describing:
    - 1) the development;
    - 2) the schedule for grading and construction activities including:
      - \*start and completion dates;
      - \*sequence of grading and construction activities;
      - \*sequence for installation and/or application of soil erosion and sediment control measures;
      - \*sequence for final stabilization of the project site.
    - 3) the design criteria for proposed soil erosion and sediment control measures
    - 4) the construction details for proposed soil erosion and sediment control measures
    - 5) the installation and/or application procedures for proposed soil erosion and sediment control measures

- 6) the operations and maintenance program for proposed soil erosion and sediment control measures
- b. A site plan map that is in compliance with Section 14 of the Haddam Zoning Regulations.
- c. Any other information deemed necessary and appropriate by the Commission or its designated agent.

#### 27.4 Minimum Acceptable Standards

- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapter 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediments control plans shall result in a development that:
  - minimizes erosion and sedimentation during construction;
  - is stabilized and protected from erosion when completed; and
  - does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commissioner may grant exceptions when requested by the applicant if technically sound reasons are presented.

#### 27.5 Review of Erosion and Sediment Control Plan

- a. The Planning and Zoning Commission shall certify a soil erosion and sediment control plan when the plan complies with the requirements and objectives of this regulation. When the soil erosion and sediment control plan fails to comply with these regulations, the Commission shall deny certification of the plan.
- b. When the Planning and Zoning Commission requires that a soil erosion and sediment control plan be submitted to the Soil and Water Conservation District and/or other agencies for review and comment, it shall be the responsibility of the applicant to submit the plans to the appropriate agencies. Comments from review agencies shall be submitted to the Planning and Zoning Commission as part of the application.



## 27.6 Conditions

- a. The estimated cost of measures required to control soil erosion and sedimentation and for site stabilization at any time during the construction phase may be covered in a performance bond at the discretion of the Commission.
- b. Zoning permits shall not be issued for construction on the site until the erosion and sediment control plan is certified by the Planning and Zoning Commission, and the specified control measures, as outlined in the plan, are installed and functioning properly.
- c. The developer/owner shall be responsible for maintaining all erosion and sediment control measures and facilities in proper working order throughout the life of the project.

27.7 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly installed and maintained.

27.8 Enforcement of the Soil Erosion and Sediment Control Regulations shall be the responsibility of the Planning and Zoning Commission of its designated agent.

Failure to properly install and/or maintain any erosion and sediment control measure may result in the issuance of a stop work order until the problem is satisfactorily corrected.

## SECTION 28

### BONDING

- 28.1 **Performance Bond** -- To assure that a proposed development, excluding buildings, conforms to an approved site development plan and other required documents, a performance bond may be required by the Planning and Zoning Commission. When a performance bond is required, it shall be posted prior to the endorsement of the final site plan, the issuance of any zoning permits and the sale of any lots. Approval of the plan shall become effective on the date when a copy of an endorsed final plan and other required documents are filed and recorded in the Office of the Town Clerk. No construction work shall be started prior to final approval of said site plan.
- 28.2 A performance bond shall be posted in the Office of the First Selectman accordance with one of the following methods and in a form that is acceptable to the Town Attorney:
- a. A cash bond;
  - b. Any other form of surety that the Commission deems acceptable.
- 28.3 The amount of the performance bond shall be established by the Commission. Applicants shall furnish the Commission with a listing of the established amount of materials needed to complete the improvements. The bond shall cover the full cost of the improvements as if let-to-bid by the Town without advantages of on-site building materials or the sale of removed earth material. In addition, the bond shall include an amount to cover the escalation of all improvement costs over a two year period.
- 28.4 The amount of the performance bond shall be sufficient to cover the cost of any proposed or required site improvement such as street grading; roadway paving and street planting; the installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts; erosion and sediment control measures; site stabilization measures; and all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town from undue expense in regard to the future maintenance of said improvements. All improvements shall be designed in accordance with established standards, rules and regulations applicable in the Town of Haddam. The Commission may require that a separate cash performance bond be posted for all erosion and sediment control and site stabilization measures.

28.5 Upon completion of the required improvements, the applicant shall submit to the Commission:

- a. As-built plans of the improvements (supplied by a licensed engineer);
- b. Certification of accurate monument location (supplied by land surveyor);
- c. Easements in a form satisfactory to the Town Attorney including a written geometric description of all such easements; and
- d. Proof of fulfillment of any other requirements or conditions.

28.6 The Commission shall authorize the release of the bond after certification that all required improvements have been completed to the satisfaction of the Commission and other appropriate Town Departments. In addition, a maintenance bond covering all site improvements completed for the development may be required prior to the release of any performance bond.

If the improvements are not installed as required, the Commission is under no obligation to accept the work. The Commission may recommend to the Board of Selectman that the bond be declared defaulted and that it take the necessary action to call the bond.

28.7 **Maintenance Bonds** - To assure proper maintenance of all site improvements and structures, a maintenance bond in the amount of 10% of the estimated cost of the site improvements shall be submitted to the Town and approved by the Board of Selectmen. The maintenance bond shall be in effect for a maximum period of one year from the date the improvements are accepted by the Town. The bond shall be posted prior to the issuance of any Certificates of Zoning Compliance. The applicant shall maintain all site improvements and structures within the time frame of the bond.

If the applicant fails to remedy any such defects within a reasonable time, the Town may without prejudice to any other remedy cause the required repairs to be made and paid for with the proceeds of the maintenance bond.

## SECTION 29

### NON-CONFORMING BUILDINGS AND USES

29.1 **Non-Conforming Lots of Record** -- In any zone 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 or amendment 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. The lot shall conform to the regulations for the zone in which such lot is located. Variance of yard 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 parcel for the purposes of these Zoning Regulations. In such instances, compliance with lot width and area requirements established by the Zoning Regulations is not required, however, no division of any parcel shall be made which creates a lot with width or area below the requirements stated in the Zoning Regulations.

29.2 **Non-Conforming Uses of Land (or Land with Minor Structures Only)** -- Where at the time of passage of these regulations, lawful use of land existed which would not be permitted by the requirements imposed by the Zoning Regulations and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date or amendment of these regulations.

29.3 **Discontinuance** -- If at any time and for any reason a property owner demonstrates an intent to abandon or cease and such non-conforming use of land, any subsequent use of such land shall conform to the requirements specified in the Zoning Regulations for the zone in which such land is located.

29.4 No additional structure not conforming to the requirements of the Zoning Regulations shall be erected in connection with such non-conforming use of land.

29.5 **Non-Conforming Uses of Structures or of Structures and Premises in Combination** -- If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of these regulations that would not be allowed in the zone under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, including subsequent sales or the property, subject to the following provisions:

29.6 **Expansion** -- If any existing structure devoted to a use not permitted by these regulations in the zone in which it is located is proposed to be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located, then such enlargement, extension, construction, reconstruction, move or structural alteration is subject to approval or denial by the Zoning Board of Appeals.

29.7 **Limitation** -- Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but extension of such use is subject to approval or denial by the Zoning Board of Appeals.

No expansion of a non-conforming use or structure, or combination thereof, shall exceed the boundaries (premises) than was occupied at the effective date or amendment of these regulations.

29.8 **Change of Use** -- If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing non-conforming use. In permitting such changes, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of the Zoning Regulations.

