

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**APPLICATION BY TOWER HOLDINGS, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE CONSTRUCTION,  
MAINTENANCE AND OPERATION OF A WIRELESS  
TELECOMMUNICATIONS FACILITY LOCATED AT  
199 BRICKYARD ROAD, FARMINGTON, CONNECTICUT**

**DOCKET NO. 454**

**MARCH 10, 2015**

**PRE-HEARING SUBMISSION OF THE TOWN OF FARMINGTON**

The Town of Farmington respectfully submits this Pre-Hearing Submission in accordance with § 16-50j-25(c) of the Regulations of Connecticut State Agencies.

**A. WITNESS LIST**

1. Philip Dunn, Chairman of the Farmington Town Plan & Zoning Commission
2. Kathleen A. Eagen, Farmington Town Manager

**B. EXHIBIT LIST**

1. Pre-Filed testimony of Philip Dunn, dated March 5, 2015, which is appended hereto as Attachment A.
2. Pre-Filed testimony of Kathleen A. Eagen, dated March 9, 2015, which is appended hereto as Attachment B.
3. All-Points Visibility Analysis, dated April 8, 2013, which is appended hereto as Attachment C.
4. Town of Farmington, Town Plan and Zoning Commission, Agenda and Meeting Minutes, dated April 9, 2013, which is appended hereto as Attachment D.

5. Town of Farmington Zoning Regulations which are appended hereto as Attachment E.

6. Town of Farmington Plan of Conservation and Development, which is appended hereto as Attachment F.

7. Elevation Maps of the subject property and the surrounding areas (2 sheets), which is appended hereto as Attachment G.

**C. ITEMS TO BE NOTICED ADMINISTRATIVELY**

1. Request for administrative notice, in the form of a letter, dated March 10, 2015, which is appended hereto as Attachment H.

**D. DIRECT TESTIMONY**

At the hearing on this Application, the Town of Farmington intends to adopt the aforementioned exhibits as its direct testimony and make its representatives available for cross examination and re-direct examination. The Town of Farmington respectfully reserves the right to offer additional exhibits, witnesses, testimony and administratively noticed materials as may be necessary during the course of the proceedings, including for purposes of rebuttal.

Respectfully Submitted,  
TOWN OF FARMINGTON

By: 

Kelly C. McKeon  
Duncan J. Forsyth  
Kenneth R. Slater, Jr.  
Halloran & Sage, LLP  
225 Asylum Street  
Hartford, CT 06103  
Its Attorneys

**CERTIFICATION**

I certify that on this 10th day of March, 2015, fifteen copies of the foregoing were sent by regular and electronic mail to all parties and intervenors of record, as follows:

**Counsel for the Applicant**

Jesse A. Langer, Esq.  
Updike, Kelly & Spellacy, P.C.  
265 Church Street  
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JLanger@uks.com

**Counsel for New Cingular Wireless PCS, LLC ("AT&T")**

Christopher B. Fisher  
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Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, NY 10601

  
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Kelly C. McKeon, Esq.

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**DOCKET NO. 454**

**March 5, 2015**

**PREFILED TESTIMONY OF PHILIP DUNN**

I, Philip Dunn, am chairman of the Farmington Town Plan & Zoning Commission, and an attorney licensed to practice law in the State of Connecticut. In approximately March 2013, Northeast Towers approached Farmington's Town Planner and asked for the opportunity to make an informal presentation to the Commission with regard to a potential training tower to be located at 199 Brickyard Road. In accordance with that request, the Commission placed an informal presentation by Northeast Towers on its agenda for the regular meeting on April 9, 2013 under "New Business". (Exhibit 1 -The Booklet, Agenda and minutes of the meeting of April 9, 2013). On April 8, 2013, Northeast Towers provided the Commission with a booklet that contained a description of the proposed 180 foot free-standing lattice tower and a series of photographs depicting the result of a "balloon float" designed to replicate the height of the proposed tower and its potential visibility within a certain designated radius. On the date of the informal presentation, Northeast Towers withdrew its request to meet, claiming that it was not able to conduct testing necessary for the presentation due to windy weather. This request was curious given the fact that the "balloon float" had been completed and a report submitted to the Commission. There was no explanation of what other "testing" needed to take place and certainly none would have been necessary to meet with the Commission on an informal basis. I believe that Northeast Towers learned of the height limitations in the C-1 zone and decided that it would attempt to bypass the Town's Land Use Commissions. The undersigned appeared at a public information session at the Farmington Town Hall on April 15, 2014, and posed to counsel for Northeast Towers that this project was originally a training tower with no transmission antennas whatsoever and that the request for an informal hearing was cancelled when the applicant learned of our height regulations and the likely difficulty constructing a 180' antenna

so close to residential neighborhoods. It was posed that the Siting Council application was a pretext to avoid municipal regulations and review. Counsel for Northeast Towers claimed that the informal hearing request was rescinded as the applicant did not have sufficient information to make a presentation. It was pointed out that informal presentations are just that—informal and lacking in certain specific details and plans. Potential applicants are able to present ideas and concepts to the commission to obtain feedback and direction so that complete and viable plans can be submitted. The undersigned posed numerous questions at that time to help determine whether AT&T actually had a need for an antenna at this location given the anecdotal evidence of AT&T customers in the adjacent neighborhood—some of who testified before the Siting Council:

Has AT&T ever applied to the Connecticut Siting Council to build a cell tower to serve so few customers? Where and when?

Did AT&T actually go into the field to test the signal strength or calculate it theoretically?

Where are the calculations demonstrating the need for a 140' height for placement of AT&T antennas?

What other technologies has AT&T considered in lieu of traditional cell tower placement? Describe all new technology that could serve the area without placement on a 140' cell tower.

At a second public information forum also held at the Farmington Town Hall on July 15, 2014, none of these questions were answered.

Thereafter, Northeast Towers advised the Town of Farmington and the Commission that it planned to file an application to the Siting Council, claiming that the entire facility and the proposed use as a training center was within the exclusive jurisdiction of the Siting Council, based on the placement of an AT&T communications panel at the 140 foot level. While a 140 foot monopole consistent with prior Siting Council approvals might well be appropriate, should sufficient need be established, and other location options properly explored, the proposed 180 foot lattice tower and a training center is inconsistent with both the Farmington Zoning Regulations and the Town's Plan of Conservation and Development.

The subject property is located in the C1 industrial zone and the current use of the property is allowed: “Any establishment, the principal use of which is manufacturing, fabricating, processing, producing, assembling, cleaning, servicing, testing or repairing of materials.” (See Farmington Regs, Article II, Section 14.B.2). Neither a training school, nor a 180 foot training tower would be permitted as of right in the C1 zone. Rather, the property owner could follow one of two routes to secure approval:

- 1) Apply to the Commission for approval of a zoning text amendment to allow training schools, including training towers as high as 180 feet as a permitted use in the C1 zone subject to special permit approval and then file an application for the appropriate special permit approval; or
- 2) Obtain a variance for a 180 foot lattice tower and then seek special permit approval from the Commission the tower as well as a school to conduct the necessary training on the tower.

Currently, the maximum height of “buildings” in the C1 zone is 40 feet. There are some exceptions for chimneys, spires, masts, etc., but no exception for a stand-alone tower. Therefore, absent a text amendment as set forth in Option No. 1, a property owner would have to seek a variance from the Zoning Board of Appeals with regard to Option No. 2 and establish sufficient hardship in order to construct a 180 foot training tower in the C1 industrial zone.


Notwithstanding, the Town’s Plan of Conservation and Development seeks to preserve residential neighborhoods as stable, safe, vital and attractive living environments and recommends the following:

- a. Institute safeguards to protect neighborhoods from the adverse effects posed by adjacent new development.
- b. Parcels of land, which are contiguous to existing residential neighborhoods should only be developed in a compatible manner. In measuring compatibility, consideration should be given to similarity of uses (type, density, scale), traffic impacts, hours of activity, noise generation, lighting and design (setbacks and buffers).

The development of a training school and a 180 foot lattice training tower that residents will have to look at on a daily basis is inconsistent with those planning objectives.

The Siting Council should properly consider the need for a 140 foot monopole if AT&T can establish appropriate need for improved coverage and indicate to the Council what other options or technologies might be appropriate to meet AT&T's needs. The lattice tower and training operation presented to the Siting Council is unnecessary to the needs of AT&T and such a proposal should properly be presented to the Town Plan & Zoning Commission and/or Zoning Board of Appeals.

3-5-15  
Date

  
Philip Dunn  
Chairman of the Farmington Town  
Plan & Zoning Commission

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**DOCKET NO. 454**

**March   ?  , 2015**

**PREFILED TESTIMONY OF KATHLEEN A. EAGEN**

I, Kathleen A. Eagen present the following testimony to the Siting Council in conjunction with Docket No. 454. I am the Town Manager and Chief Executive Officer for the Town of Farmington and have held that position since 2001. The Town of Farmington has never been a party or intervener in any application to the Siting Council, but it is adamantly opposed to the proposed 180 foot lattice tower at 199 Brickyard Road which is being presented to you. It is abundantly clear from the testimony presented at the hearing held on February 3, 2015, that the primary purpose of the lattice tower is for training purposes rather than cellular communications. The fact that the applicant initially requested to make a presentation to the Farmington Town Plan and Zoning Commission for a training tower is further evidence of that fact. The lattice tower, as proposed, would be a detriment to the Highlands residential neighborhood which is directly across Brickyard Road and at elevations which would lead several residents to look directly at this unsightly structure.

During the applicant's testimony, company president, Steve Sevino, stated that he would like to be a good neighbor and make the lattice tower available to surrounding municipalities for training purposes. I can state unequivocally, that no one from Northeast Towers has ever contacted me, Police Chief, Paul Melanson, or Director of Fire & Rescue Services, Mary Ellen Harper, about using this tower for training purposes. Furthermore, the Town has no interest in utilizing such a tower as the Town is in the process of preparing to construct its own fire training & rescue facility within Town and which went through the proper local regulatory process.


I am also aware of the testimony of Ernest R. Jones at the February 3, 2015 regarding the fact that there have been 128 fatalities in the industry since 2003. In his report, dated January 5, 2015, Mr. Jones specifically references four deaths from gin pole use in Mississippi and Missouri, as well as a tower collapse in West Virginia which killed two workers and a member of a local emergency response team. The Town of Farmington does not want to be placed in the position of having its own emergency services personnel placed in harm's way, or bear the expense of, responding to an accident at this needless facility.

The Town of Farmington has worked cooperatively with cellular carriers in the past. In fact, there are currently four Town properties which host at least one cellular carrier. The Town of Farmington has worked with AT&T in the past in looking at various options for the location of a monopole cell tower in Town and is prepared to work with AT&T again in finding a suitable



location for a monopole in the subject area if a need for such a tower is established. However, the Town of Farmington is adamantly opposed to the proposal of Northeast Towers for the construction of a 180 foot lattice tower by way of an application to the Siting Council which clearly circumvents the local regulatory process for this type of structure and this type of training use. While Mr. Sevino testified that he doesn't want to be "a bad neighbor", this highly deceptive process in which his company has engaged clearly establishes that he is, in fact, a "bad neighbor" to both the residents of the area, in particular, but also to the Town of Farmington as a whole.

I look forward to answering any questions which members of the Siting Council may have.

  
Kathleen A. Eagen.  
Town Manager



## VISIBILITY ANALYSIS

Date: April 8, 2013

To: Mr. Stephen Savino, Jr.  
Northeast Towers, Inc.  
199 Brickyard Road  
Farmington, CT 06032

From: Michael Libertine

Re: Proposed Training Tower  
199 Brickyard Road  
Farmington, Connecticut

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At the request of Northeast Towers, All-Points Technology Corporation, P.C. ("APT") prepared this Visibility Analysis to evaluate potential views associated with the proposed development of a wireless telecommunications training facility ("Facility") at the 199 Brickyard Road (the "host property"). The proposed Facility would consist of erecting a 180-foot tall, free-standing lattice tower structure enclosed within a fenced, gravel-base compound and would be located in the existing maintenance/storage yard on the east side of the host property.

To conduct this evaluation, APT used the combination of a predictive computer model and in-field analysis to assess the visibility associated with the proposed Facility. The predictive model provides an assessment of potential visibility from locations within a two-mile radius surrounding the site ("Study Area"), including private properties and other areas inaccessible for direct observations. The in-field analyses included a balloon float and a reconnaissance of the Study Area to record existing conditions, verify results of the model, inventory visible and nonvisible locations, and to provide photographic documentation from publicly accessible areas.

Project- and Study Area-specific data were incorporated into the computer model, including the Site locations Facility height and ground elevation, as well as the two primary features that can block direct lines of sight: surrounding topography and existing vegetation. Information used in the model included LiDAR<sup>1</sup>-based digital elevation data and customized land use data layers developed specifically for this analysis. The LiDAR-

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<sup>1</sup> LiDAR is an acronym for Light Detection and Ranging. It is a technology that utilized lasers to determine the distance to an object or surface. LiDAR is similar to radar, but incorporates laser pulses rather than sound waves. It measures the time delay between transmission and reflection of the laser pulse.

based Digital Elevation Model (“DEM”) represents topographic information for the state of Connecticut that was derived through the spatial interpolation of airborne LiDAR-based data collected in the year 2000 and has a horizontal resolution of ten (10) feet. In addition, multiple land use data layers were created from National Agricultural Imagery Program (USDA) aerial photography (1-meter resolution, flown in June and July of 2011) using IDRISI image processing tools. The IDRISI tools implement light reflective classes defined by statistical analysis of individual pixels, which are then grouped based on common reflective values such that distinctions can be made automatically between deciduous and coniferous tree species, as well as grassland, impervious surface areas, water and other distinct land use features. This information is manually cross-checked with the recent USGS topographic land characteristics to quality assure the imaging analysis. The Study Area established for this analysis measures two miles in all directions from the proposed Facility location, representing approximately 8,042 acres. The tree canopy occupies approximately 3,310 acres of the Study Area (41%); a 60-foot height value was assigned to the tree canopy layer. Using these data layers, image processing tools were applied and overlaid onto aerial photographs to achieve an estimate of locations where the Facility might be visible.