29.9 **Change to a Conforming Use** -- Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone, and the non-conforming use may not thereafter be resumed.

29.10 **Restoration** -- Where non-conforming use status applies to a structure or to a structure and premises in combination, voluntary removal or destruction of

the structure shall eliminate the non-conforming status of the land.

**29.11 Repairs and Maintenance** -- On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs.

**29.12 Replacement Following Involuntary Destruction** -- Non-conforming structures and buildings cannot be replaced after involuntary destruction if the degree of such destruction exceeds 50 percent of the structure.

## **SECTION 30**

### **ADMINISTRATION AND ENFORCEMENT**

- 30.1 The Zoning Enforcement Officer in the Town of Haddam shall be appointed by the Planning and Zoning Commission and shall have all the powers, duties and responsibilities assigned to the Zoning Enforcement Officer in these regulations.

It shall be the duty of the Zoning Enforcement Officer, as authorized, to enforce the provisions of these regulations.

- 30.2 The Zoning Enforcement Officer, as authorized, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or removal of any building or structure, or the unlawful use of land; to restrain, correct, or abate any violations of these regulations, to prevent the occupancy of said building, structure or land; or, to prevent any illegal act, conduct, business or use in, on or about the premises, or to cancel any permit for cause whenever such acts shall be in violation of the provisions of these regulations, penalties shall be as provided by the Connecticut General Statutes or such local ordinances as shall apply.
- 30.3 Nothing contained herein shall require any change in the plans, construction, size or designated use of a building for which a building permit has been granted or for which a zoning permit has been issued by the Commission or its agent before the effective date of these regulations and the construction of which, from such permit, shall have been started within six months of such date and diligently prosecuted to completion.
- 30.4 No building or structure, or part thereof, shall be constructed, reconstructed moved or enlarged, nor shall any use requiring Planning and Zoning Commission or Zoning Board of Appeals approval be initiated, nor shall any lot, building or other structure be changed in use unless a zoning permit or Certificate of Zoning Compliance for the proposed construction and/or use has been issued by the Commission or its agent. The Commission is empowered to adopt forms and procedures, and to set fees relating to the issuance of a zoning permit. Whenever a well, septic tank or other sanitary arrangement is to be installed in connection with or as a part of any project for which a permit is required or is being issued, a copy of a Health Director's statement must be submitted with the application.

- 30.5 For each application for a site plan approval for which a public hearing has been noticed or special permit, the applicant shall post a sign, not smaller than thirty six (36) by thirty six (36) inches, facing the street, and visible from the street, bearing the following words with letters not less than three (3) inches high and provided by the Land Use Office.

### **PUBLIC NOTICE**

This property is the subject of an application before the Haddam Planning and Zoning Commission. For information, call the Land Use Office at 345-8531

Such sign shall be posted at least ten (10) days before any public hearing on (not including the day of the public hearing or the day the sign is erected) on the application.

The applicant shall, at the time of the Commission meeting at which the matter is to be acted upon, or at the time of the public hearing, submit an affidavit of compliance with this provision, and a photo of the actual sign.

- 30.6 **Certificate of Zoning Compliance**—A Certificate of Zoning Compliance is a document stating that the site plan of a proposed use has been adhered to and completed and in conformance with these Regulations. Only after a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer will a Certificate of Occupancy permitting land, buildings and other structures, or parts thereof, to be used or occupied, or changed in use, be issued.

- 30.7 **Appeals** -- Any person, or persons, aggrieved by an action of a designated agent of the Planning and Zoning Commission may appeal such action to the Zoning Board of Appeals as outlined in Section 8-7 of the Connecticut General Statutes, as most recently amended.

Any person, or persons, aggrieved by an action of the Planning and Zoning Commission, may appeal to the Superior Court, Judicial District of Middlesex at Middletown, in accordance with Section 8-9 of the Connecticut General Statutes, as most recently amended.

- 30.8 **Revocation and Termination**—Any permit is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give written warning upon discovery of the first violation. Any further violations shall be reported to the Commission for action. The Commission shall



thereupon hold a hearing and if it is found that there is a violation of any condition of the permit, the Commission may revoke such permit. Each successive day of violation shall be considered a separate violation for the purposes of this action.

Table 1  
Schedule of Area, Height, Bulk and Placement Regulations

Zone	Minimum Lot Area	Minimum Lot Frontage Width (1)	Minimum Front Yard	Minimum Side Yard	Minimum Aggregate Side Yards	Minimum Rear Yard	Maximum Building Height (2)	Maximum % of Land Coverage	Minimum Set-back from a Water-course [Gateway Zone (5)]
R-2 (1F)*	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	10%	50 Feet
R-2 (2F)*	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	10%	50 Feet
R-1 (1F)*	1 Acre	150 Feet	30 Feet	20 Feet(6)	50 Feet (6)	20 Feet	35 Feet	15%	50 Feet
R-1 (2F)*	2 Acres	200 Feet	40 Feet	20 Feet	50 Feet	30 Feet	35 Feet	15%	50 Feet
R-2A (1F)*	2 Acres	200 Feet	40 Feet (7)	20 Feet	50 Feet	30 Feet (7)	35 Feet	10%	50 Feet
R-2A (2F)*	2 Acres	200 Feet	40 Feet (7)	20 Feet	50 Feet	30 Feet (7)	35 Feet	10%	50 Feet
Commercial	½ Acre	100 Feet	30 Feet	10 Feet	25 Feet	20 Feet	35 Feet	40% (3)	50 Feet
Industrial (I-1 & I-2)	1 Acre	150 Feet	30 Feet	20 Feet	50 Feet	20 Feet	35 Feet	25% (3)	50 Feet
Industrial Park (4)	2 Acres	200 Feet	70 Feet	30 Feet	70 Feet	40 Feet	35 Feet	25% (3)	50 Feet
Higganum Village District	None	30 Feet	10 Feet Maximum	8 Feet	15 Feet	10 Feet	35 Feet	70%	N/A
Modification Limits For HVD Zone	N/A	8 Feet	3 Feet	2 Feet	4 Feet	3 Feet	35 Feet	25%	N/A

\* (1F) Single-Family Dwellings; (2F) Two-Family Dwellings

1. Minimum lot Frontage is defined as continuous uninterrupted frontage, unencumbered by any vehicular right of ways or access strips, on a town or state road or other road meeting specifications of the Haddam Subdivision Regulations. On a corner lot, only one of the frontages must meet the minimum requirements.
2. No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to exceed a height of thirty-five feet or contain more than two stories and an attic above grade. However, spires, cupolas, towers, flagpoles, tanks and other similar structural features occupying no more than ten percent of the building area and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit therefore by the town authority having jurisdiction.
3. The maximum combined coverage of buildings, accessory structures and parking areas shall not exceed 75% of the lot area.
4. See Section 9 of these Regulations for additional lot requirements in the Industrial Park District.
5. See Section 10.3 of these Regulations for exceptions to 50 foot setback requirements.
6. Amended March 24, 1988 - Lots on record or part of an approved subdivision, for the R1 side yards = 10 feet and 25 feet.
7. Amended March 24, 1988 - Existing structures on lots of record or existing in an approved subdivision for R-2A Zone - Front Yard = 30 feet; rear yard = 20 feet.



Table II (continued)

SOIL LIMITATION FOR ON-SITE SEPTIC SYSTEMS

Generally <u>Not Suitable</u> Soil mapping symbol	Significant <u>Limitations</u> soil mapping symbol
Aa	CdD
BcA	EfA
HSE	HME
HyC	HUD
HZE	LpA
LG	LpB
Ps	LuB
Rb	LvC
Rp	NnA
Ru	PeD
Rv	SgA
Sb	WkD
Sc	WxA
St	WxB
Wd	WyA
We	WyB
Wh	WzA
Wr	WzC
Wt	YaB
	YaC
	HrC

Soil mapping symbols are taken from "Soil Survey of Middlesex Country, Connecticut, United States Department of Agriculture, Soil Conservation Service in cooperation with Connecticut Agriculture Experiment Station, Storrs Agriculture Experimentation Station.

**Open Space Calculations**  
**Per Section 4.A.3.d of the**  
**Haddam Conservation Zoning and Subdivision Regulations**

- A. Total Area: \_\_\_\_\_ acres \_\_\_\_\_ %
- B. Inland Wetlands: \_\_\_\_\_ acres \_\_\_\_\_ %
- C. Streets/Utilities: \_\_\_\_\_ acres \_\_\_\_\_ %
- D. Minimum Open Space: \_\_\_\_\_ acres 45%, 50% or 55%  
(from paragraph (2)) (circle one)
- E.1. Inland Wetlands counted towards  
minimum open space requirement:  
\_\_\_\_\_ acres (x) \_\_\_\_\_ %  
(Inland Wetlands of the total site) = \_\_\_\_\_ acres
- E.2. Balance of Inland Wetlands to be added  
minimum open space requirement:  
\_\_\_\_\_ acres (-) \_\_\_\_\_ = \_\_\_\_\_ acres
- F. D. \_\_\_\_\_ acres (+) E.2. \_\_\_\_\_ acres = \_\_\_\_\_ acres \_\_\_\_\_ %  
minimum open space required:
- G. Net buildable lot area:  
A \_\_\_\_\_ acres (-) F \_\_\_\_\_ acres (-) C \_\_\_\_\_ acres = \_\_\_\_\_ acres.

## AMENDMENTS TO ZONING REGULATIONS

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
1. Flood Plain Regulations	7/2/75	11
2a. Post Offices	9/3/75	6
2b. Post Offices	9/3/75	7
2c. Post Offices	9/3/75	8
3. Zoning Permit	1/1/77	30
4. Post Offices	9/1/77	6
5. Volunteer Ambulance Headquarters	11/1/77	6
6. See Appendix I	12/1/78	
7. Special Flood Hazard Area	2/1/80	11
8. Aquifer Protection Zone	11/10/80	12
9. Commercial Cutting of Timber	8 /1/82	19
10. Fences	8/1/82	22
11. Marinas & Boatyards	10/2/82	8
12. Elderly Housing	10/2/82	3
14. Timber cutting	11/1/83	19
15. Trailers	11/1/83	16.1
16. Trailers	11/1/83	16.3
17. Site Plan Review	11/13/84	14.1.r
18. Buffer Strips	11/13/84	7.4
19. Certificate of Zoning Compliance	11/13/84	30.6
20. Construction yards	11/19/84	7.3.k
21. Special permit	2/4/85	15
22. Interior lots	2/4/85	4
23. Temporary roadside stands	2/4/85	6
24. Nursery schools	2/4/85	6
25. Home Occupations	2/4/85	6
26. Greenhouses	2/4/85	6
27. Accessory Apartments	2/4/85	6.5
28. Special permits	2/4/85	6.3
29. Special permits	2/4/85	6.3.e
30. Special permits	2/4/85	6.3.f
31. Signs	2/4/85	17
32. Attics	2/4/85	3
33. Timber cutting	2/4/85	19.3a
34. Timber cutting	2/4/85	19.3b
35. Home Occupation	2/4/85	23k
36. Home Occupation	2/4/85	23m

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
37. Special permits	2/4/85	15.10
38. Erosion & Sedimentation Req.	/15/85	14.2
39. Special permits	6/15/85	15
40. Validity	6/15/85	2
41. Nursery schools	9/9/85	6.2 a
42. Recreational uses	9/9/85	6.2b
43. Bonding	9/9/85	28
44. Performance bond	9/9/85	14.3
45. Bonding	9/9/85	28
46. Special permit: industrial	1/1/87	8
47. Commercial motor vehicles	1/1/87	21.4
48. Height, building	4/26/87	3
49. Water company	4/26/87	3
50. Site plan review	4/26/87	14.4
51. Area, height, bulk and placement	9/16/87	Table I
52. Interior Lot Provisions	9/16/87	4.b.1
53. Interior Lot Provisions	9/16/87	3
54. Interior Lot Provisions	9/16/87	4.1.3.f
55. Site Plan Review	9/16/87	14.1.h
56. Site Plan Review	9/16/87	14.1.k
57. Site Plan Review	9/16/87	14.1.r
58. Site Plan Review	9/16/87	14.4
59. Performance Bond	9/16/87	28.1
60. Add R-2A Residential Zones	3/24/88	Table I
61. Delete R-1/2 Residential Zones	3/24/88	Table I
62. Deletion of Dwellings inc.-1 Zones	3/24/88	7
63. Minimum Lot Requirement Addition	3/24/88	4
64. Interior Lot access strip	12/8/89	4
65. Exemption for accessory residential structures near water course	12/8/89	5
66. Minimum Lot requirement additions dwelling in minimum area conservation easement not included. Minimum rectangle behind front setback lines on corner lots.	12/8/89	4
67. Definition of side yard	12/8/89	3
68. Delete laundries from Use Table	4/26/90	7.2.F
69. Delete hotels & motels from Use Table	4/26/90	7.3.F
70. Prohibit Industrial Waste Discharge	4/26/90	8.4.F
	4/26/90	9.6.F

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
71. Allow Elderly housing in R-2A zones	4/26/90	6.3.G
	4/26/90	13.4
72. Delete reference to fees	4/26/90	15.9
73. Require approved plans to be filed within 90 days	4/26/90	14.4
74. Accessory Apartments	4/26/90	6.1
	4/26/90	6.5
	4/26/90	3
75. Add #3 & #4 to Waiver of certain site plan requirements	10/25/91	14.6.c
	10/25/91	14.6.d
76. Add corner lot requirements	7/1/92	Table 1
77. Outdoor recreation facilities	7/1/92	6.3.c
78. Amend discontinuance	7/1/92	29.3
79. Delete Discontinuance	7/1/92	29.10
80. Delete housing nonconforming uses	7/1/92	29.12
81. Delete fee	7/1/92	2
82. Revisions to outdoor signs	7/1/92	17
83. Revisions to outdoor signs	10/1/92	17
84. Professional and business offices	9/1/93	6.3.J
85. Amend Flood Hazard Regulations	11/1/93	11
	11/1/93	11
86. Add or replace definitions for attic, grade, height	11/1/93	3
	11/1/93	3
87. Amend maximum building height req.	11/1/93	Table 1
88. Add construction near wetlands	11/1/93	5.6
89. Clarify interior lot access strip measurement & fee sample req.	11/1/93	4.2
		4.2
90. Amend outdoor rec.facilities	8/1/94	6.3.c
91. Amend Special Flood Hazard Area	5/1/95	11
92. Site Plan Requirements - CGS	5/1/95	14
93. Communication Towers	8/7/95	25
94. Communication Towers	8/7/95	25
95. Communication Towers	8/7/95	25
96. Public Hearing Sign	8/7/95	30
97. Access strip	10/4/95	4
98. Review Considerations	10/4/95	14.5
99. Review Considerations	10/4/95	14.6
100. Interior lot provisions	11/9/95	4
101. Home Occupations	1/23/97	23