To supplement and fine tune the results of the computer modeling efforts, APT completed its in-field verification activities on Friday, April 5, 2013. The balloon float consisted of raising a red, four-foot diameter, helium-filled balloon tethered to a string height of 200 feet above ground level (“AGL”) at the proposed Facility site. The balloon’s string was flagged with orange survey tape at 10 foot intervals (blue tape was also used to recognize 50-foot increments) from 190 feet AGL down to 20 feet AGL. Weather conditions were favorable for the in-field activities and included partly sunny skies and calm winds (less than 5 miles per hour). Once the balloon was secured, APT conducted a Study Area reconnaissance by driving along the local and State roads and other publicly accessible locations to document and inventory where the balloon could be seen above/through the tree mast and canopy. Visual observations from the reconnaissance were also used to evaluate the results of the preliminary visibility mapping and identify any discrepancies in the initial modeling.

During the balloon float and field reconnaissance, APT drove the public roads within the Study Area and recorded observations, including photo-documentation, of those areas where the balloon was and was not visible. Photographs were obtained from several vantage points to document the views of the proposed Facility. The geographic coordinates of the camera’s position at each photo location were logged using global positioning system (“GPS”) equipment technology.

**ALL-POINTS TECHNOLOGY CORPORATION, P.C.**

3 SADDLEBROOK DRIVE · KILLINGWORTH, CT 06419 · PHONE 860-663-1697 · FAX 860-663-0935

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The table below summarizes the locations, view orientation, distances (from where the photo was taken relative to the proposed Facility location) and the visibility characteristics of photographs and simulations presented in the attachment to this report.

Photo No.	Location	View Orientation	Distance to Facility	Visibility
1	Farmington Avenue	Northwest	± 1.25-Miles	Not Visible
2	Winding Trails	Northwest	± 0.98-Mile	Year-round
3	Greenbriar Drive	Northwest	± 0.88-Mile	Year-round
4	Grandview Drive	Northwest	± 0.81-Mile	Year-round
5	Oakridge	Northeast	± 1.05-Miles	Seasonal
6	Brickyard Road	North	± 0.41-Mile	Year-round
7	Winding Trails	Northwest	± 0.51-Mile	Year-round
8	Cambridge Crossing	West	± 0.73-Mile	Not Visible
9	Brickyard Road	Northeast	± 0.18-Mile	Year-round
10	Brickyard Road (*24mm focal length)	East	± 0.13-Mile	Year-round
11	Brickyard Road (*24mm focal length)	Southeast	± 0.14-Mile	Year-round
12	Farmington Canal Heritage Trail	South	± 0.38-Mile	Not Visible
13	Taskers Pond Road	Southeast	± 0.56-Mile	Seasonal
14	Champlain's Drive	Southeast	± 0.56-Mile	Not Visible
15	Farmington Canal Heritage Trail	Southwest	± 1.75-Miles	Not Visible
16	Wildwood Road	Southeast	± 0.29-Mile	Year-round
17	Michael Drive	Southeast	± 0.37-Mile	Seasonal
18	Basswood Road	East	± 0.28-Mile	Year-round
19	Tanglewood Road	East	± 0.40-Mile	Seasonal
20	Maplewood Road	Northeast	± 0.32-Mile	Seasonal
21	Rosewood Drive	Northeast	± 0.36-Mile	Year-round

\* When taking photographs for these analyses, APT prefers a focal length of 50 mm; however there are times when wider views (requiring the use of the 24 mm lens setting, in this case) can better reflect "real world" viewing conditions by providing greater context to the scene. Regardless of the lens setting, the scale of the subject in the photograph (the balloon) and corresponding simulation (the Facility) remains proportional to its surroundings.

Simulations of the proposed Facility were generated for those photographs where the balloon was visible during the in-field activities and portray scaled renderings of the Facility from these locations. A photolog map (depicting the photo locations), photo-documentation and simulations are presented in the attachment at the end of this report. The photographs of the balloon are included to provide visual reference points for the location, height and proportions of the proposed Facility relative to the scene.

Results of the analysis are graphically displayed on the visibility analysis map provided in the attachment at the end of this report. In general, potential year-round views of the proposed Facility would be limited to nearby areas to the west/southwest along Brickyard Road as well as over open fields/water to the southeast. A total of 210+ acres within the Study Area would have some visibility of the Facility above the tree canopy year-round (that is, during both “leaf-off” and “leaf-on” conditions). Very few residential properties appear to have direct, unobstructed views of the Facility due to the heavy forest cover in the Study Area and landscaping within surrounding neighborhoods. Brief stretches of year-round visibility may be achieved along portions of roads west of Brickyard Road where some elevation is gained (Wildwood Road, for example, as depicted in Photo 16).

Seasonally during “leaf-off” conditions, we estimate that approximately 250 additional acres have the potential to offer some views of the Facility through the trees. The vast majority of these areas lie to the west within the neighborhoods off Brickyard Road and across the Farmington River over one mile away, where portions of the Facility might be seen through the intervening tree mast.

## Attachments

# Photolog Map



Base Map Source: 2010 Bing Color Aerial Photograph with 1-foot Resolution

- Proposed Tower Location
- Photo Point (PP)
- Connecticut Parcel

**199 Brickyard Road  
Farmington, Connecticut**

**Monday, April 08, 2013**





**DOCUMENTATION**

PHOTO <b>1</b>	LOCATION <b>FARMINGTON AVENUE</b>	ORIENTATION <b>NORTHWEST</b>	DISTANCE TO SITE <b>+/- 1.25 MILES</b>	VISIBILITY <b>NOT VISIBLE</b>
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**DOCUMENTATION**

PHOTO  
2

LOCATION  
**WINDING TRAILS**

ORIENTATION  
**NORTHWEST**

DISTANCE TO SITE  
**+/- 0.98 MILE**

VISIBILITY  
**YEAR ROUND**



**NORTHEAST**





**SIMULATION**

PHOTO

2

LOCATION

**WINDING TRAILS**

ORIENTATION

**NORTHWEST**

DISTANCE TO SITE

**+/- 0.98 MILE**

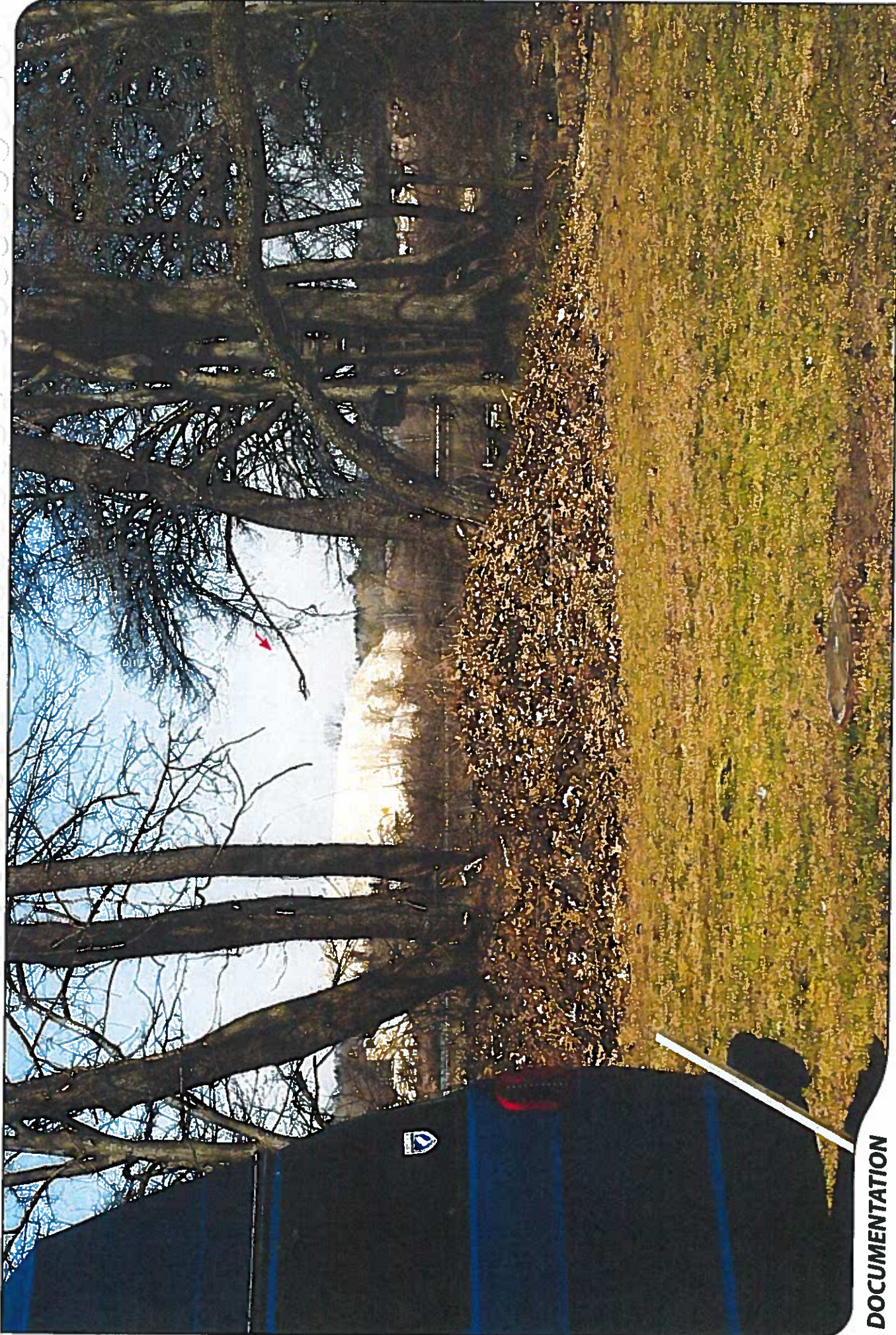
VISIBILITY

**YEAR ROUND**



ALL-POINTS

**NORTHEAST**



**DOCUMENTATION**

PHOTO  
3

LOCATION  
GREENBRIAR DRIVE

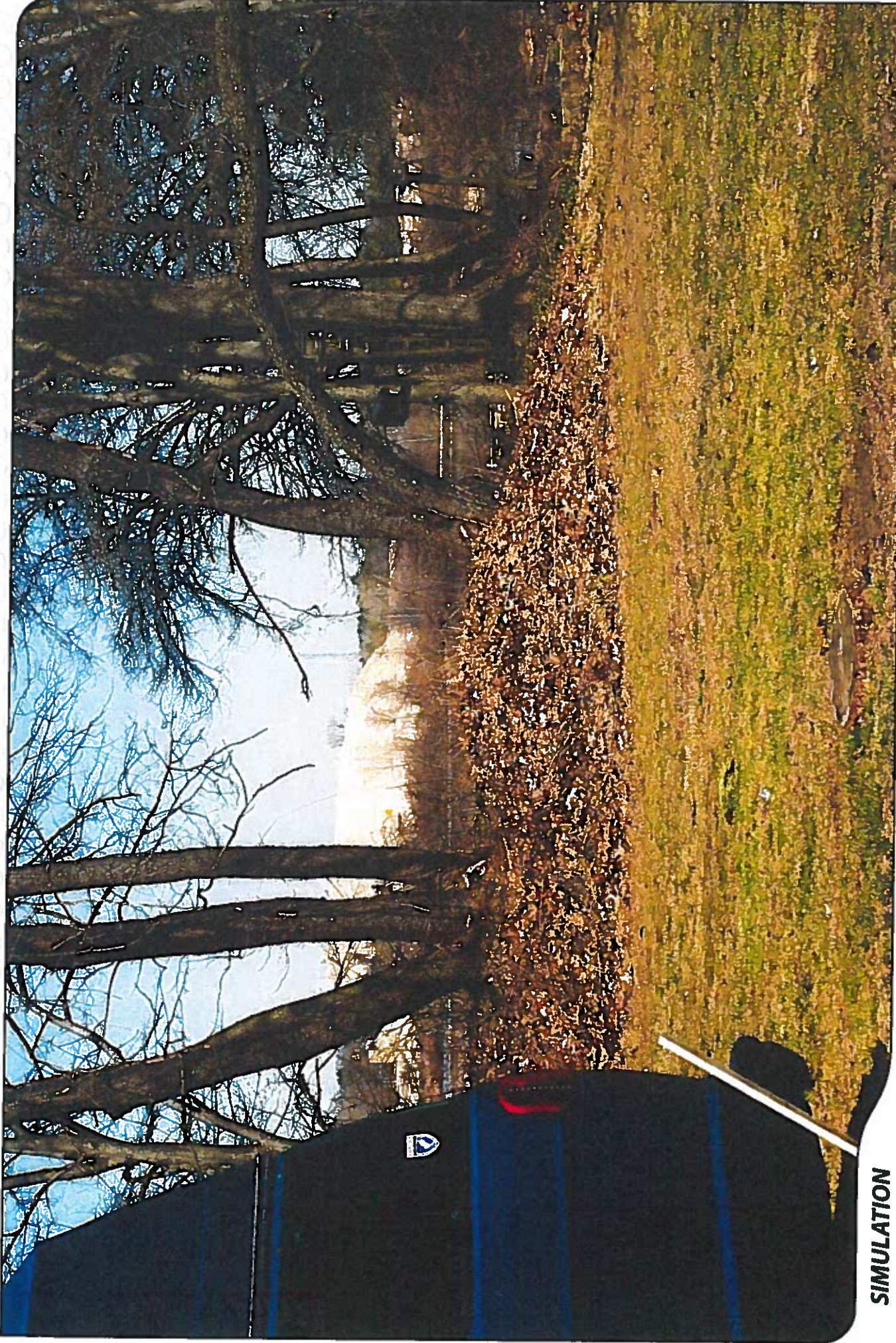
ORIENTATION  
NORTHWEST

DISTANCE TO SITE  
+/- 0.88 MILE

VISIBILITY  
YEAR ROUND

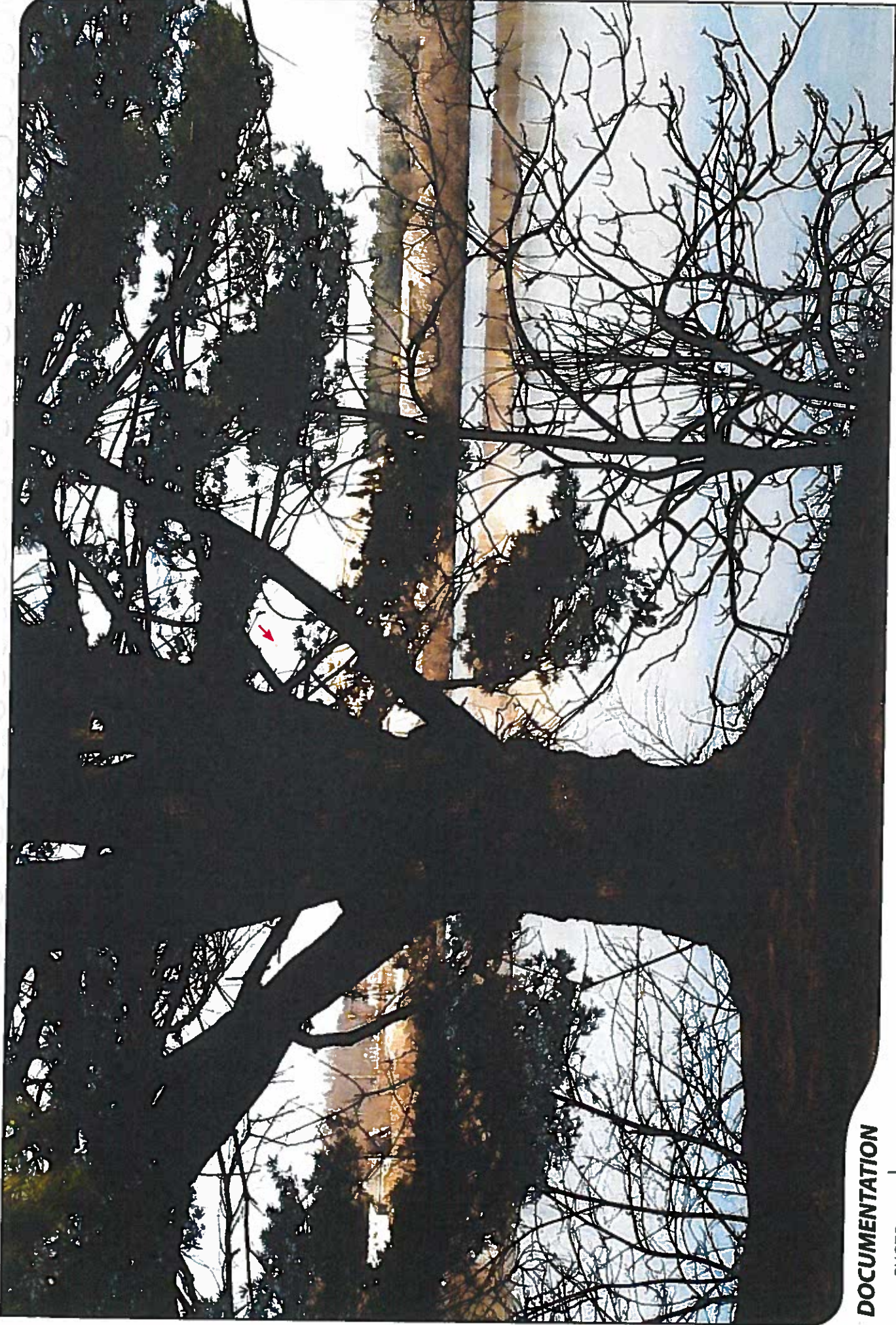


**NORTHEAST**



**SIMULATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
3	GREENBRIAR DRIVE	NORTHWEST	+/- 0.88 MILE	YEAR ROUND



**DOCUMENTATION**

PHOTO  
**4**

LOCATION  
**GRANDVIEW DRIVE**

ORIENTATION  
**NORTHWEST**

DISTANCE TO SITE  
**+/- 0.81 MILE**

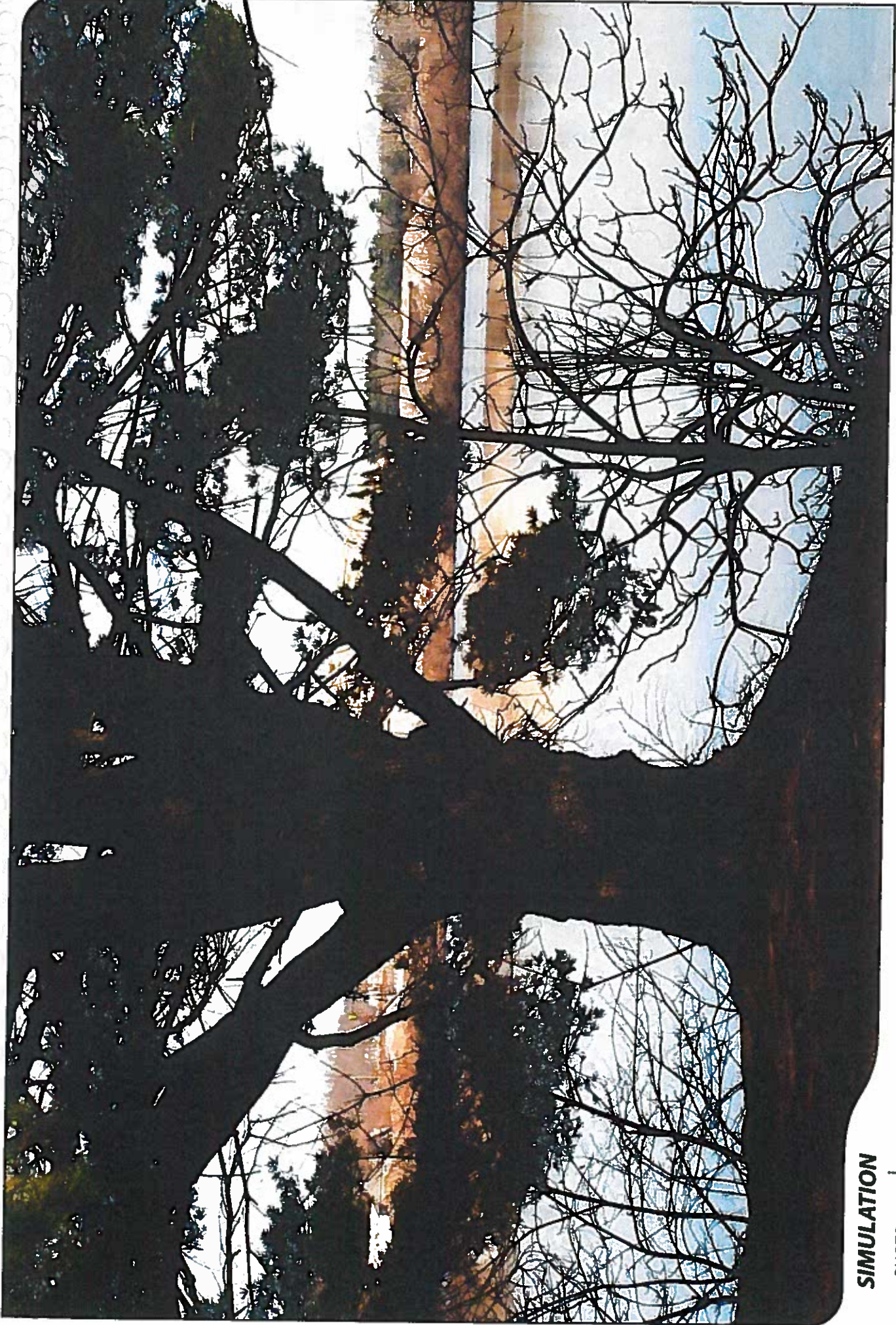
VISIBILITY  
**YEAR ROUND**



**ALL-POINTS**



**NORTHEAST**



**SIMULATION**

PHOTO  
**4**

LOCATION  
**GRANDVIEW DRIVE**

ORIENTATION  
**NORTHWEST**

DISTANCE TO SITE  