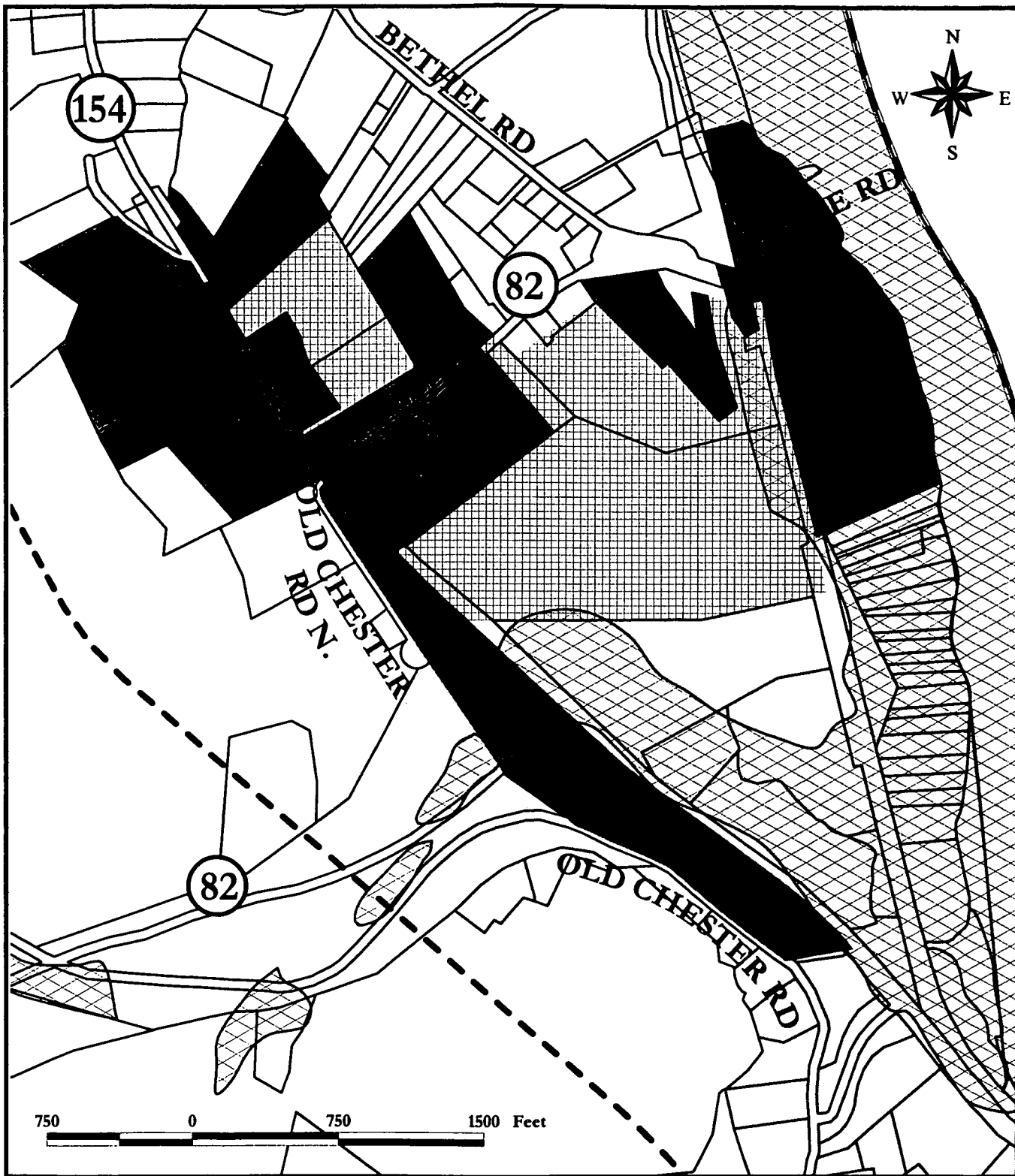


<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
102. Bed and Breakfast	1/23/97	7
103. Bed and Breakfast	1/23/97	6
104. Bed and Breakfast	1/23/97	3
105. Marina	1/23/97	3
106. Accessory Apartments	3/16/98	6.4
107. Accessory Recreation Facilities	3/16/98	6.7
108. Fences	3/16/98	22.3
109. Accessory Uses	3/16/98	24.5
110. Professional Office in Residential Zone	12/21/98	6.3.j.i
111. Correct Section 4, Table 1 Use Regulations	2/1/99	Table 1
112. Create Industrial-2 Zone	2/1/99	8A
113. Add Industrial I-2 to Section 5	12/1/99	5
114. Eliminate Water course Setback	1/20/00	5.6
115. Accessory Apartments	1/20/00	6.5
116. Buffering Requirements	1/20/00	7.4
117. Permit Revocation/Termination	1/20/00	15.10
118. Trailers	1/20/00	16.1
119. Bonding	1/20/00	28.2
120. Certificate of Zoning Compliance	1/20/00	30.6
121. Appeals	1/20/00	30.7
122. Revocation/Termination	1/20/00	30.8
123. Section 4, Table 1	1/20/00	Table 1
124. Moved Timber Cutting Section to Inland Wetlands Regulations, Forest Practices	1/20/00	19
125. Create Continuing Care Residential	2/7/00	13A
126. Communication Towers	10/10/00	25
127. Delete -Driveway Grade	12/1/01	4.1.b.3.a.
128. Driveway grade	12/1/01	4.2
129. Interior lots	12/1/01	4.1.b. #7
130. Delete references to Commercial and Non-Commercial cutting and removal of trees	12/1/01	14.6.a 14.6.b.
131. Correct line R-2	12/1/01	Section 4, Table1
132. Add Commercial Zones Uses	12/1/01	7.1.
133. Sign Posting	12/1/01	2.2
134. Sign notifying of public hearing	12/1/01	30.5
135. Length of Access Strip	2/1/02	4.1.3.f.

<u>AMENDMENT</u>	<u>EFFECTIVE DATE</u>	<u>SECTION</u>
136. Village District	4/1/02	7A.
137. Table 1	4/1/02	4. Table 1
138. Height, Building	12/3/02	3
139. Conservation Subdivisions	12/3/02	4A
140. Zone Change R-2 to R-2A	12/16/02	
141. Dwelling, Housing for Elderly from 62 to 55 years old	12/16/02	3 & 13
142. Elderly Maximum Density from 3 bedrooms to 4	1/30/03	3
143. Maximum number of bedrooms per Development from 48 to 96	1/30/03	13
144. Permanent year-round farm markets	2/15/03	6.3.l.
145. Private Schools	12/1/03	3 & 6.3.
146. Child Day Care Centers	11/22/04	6.3.k.9
147. Gateway Conservation Zone	12/1/04	6.3.o.
148. Gateway Conservation Zone	12/1/04	10.3, 10.4, 10.5, 10.6, 10.7, 10.8
149. Elderly and/or Physically Handicapped Persons	5/1/05	6.3(h), 13.4
150. Minimum Rectangle	9/23/05	4.2
151. Lots First Split	9/23/05	4.3
152. Zones	9/23/05	5.3

## HADDAM ZONING REGULATION AMENDMENTS

APPROVED:	November 4, 1974	August 1, 1994
EFFECTIVE:	November 21, 1974	May 1, 1995
REVISED:	July 2, 1975	August 7, 1995
	September 3, 1975	October 2, 1995
	January 1, 1977	November 9, 1995
	September 1, 1977	January 23, 1997
	November 1, 1977	March 16, 1998
	December 1, 1978	December 21, 1998
	February 1, 1980	February 1, 1999
	November 10, 1980	November 1, 1999
	November 10, 1980	January 20, 2000
	November 10, 1980	February 7, 2000
	November 10, 1980	October 10, 2000
	November 10, 1980	December 1, 2001
	August 1, 1982	February 1, 2002
	October 2, 1982	April 1, 2002
	November 1, 1983	December 3, 2002
	November 7, 1983	December 16, 2002
	November 13, 1984	January 30, 2003
	November 19, 1984	February 15, 2003
	February 4, 1985	December 1, 2003
	June 15, 1985	November 22, 2004
	September 9, 1985	December 1, 2004
	January 1, 1987	May 1, 2005
	April 26, 1987	September 23, 2005
	September 16, 1987	
	March 24, 1988	
	December 8, 1989	
	April 26, 1990	
	October 25, 1991	
	July 1, 1992	
	October 1, 1992	
	September 1, 1993	
	November 1, 1993	



Zone	Zonename	Name	Date	Change	Map #	Lot #
4	C-1	Commercial	1/02/2003	I-1 to C-1	49	26
4	C-1	Commercial	1/02/2003	I-1 to C-1	49	27
4	C-1	Commercial	12/01/2004	I-1 to C-1	49	28

**Town of Haddam, CT  
ZONING INSET "A" MAP  
\*(Scale= 1in : 750ft)**

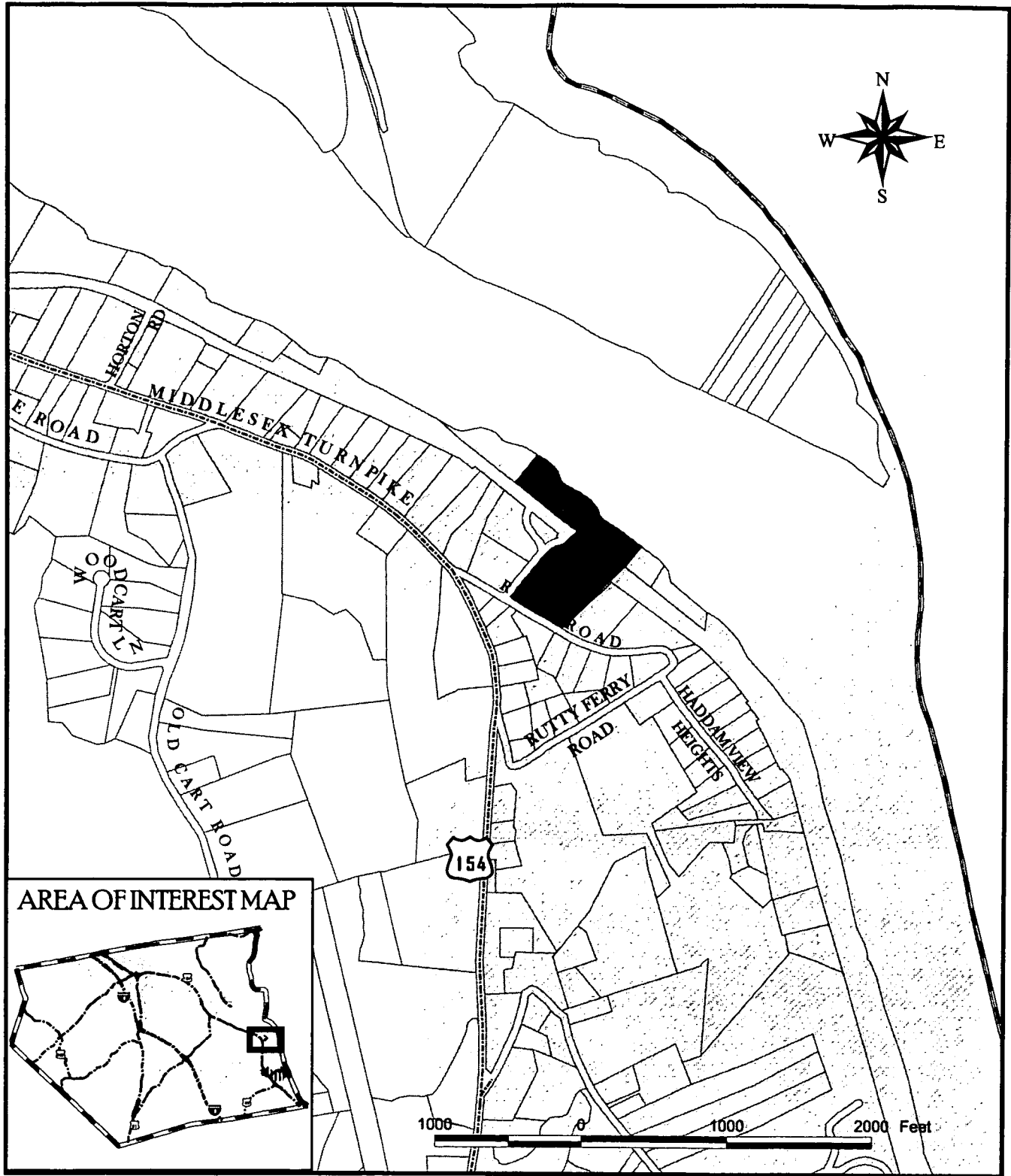
**ZONING KEY**

- C-1 (COMMERCIAL)
- I-2 (INDUSTRIAL)
- IND (INDUSTRIAL)
- R-1 (RURAL RESIDENTIAL)
- R-2 (RURAL RESIDENTIAL)
- R-2A (RURAL RESIDENTIAL)
- TOWN BOUNDARY
- FLOODPLAIN
- HADDAM GATEWAY
- PARCELS

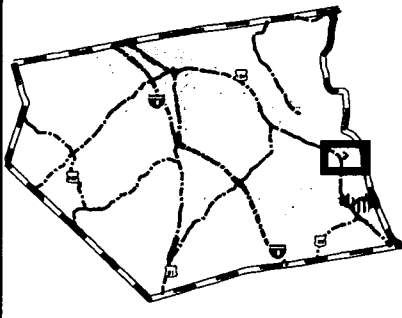
MIDSTATE REGIONAL PLANNING AGENCY  
100 DeKoven Drive, Middletown, CT 06457