**+/- 0.81 MILE**

VISIBILITY  
**YEAR ROUND**

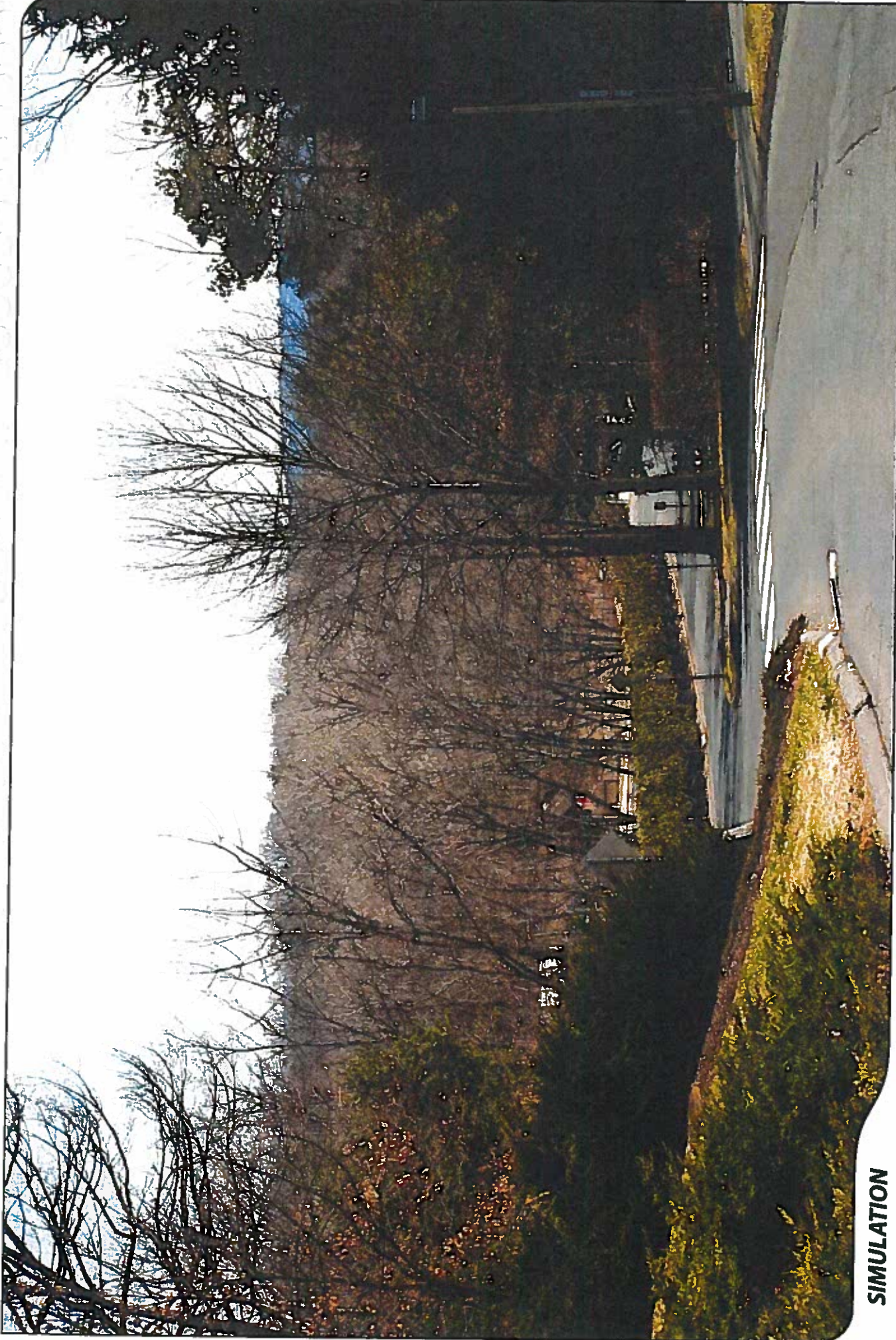


**NORTHEAST**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
5	OAKRIDGE	NORTHEAST	+/- 1.05 MILES	SEASONAL



**SIMULATION**

PHOTO

5

LOCATION

**OAKRIDGE**

ORIENTATION

**NORTHEAST**

DISTANCE TO SITE

**+/- 1.05 MILES**

VISIBILITY

**SEASONAL**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
6	BRICKYARD ROAD	NORTH	+/- 0.41 MILE	YEAR ROUND





**SIMULATION**

PHOTO  
6

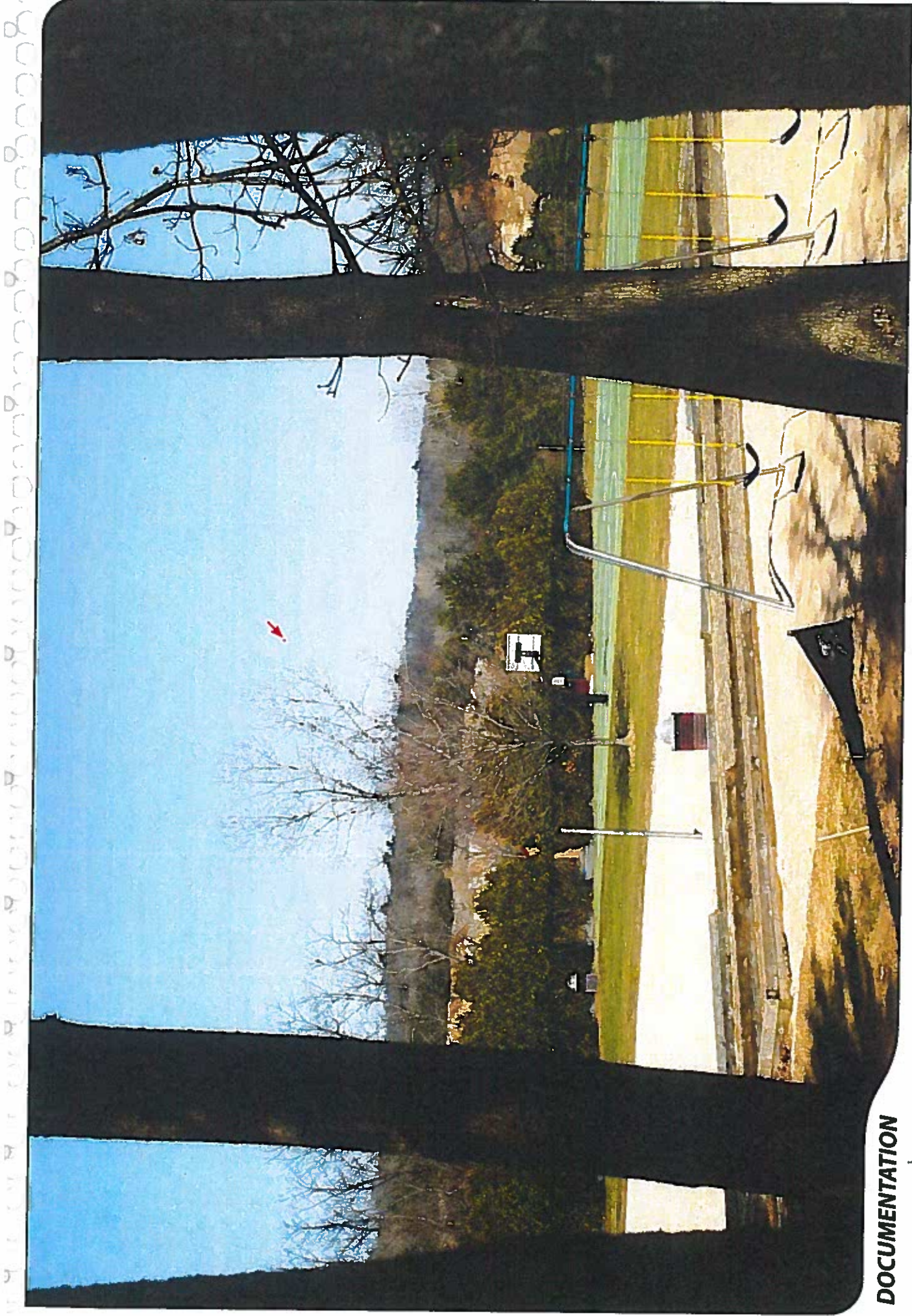
LOCATION  
BRICKYARD ROAD

ORIENTATION  
NORTH

DISTANCE TO SITE  
+/- 0.41 MILE

VISIBILITY  
YEAR ROUND





**DOCUMENTATION**

PHOTO  
7

LOCATION  
WINDING TRAILS

ORIENTATION  
NORTHWEST

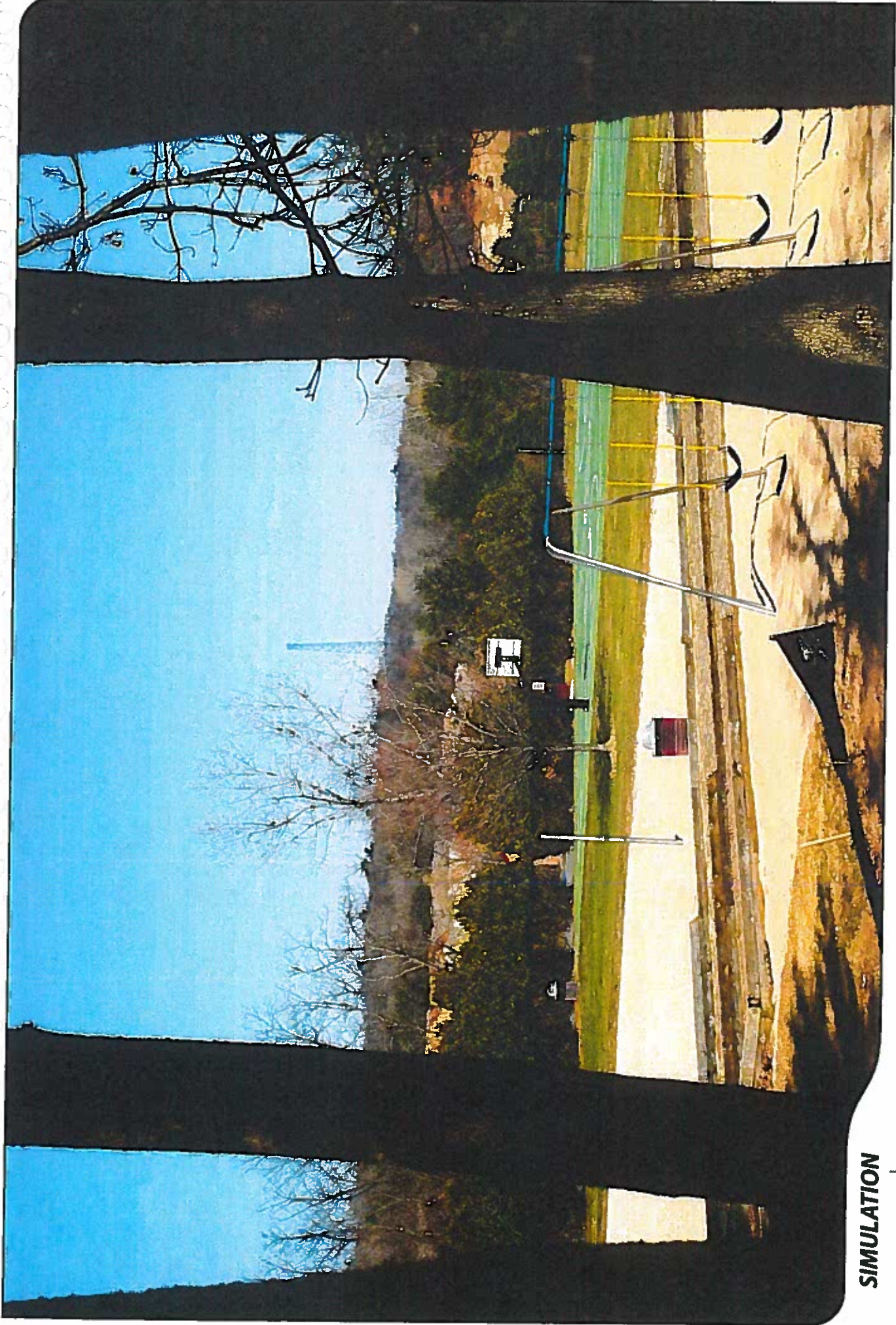
DISTANCE TO SITE  
+/- 0.51 MILE

VISIBILITY  
YEAR ROUND



ALL-POINTS

NORTHEAST



**SIMULATION**

PHOTO  
7

LOCATION  
**WINDING TRAILS**

ORIENTATION  
**NORTHWEST**

DISTANCE TO SITE  
**+/- 0.51 MILE**

VISIBILITY  
**YEAR ROUND**



**ALL-POINTS**



**NORTHEAST**



**DOCUMENTATION**

PHOTO  
**8**

LOCATION  