Phone: 860.347.7814 Fax: 860.347.6108  
E-Mail: mrpa@msrpa.net

File: c:\projects\hd\_zoning.apr  
Created: November 2004



AREA OF INTEREST MAP



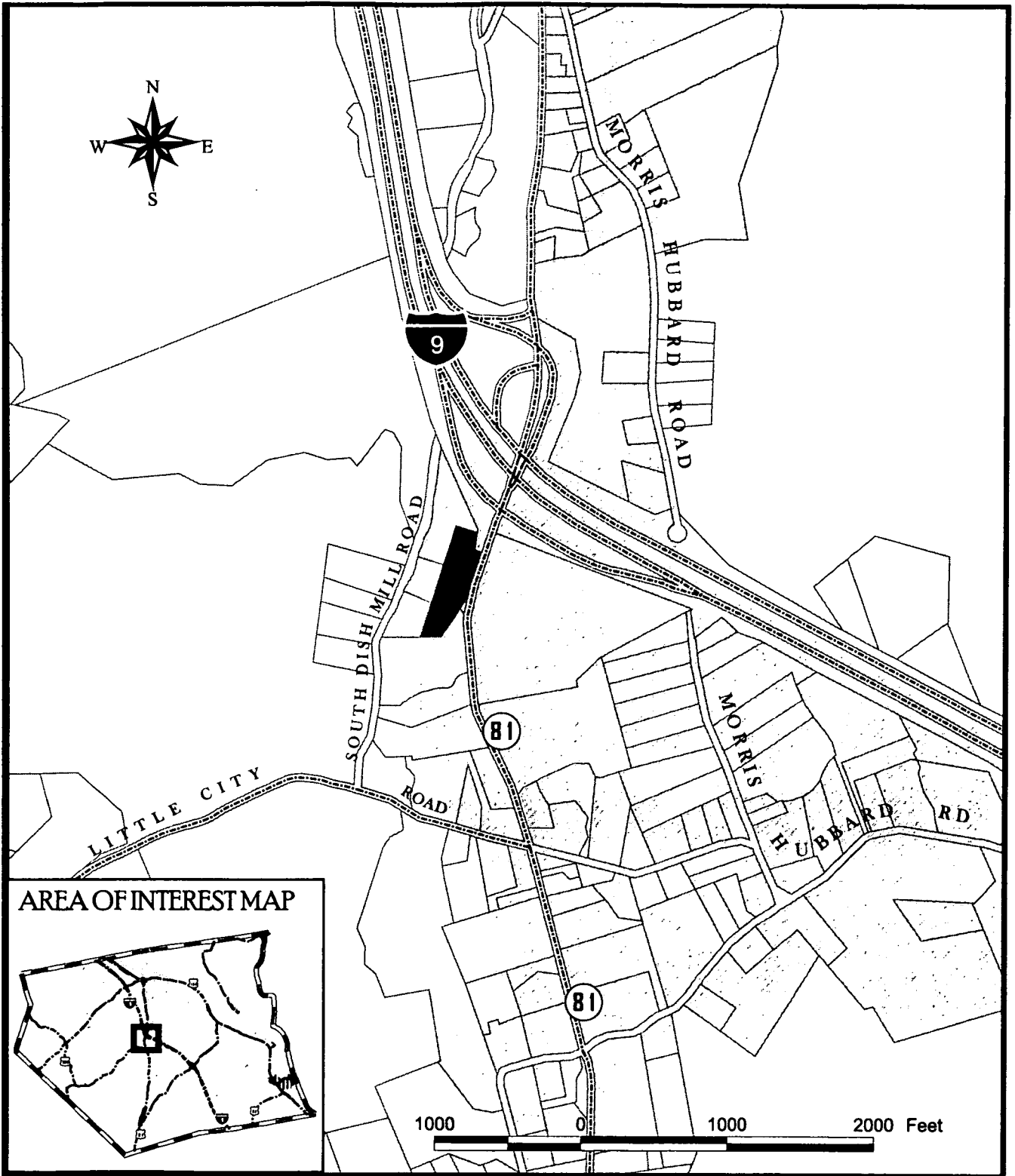
Town of Haddam, CT  
**ZONING INSET MAP #1**  
 \*(Scale= 1in : 1000ft)

**ZONING KEY**

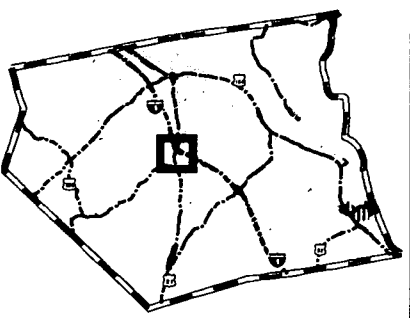
- C-1 (COMMERCIAL)
- I-2 (INDUSTRIAL)
- IND (INDUSTRIAL)
- R-1 (RURAL RESIDENTIAL)
- R-2 (RURAL RESIDENTIAL)
- R-2A (RURAL RESIDENTIAL)
- TOWN BOUNDARY
- MAJOR ROADS
- PARCELS

MIDSTATE REGIONAL PLANNING AGENCY  
 100 DEKOVEN DRIVE, MIDDLETOWN, CT 06457

PHONE: 860.347.7214 FAX: 860.347.6109  
 E-MAIL: MR7AMP0@RCLN.COM

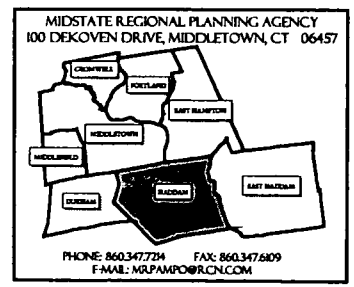


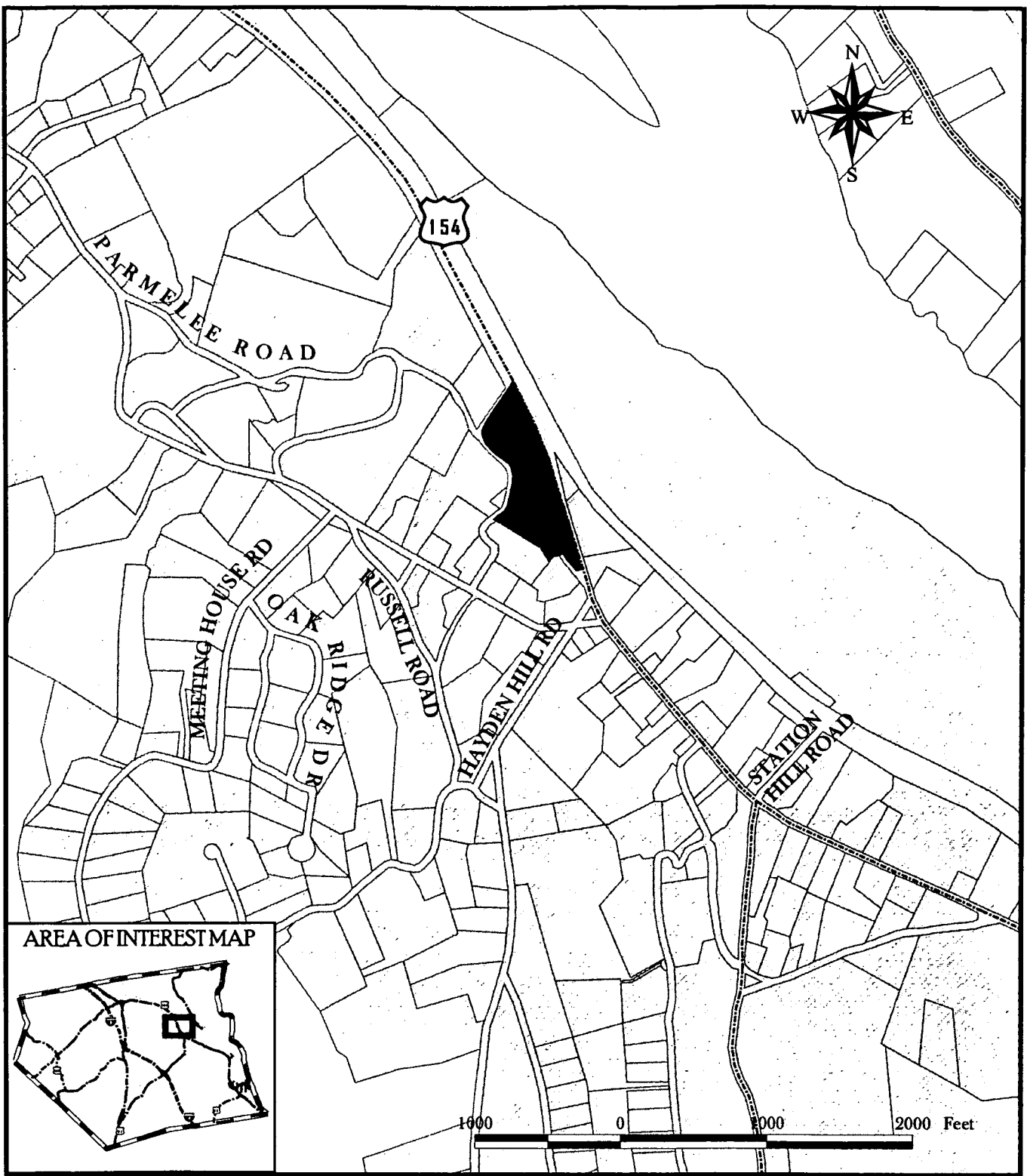
AREA OF INTEREST MAP



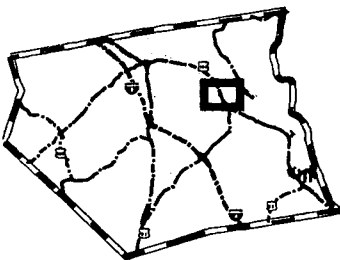
Town of Haddam, CT  
**ZONING INSET MAP #2**  
 \*(Scale= 1in : 1000ft)

ZONING KEY	
	C-1 (COMMERCIAL)
	I-2 (INDUSTRIAL)
	IND (INDUSTRIAL)
	R-1 (RURAL RESIDENTIAL)
	R-2 (RURAL RESIDENTIAL)
	R-2A (RURAL RESIDENTIAL)
	TOWN BOUNDARY
	MAJOR ROADS
	PARCELS

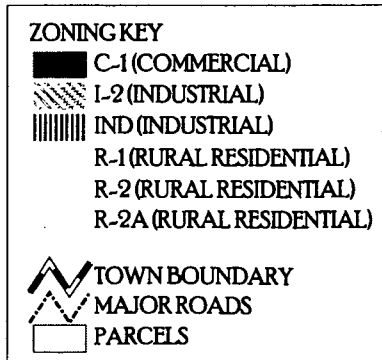




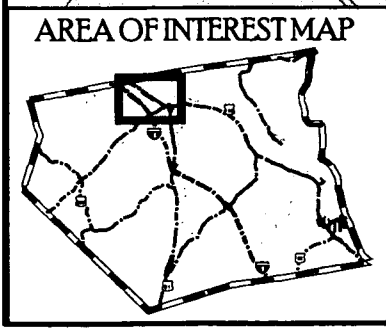
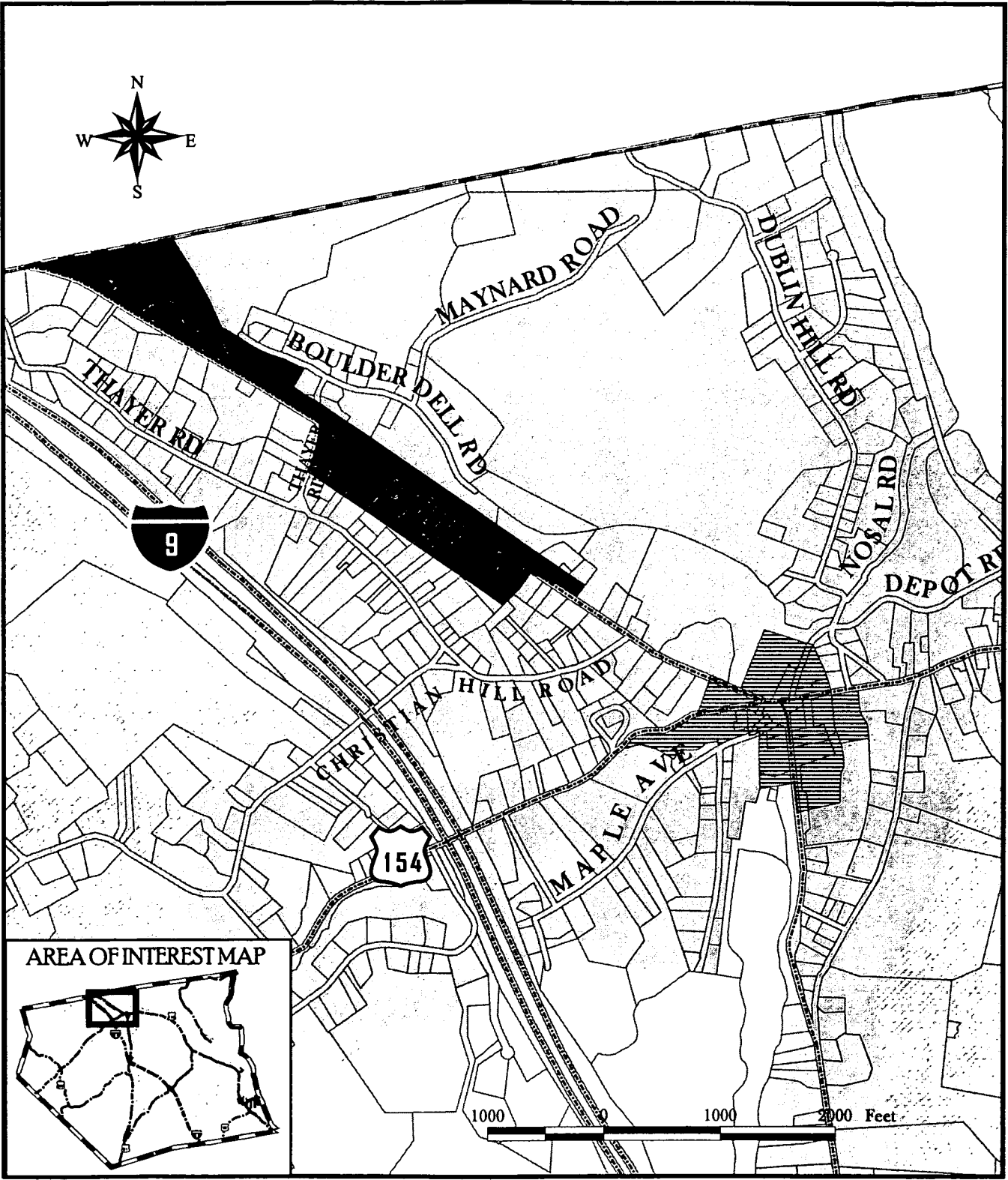
AREA OF INTEREST MAP