**CAMBRIDGE CROSSING**

ORIENTATION  
**WEST**

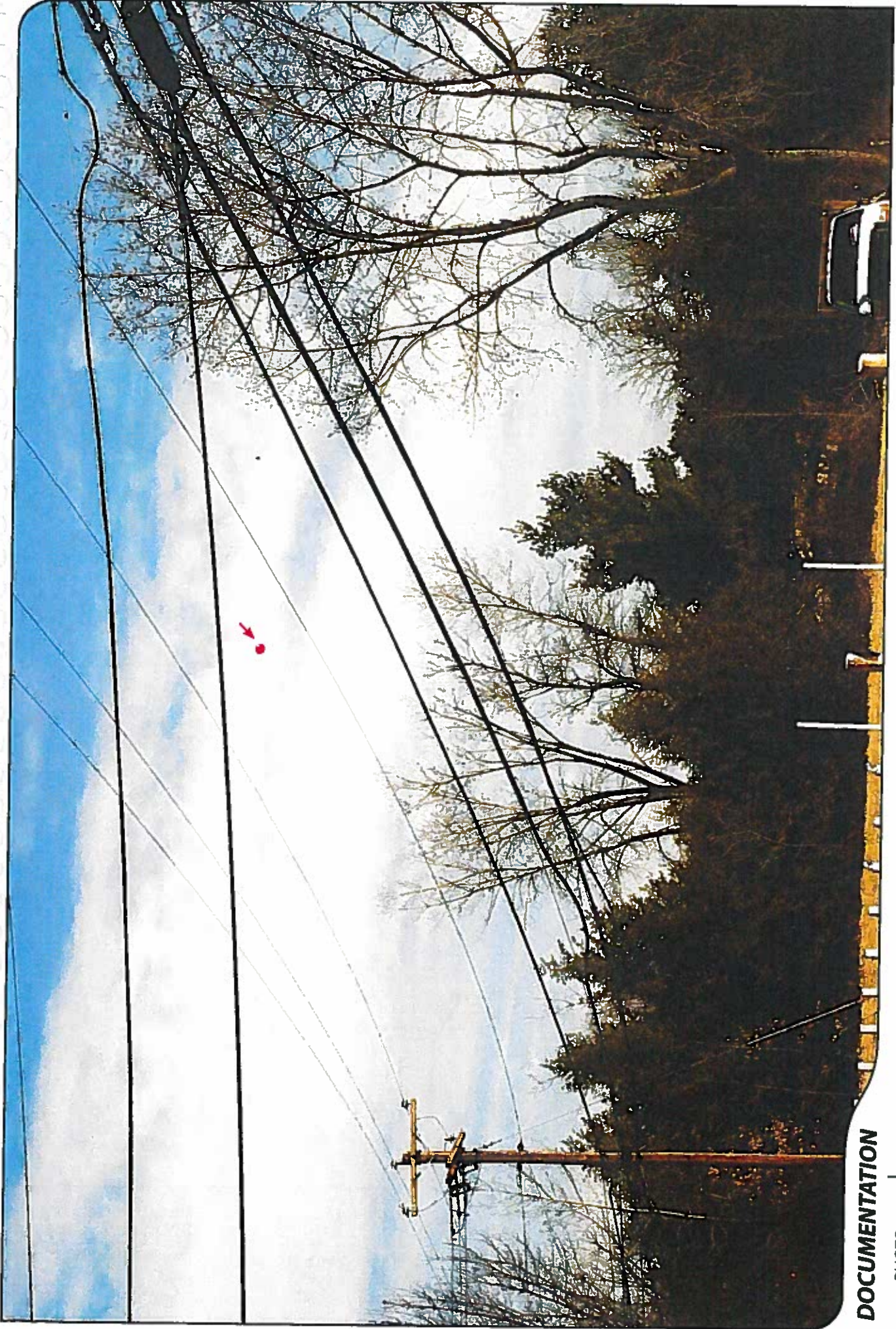
DISTANCE TO SITE  
**+/- 0.73 MILE**

VISIBILITY  
**NOT VISIBLE**



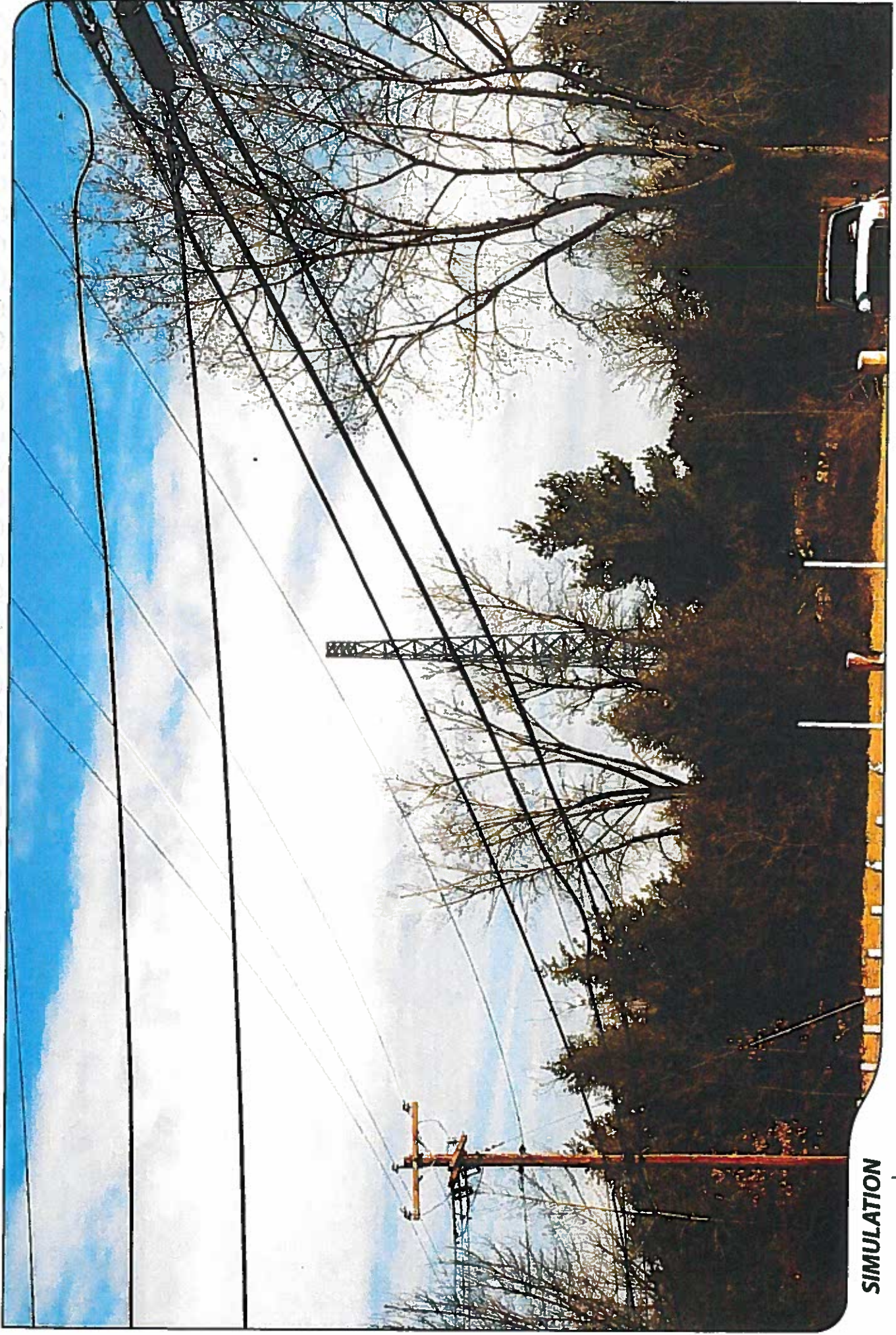
**ALL-POINTS**

**NORTHEAST**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
9	BRICKYARD ROAD	NORTHEAST	+/- 0.18 MILE	YEAR ROUND



**SIMULATION**

PHOTO  
**9**

LOCATION  
**BRICKYARD ROAD**

ORIENTATION  
**NORTHEAST**

DISTANCE TO SITE  
**+/- 0.18 MILE**

VISIBILITY  
**YEAR ROUND**



**DOCUMENTATION**

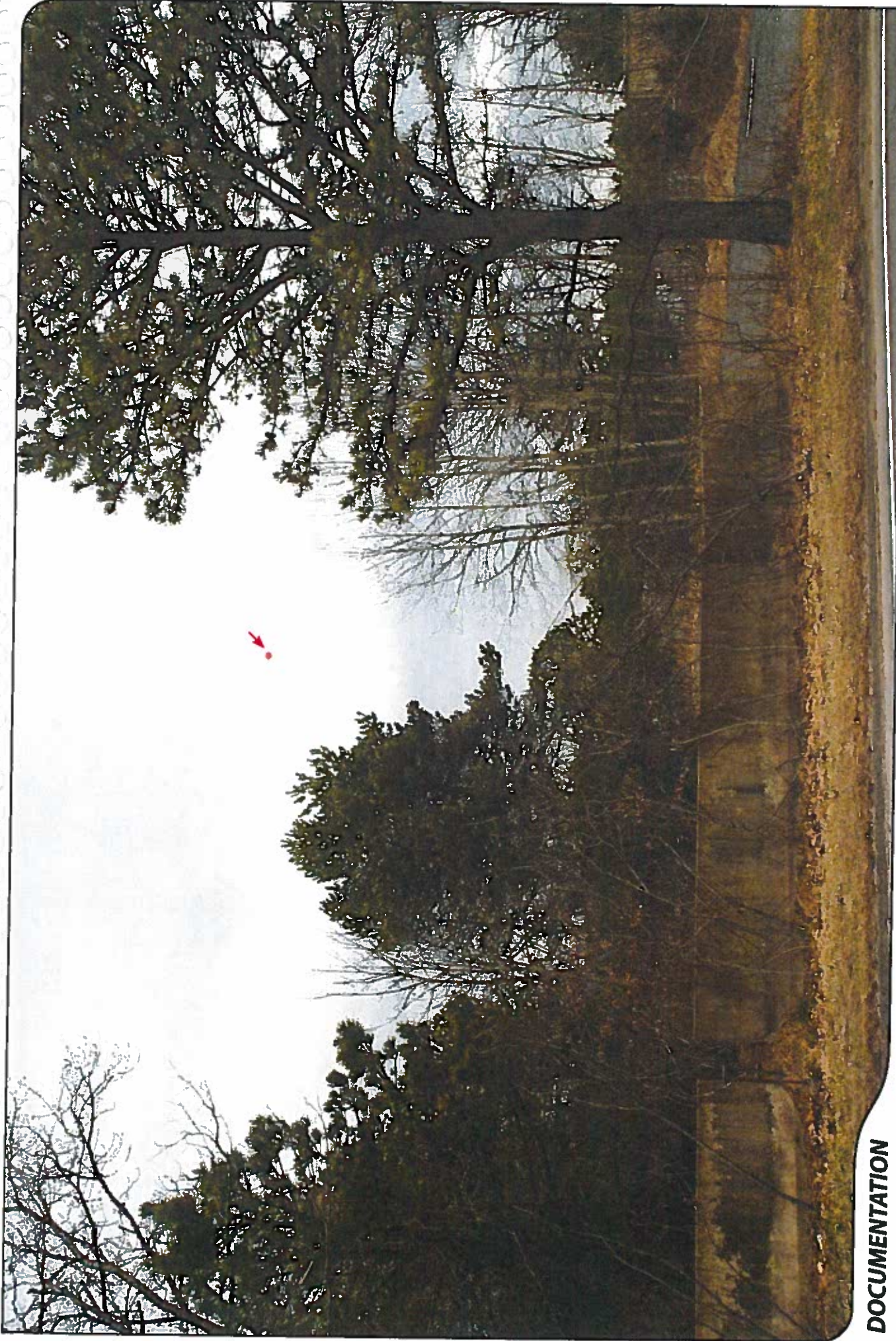
PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
10	BRICKYARD ROAD (24mm Focal Length)	EAST	+/- 0.13 MILE	YEAR ROUND



**SIMULATION**

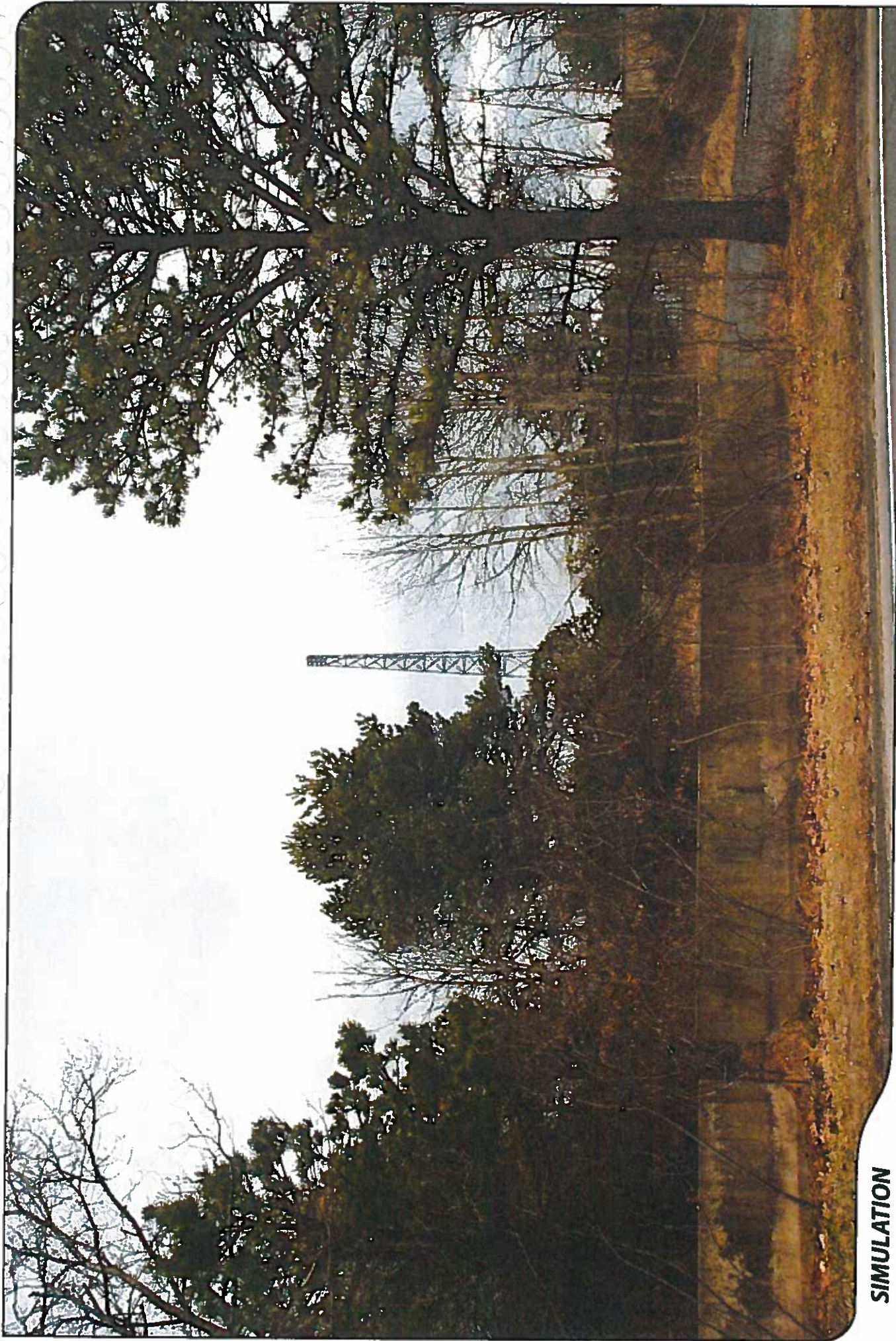
PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
10	BRICKYARD ROAD (24mm Focal Length)	EAST	+/- 0.13 MILE	YEAR ROUND





**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
11	BRICKYARD ROAD (24mm Focal Length)	SOUTHEAST	+/- 0.14 MILE	YEAR ROUND



**SIMULATION**

PHOTO

11

LOCATION

BRICKYARD ROAD (24mm Focal Length)

ORIENTATION

SOUTHEAST

DISTANCE TO SITE

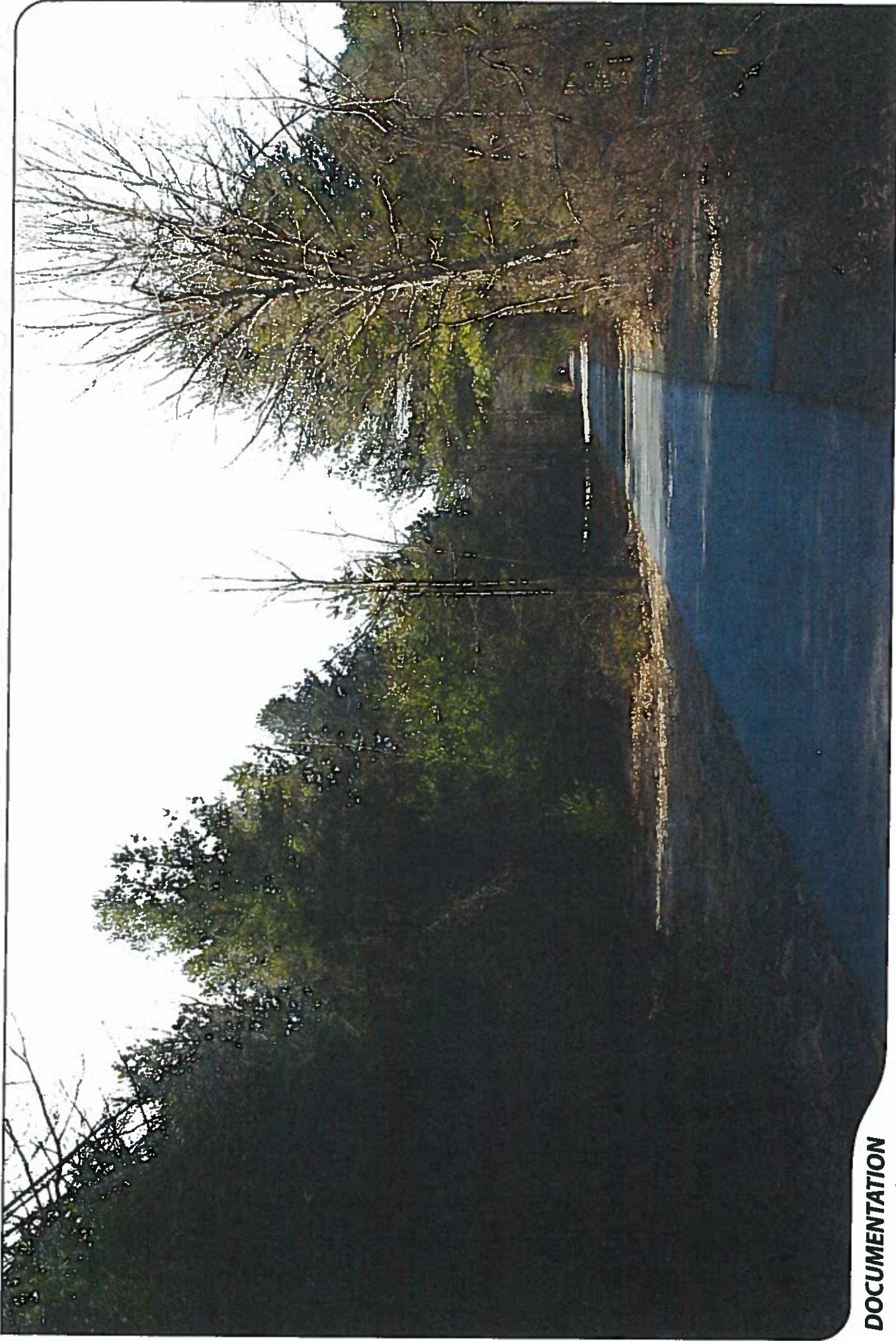
+/- 0.14 MILE

VISIBILITY

YEAR ROUND

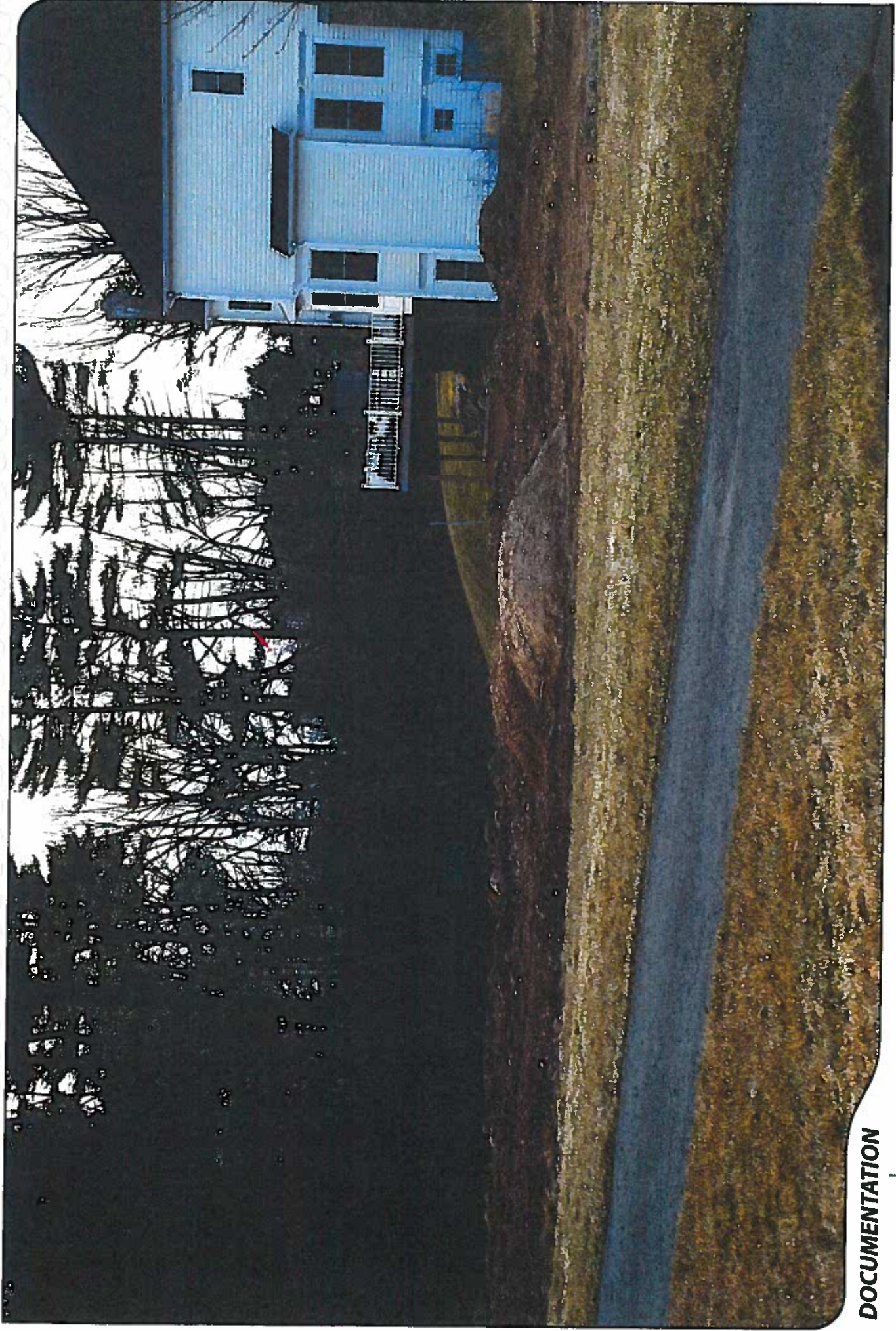


NORTHEAST



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
12	FARMINGTON CANAL HERITAGE TRAIL	SOUTH	+/- 0.38 MILE	NOT VISIBLE



**DOCUMENTATION**

PHOTO  
13

LOCATION

**TASKERS POND ROAD**

ORIENTATION

**SOUTHEAST**

DISTANCE TO SITE

**+/- 0.56 MILE**

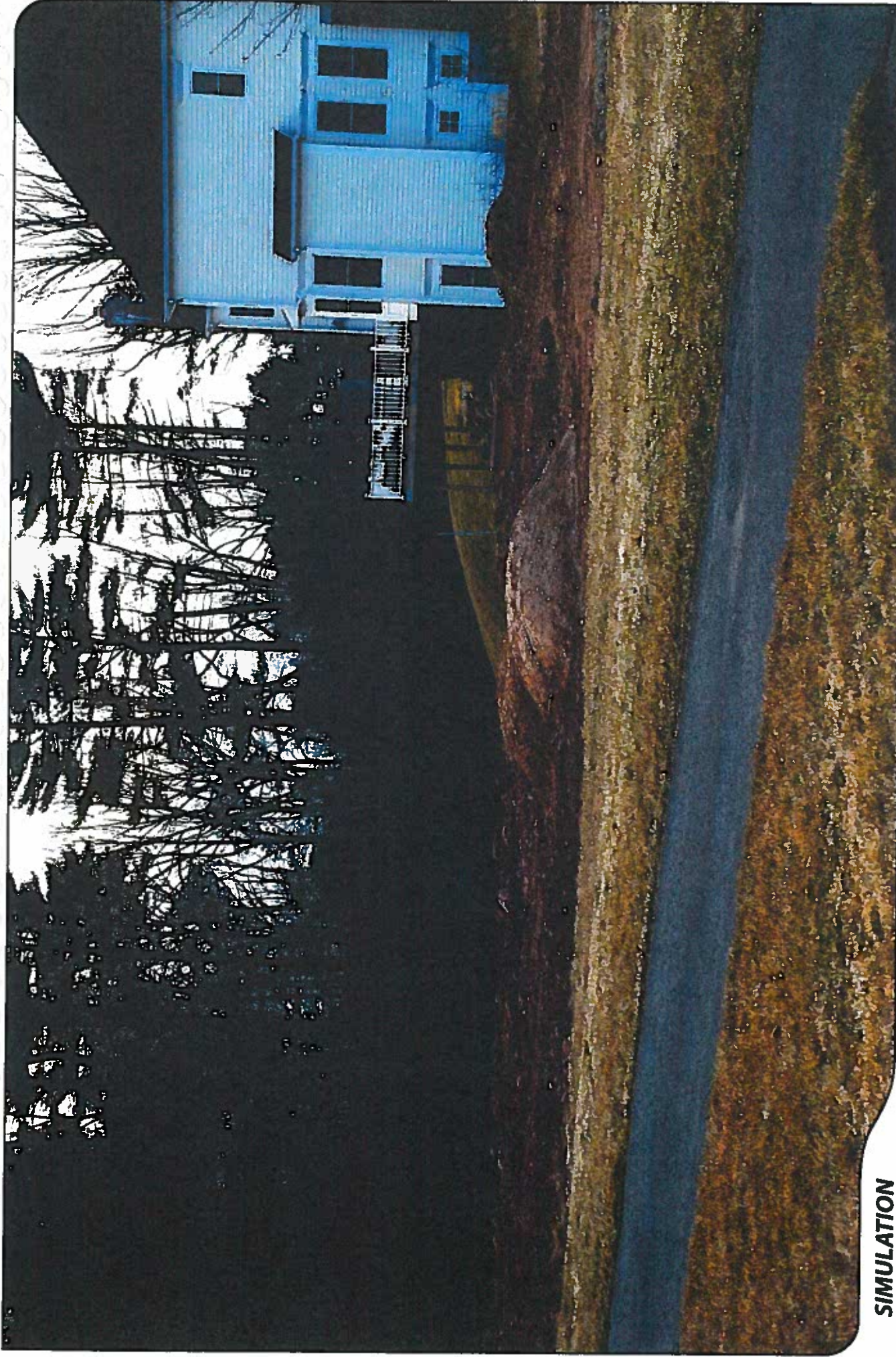
VISIBILITY

**SEASONAL**



**ALL-POINTS**

**NORTHEAST**



**SIMULATION**

PHOTO  
13

LOCATION  
TASKERS POND ROAD

ORIENTATION  
SOUTHEAST

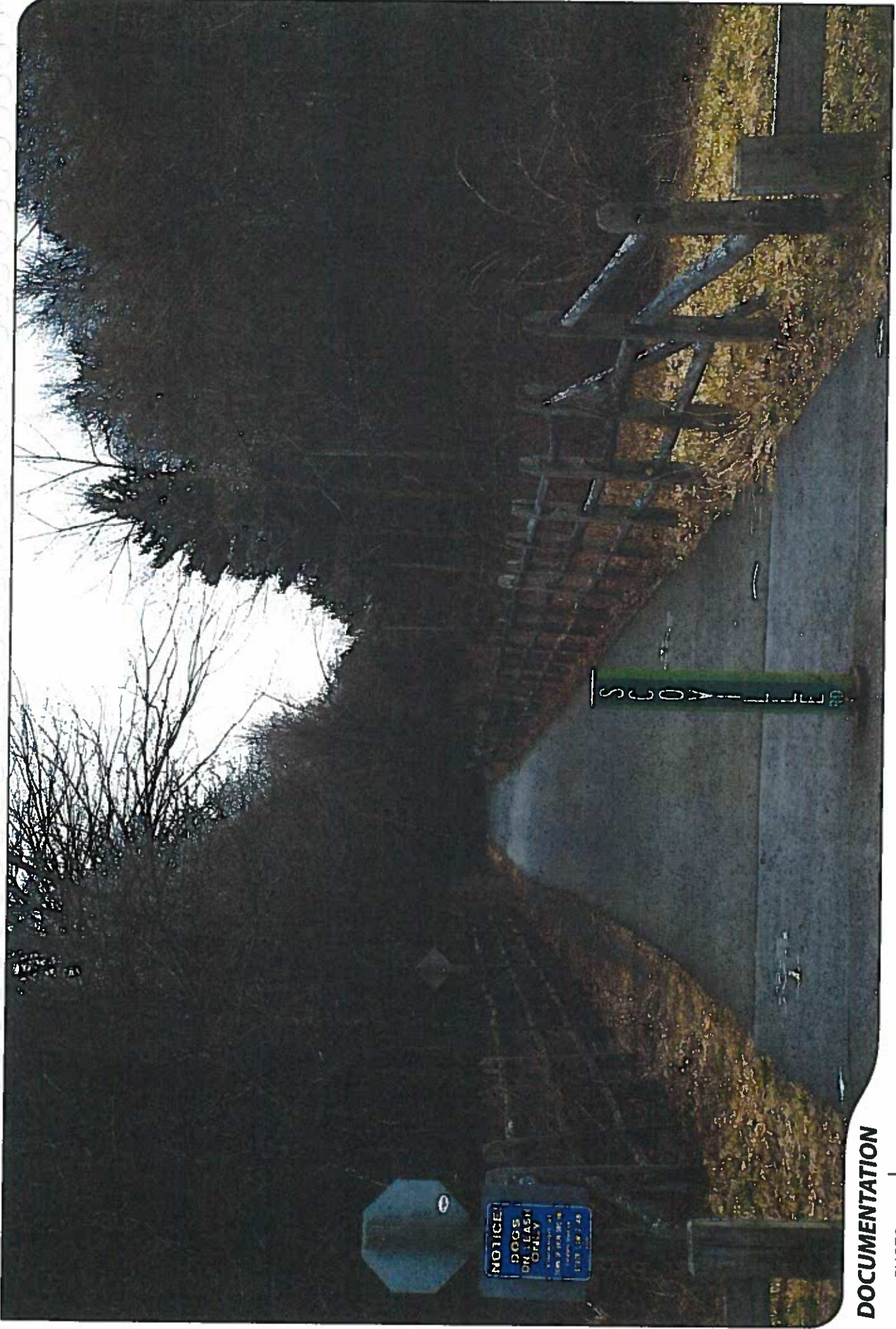
DISTANCE TO SITE  
+/- 0.56 MILE

VISIBILITY  
SEASONAL



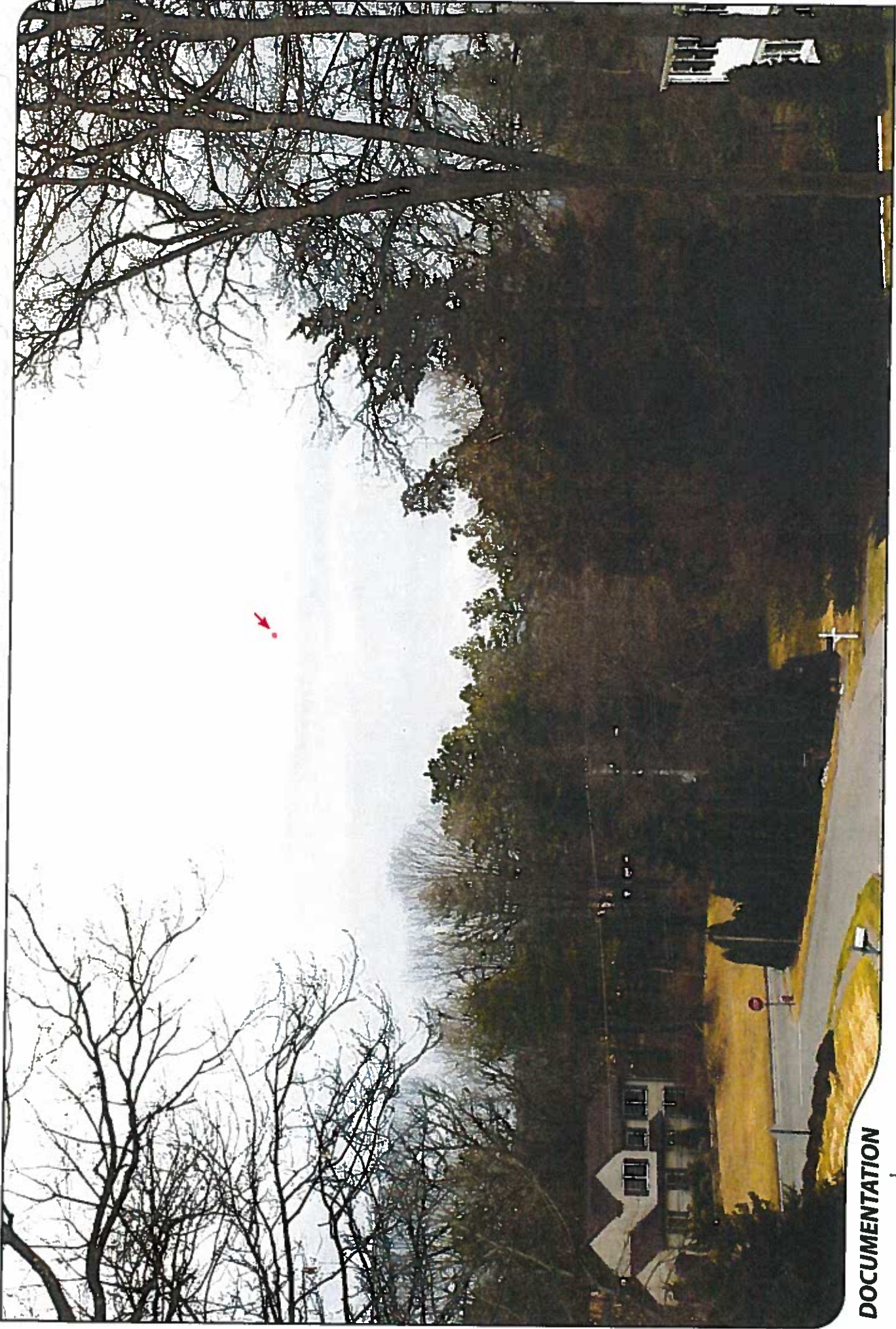
**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
14	CHAMPLAIN'S DRIVE	SOUTHEAST	+/- 0.56 MILE	NOT VISIBLE AT 180 FEET



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
15	FARMINGTON CANAL HERITAGE TRAIL	SOUTHWEST	+/- 1.75 MILES	NOT VISIBLE