Town of Haddam, CT  
 ZONING INSET "B" MAP  
 \*(Scale= 1in : 1000ft)



File: c:\arcview\new projects\hd\_zoning.apr  
 Created: March 2002



Town of Haddam, CT  
 ZONING INSETS  
 "C" & "E" MAP  
 \*(Scale= 1in : 1250ft)

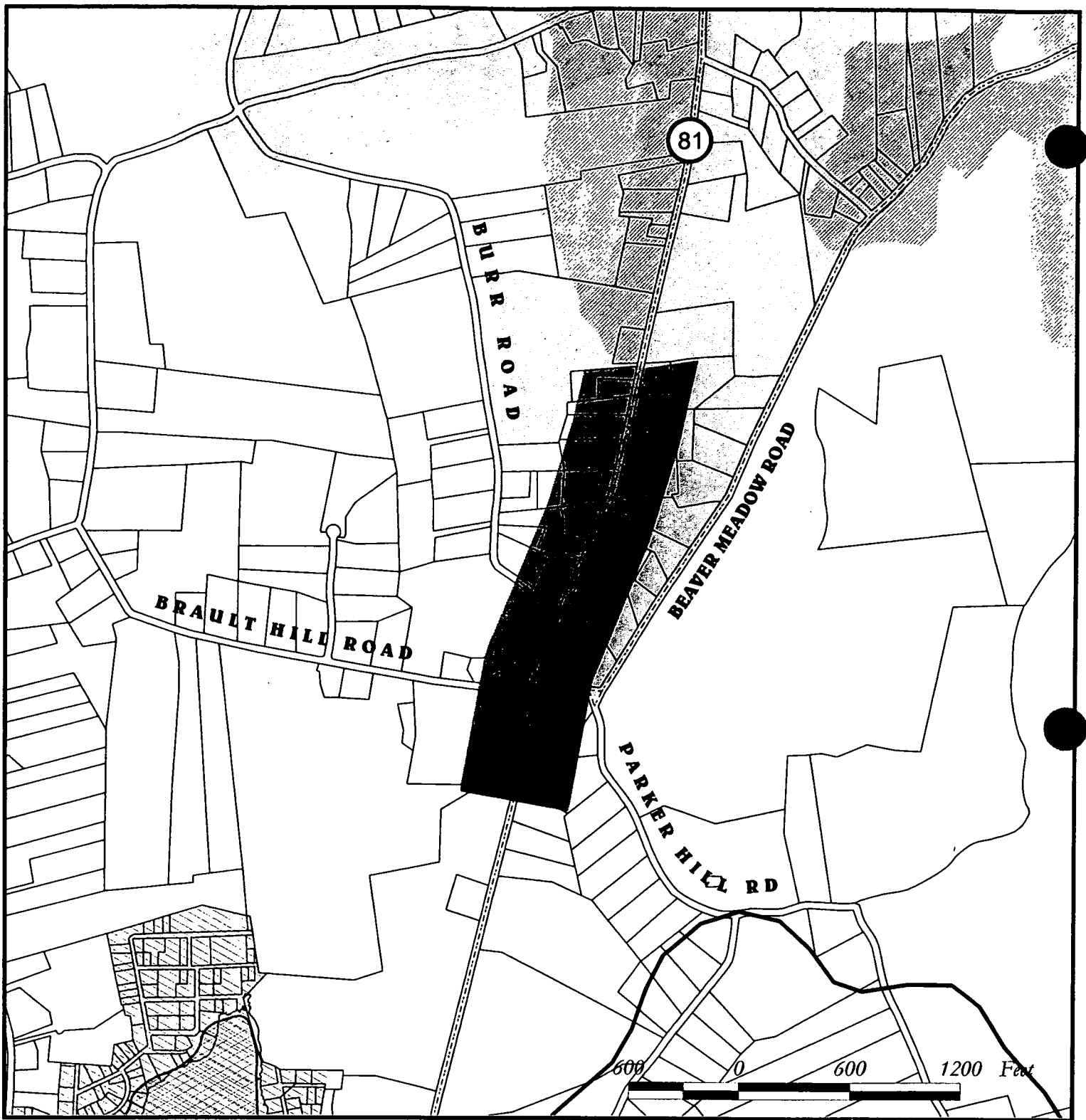
**ZONING KEY**

- C-1 (COMMERCIAL)
- I-2 (INDUSTRIAL)
- IND (INDUSTRIAL)
- R-1 (RURAL RESIDENTIAL)
- R-2 (RURAL RESIDENTIAL)
- R-2A (RURAL RESIDENTIAL)
- HVD (HIGGANUM VILLAGE DISTRICT)
- TOWN BOUNDARY
- MAJOR ROADS
- PARCELS

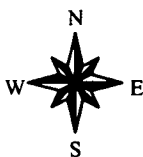
MIDSTATE REGIONAL PLANNING AGENCY  
 100 DEKOVEN DRIVE, MIDDLETOWN, CT 06457

PHONE: 860.347.7214 FAX: 860.347.6809  
 EMAIL: MR.PAMP@RCN.COM





Zoning	Name	Date	Change	Map	Scale
1	R-2A Rural Resident	12/16/02	R-2 to R-2A	60	11



**Town of Haddam, CT**  
**ZONING INSET "D" MAP**  
 \*(Scale= 1in : 1000ft)

**ZONING KEY**

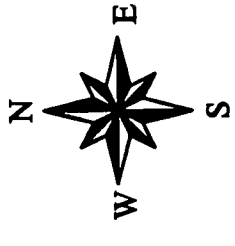
- C-1 (COMMERCIAL)
- I-2 (INDUSTRIAL)
- ### IND (INDUSTRIAL)
- /// R-1 (RURAL RESIDENTIAL)
- R-2 (RURAL RESIDENTIAL)
- R-2A (RURAL RESIDENTIAL)
- ▲ TOWN BOUNDARY
- ▭ MAJOR ROADS
- ▭ PARCELS
- ▲ WATERSHED BOUNDARY
- ▨ FLOODPLAIN
- ▨ AQUIFER ZONES

**MIDSTATE REGIONAL PLANNING AGENCY**  
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 E-Mail: mrpa@net.net

**Town of Haddam, CT  
ZONING MAP**

**\*(Scale= 1in : 4500ft)**



**\*INSET MAPS "C" & "E"**

**\*INSET MAP "B"**

**\*INSET MAP "A"**

**\*INSET MAP "D"**

**LEGEND**

ZONING KEY	
	C-1 (COMMERCIAL)
	I-4 (INDUSTRIAL)
	IND (INDUSTRIAL)
	R-1 (RURAL RESIDENTIAL)
	R-2 (RURAL RESIDENTIAL)
	R-2A (RURAL RESIDENTIAL)
	RVD (HIGGANUM VILLAGE DISTRICT)
	AQUIFER PROTECTION ZONE
	FLOODPLAIN
	GATEWAY BOUNDARY
	WATERSHED AREA BOUNDARIES
	MAJOR ROADS
	TOWN BOUNDARY
	PARCELS

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100 DeLoyen Drive, Middletown, CT 06457

Phone: 860.347.7814 Fax: 860.347.6189  
E-Mail: mrpa@msr.net

4500 0 4500 9000 Feet