**DOCUMENTATION**

PHOTO  
16

LOCATION  
WILDWOOD ROAD

ORIENTATION  
SOUTHEAST

DISTANCE TO SITE  
+/- 0.29 MILE

VISIBILITY  
YEAR ROUND







**SIMULATION**

PHOTO  
**16**

LOCATION  
**WILDWOOD ROAD**

ORIENTATION  
**SOUTHEAST**

DISTANCE TO SITE  
**+/- 0.29 MILE**

VISIBILITY  
**YEAR ROUND**





**DOCUMENTATION**

PHOTO

17

LOCATION

**MICHAEL DRIVE**

ORIENTATION

**SOUTHEAST**

DISTANCE TO SITE

**+/- 0.37 MILE**

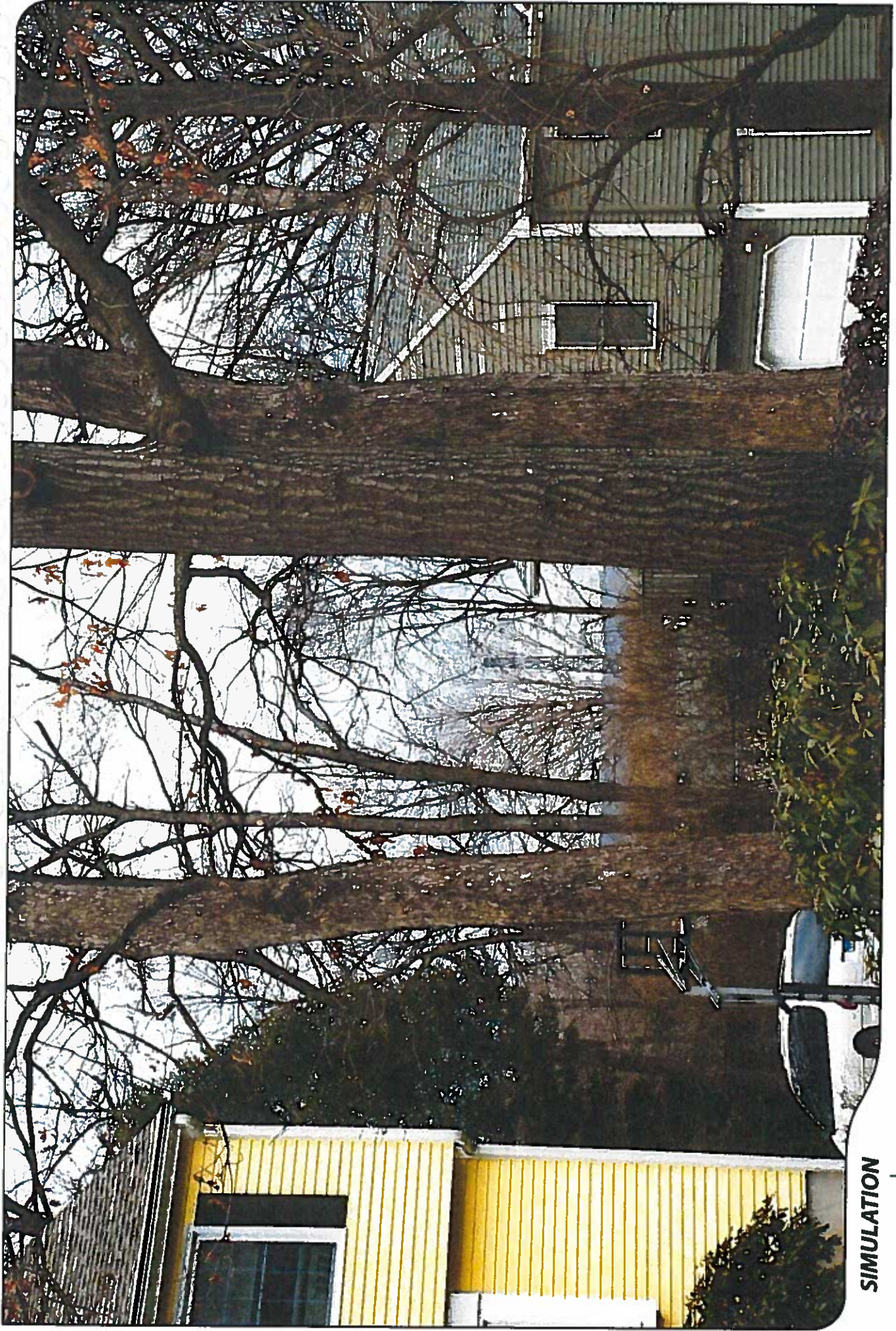
VISIBILITY

**SEASONAL**



**ALL-POINTS**

**NORTHEAST**



**SIMULATION**

PHOTO

17

LOCATION

**MICHAEL DRIVE**

ORIENTATION

**SOUTHEAST**

DISTANCE TO SITE

**+/- 0.37 MILE**

VISIBILITY

**SEASONAL**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
18	BASSWOOD ROAD	EAST	+/- 0.28 MILE	YEAR ROUND



**SIMULATION**

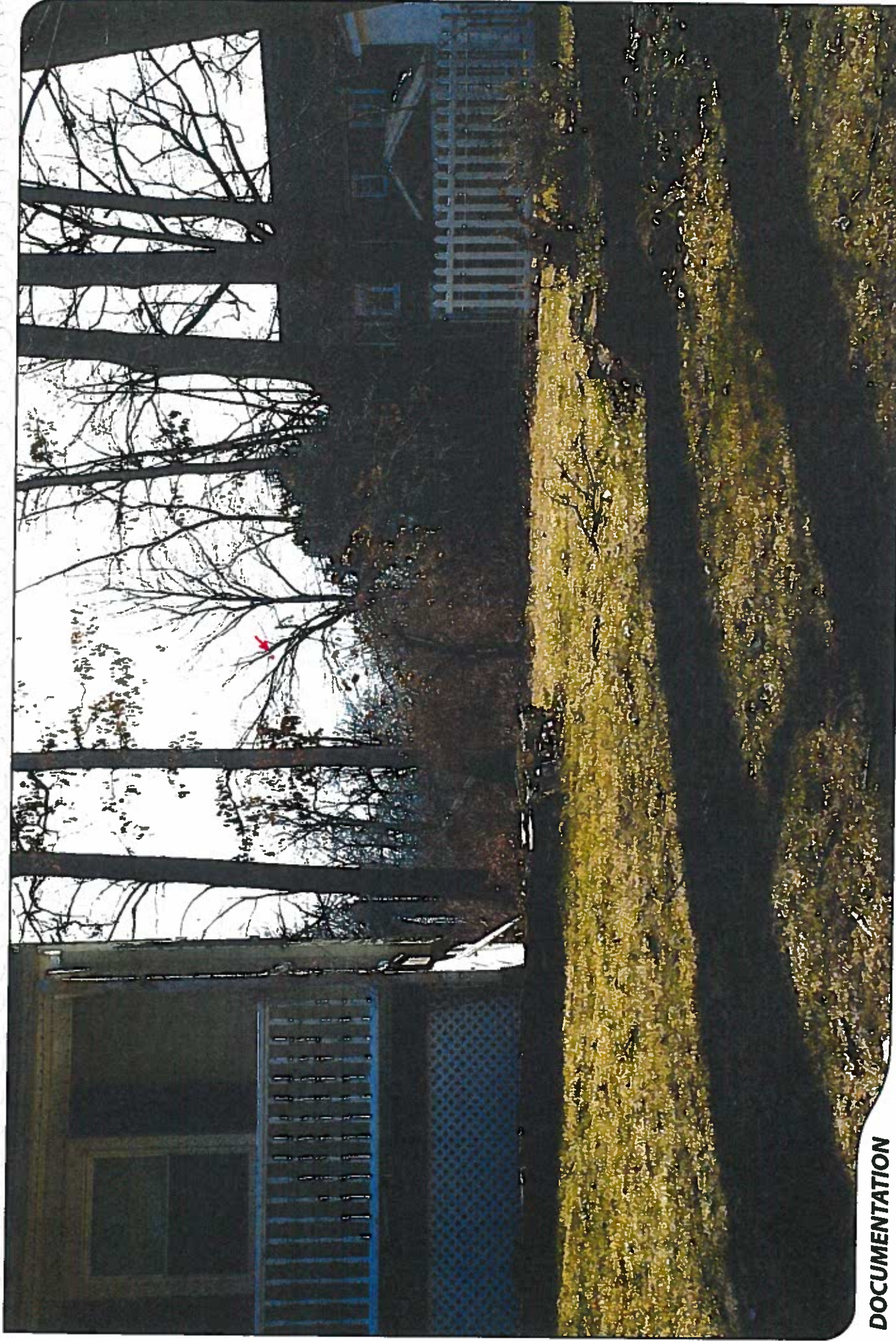
PHOTO  
18

LOCATION  
BASSWOOD ROAD

ORIENTATION  
EAST

DISTANCE TO SITE  
+/- 0.28 MILE

VISIBILITY  
YEAR ROUND



**DOCUMENTATION**

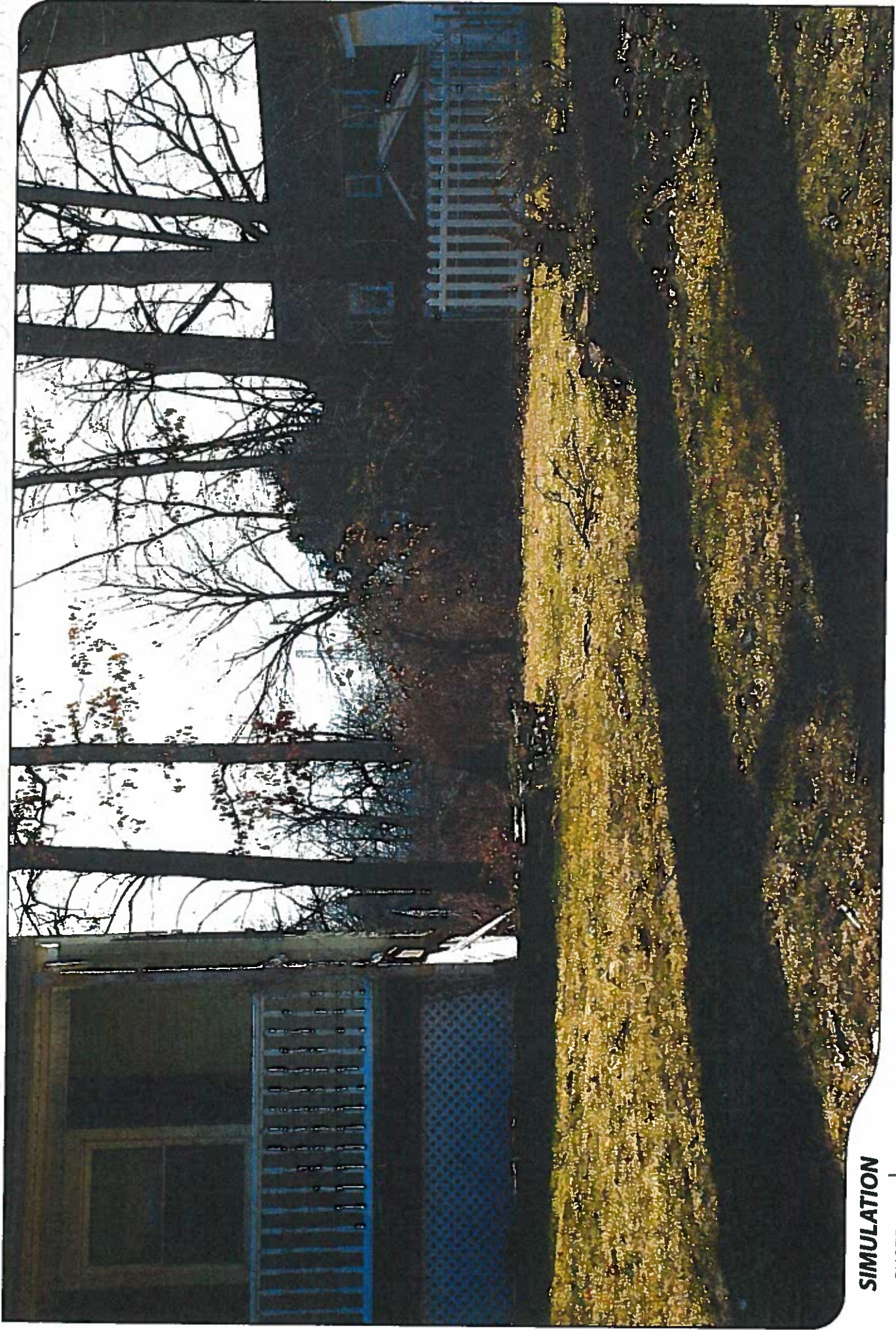
PHOTO  
19

LOCATION  
TANGLEWOOD ROAD

ORIENTATION  
EAST

DISTANCE TO SITE  
+/- 0.40 MILE

VISIBILITY  
SEASONAL



**SIMULATION**

PHOTO  
19

LOCATION  
TANGLEWOOD ROAD

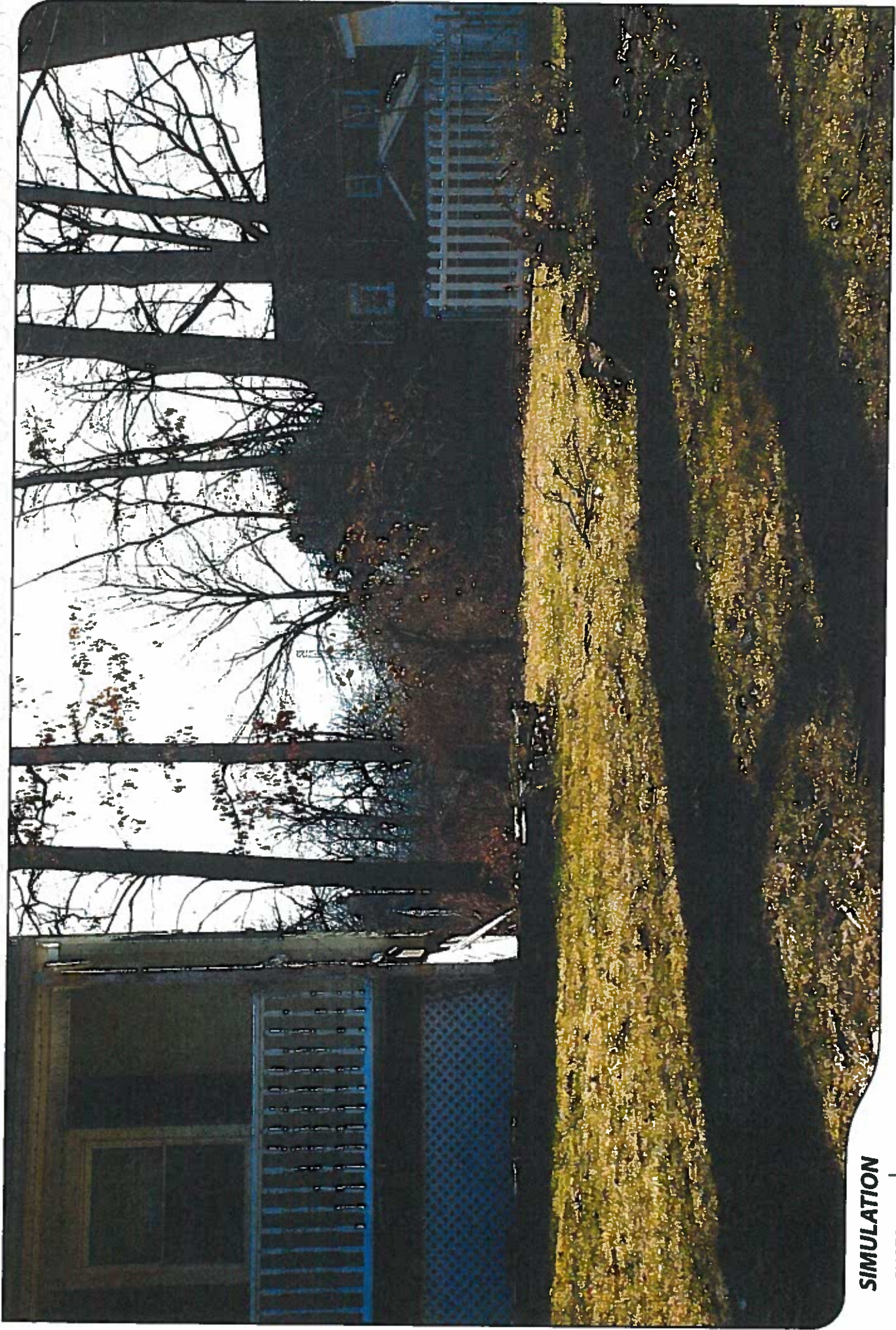
ORIENTATION  
EAST

DISTANCE TO SITE  
+/- 0.40 MILE

VISIBILITY  
SEASONAL



**NORTHEAST**



**SIMULATION**

PHOTO  
19

LOCATION  
TANGLEWOOD ROAD

ORIENTATION  
EAST

DISTANCE TO SITE  
+/- 0.40 MILE

VISIBILITY  
SEASONAL





**DOCUMENTATION**

PHOTO  
20

LOCATION  
MAPLEWOOD ROAD

ORIENTATION  
NORTHEAST

DISTANCE TO SITE  
+/- 0.32 MILE

VISIBILITY  
SEASONAL



**SIMULATION**

PHOTO  
**20**

LOCATION  
**MAPLEWOOD ROAD**

ORIENTATION  
**NORTHEAST**

DISTANCE TO SITE  
**+/- 0.32 MILE**

VISIBILITY  
**SEASONAL**



**DOCUMENTATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
21	ROSEWOOD DRIVE	NORTHEAST	+/- 0.36 MILE	YEAR ROUND



**SIMULATION**

PHOTO

21

LOCATION

ROSEWOOD DRIVE

ORIENTATION

NORTHEAST

DISTANCE TO SITE

+/- 0.36 MILE

VISIBILITY

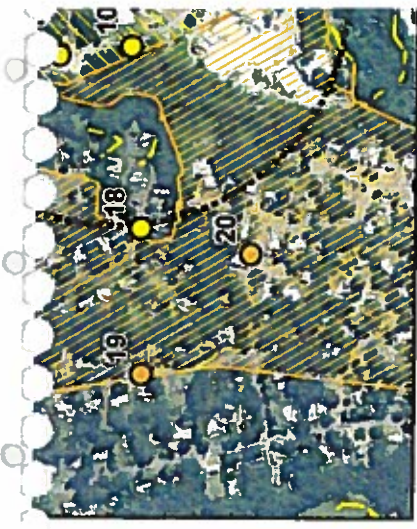
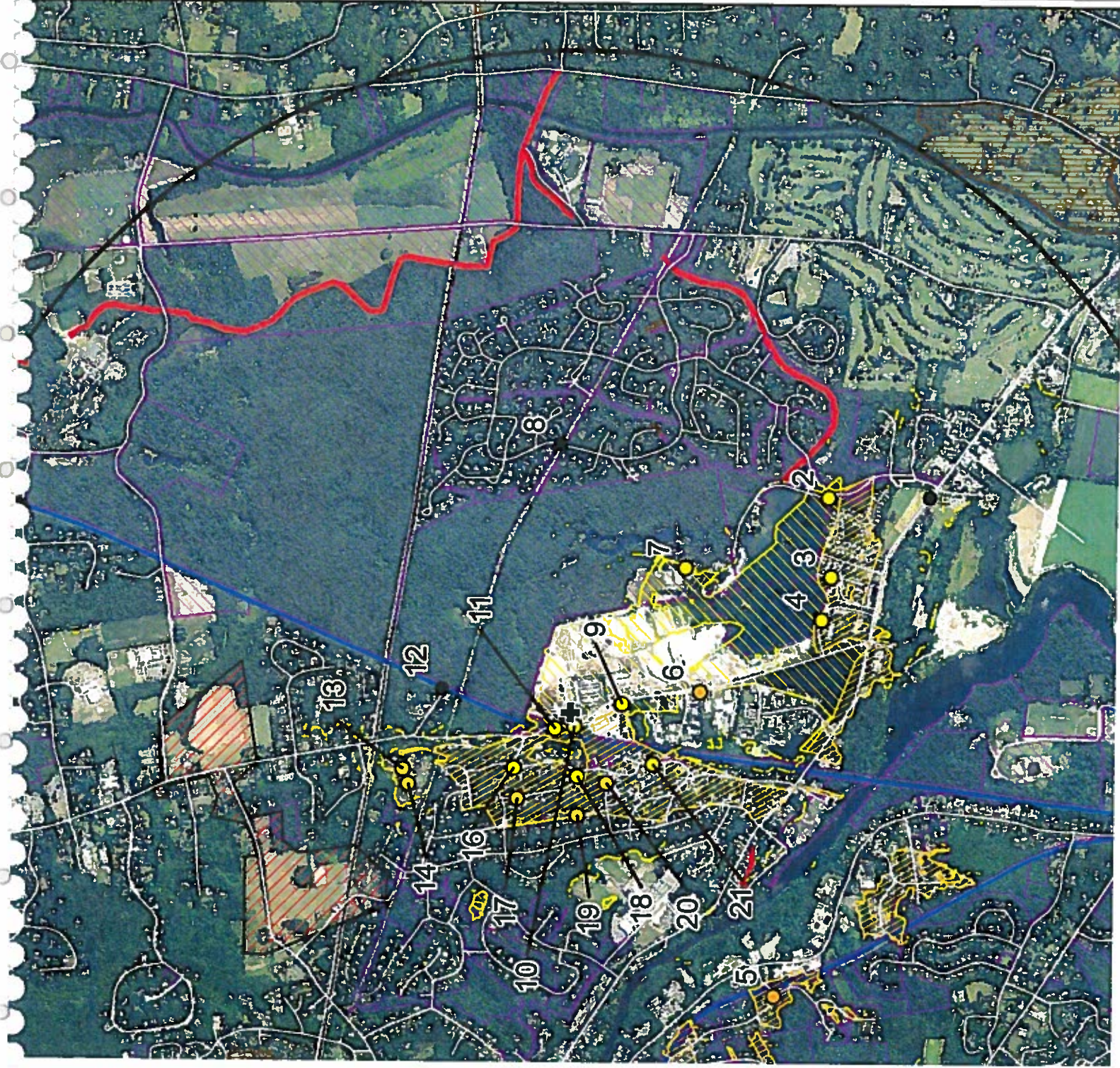
YEAR ROUND



ALL-POINTS



NORTHEAST



**VISIBILITY**

Proposed Lattic  
199 Brick  
Farming

Proposed facility height is 180 feet AGL  
Existing tree canopy height estimated as 1  
Study area includes 8,042 acres of land

Map information has been field  
Corporation on Wed  
Only those resources located within the  
of data sources consulted for this analysis

**Legend**

- Proposed Tower
- 2-Mile Study Area
- Photo Locations**
- Not Visible
- Seasonal
- Year-round
- Predicted Seasonal Visibility
- Predicted Year-Round Visibility
- National Register (line)

# DOCUMENTATION

## SOURCES CONSULTED FOR PRELIMINARY VISIBILITY ANALYSES

Northeast Towers – 199 Brickyard Road, Farmington, CT

### *Physical Geography / Background Data*

Center for Land Use Education and Research, University of Connecticut (<http://clear.uconn.edu>)

\*Land Use / Land Cover (2006)

\*Coniferous and Deciduous Forest (2006)

\*LiDAR data – topography (2000)

United States Geological Survey

\*USGS topographic quadrangle maps – Avon and New Britain (1984)

National Resource Conservation Service

\*NAIP aerial photography (2006, 2008, 2010, 2012)

Heritage Consultants

^State Scenic Highways (based on Department of Transportation data, updated monthly)

^Municipal Scenic Roads (by website, phone and/or email/fax - current)

### *Cultural Resources*

Heritage Consultants

^National Register

^ Local Survey Data

### *Dedicated Open Space & Recreation Areas*

Connecticut Department of Energy and Environmental Protection (DEEP)

\*DEEP Property (May 2007)

\*Federal Open Space (1997)

\*Municipal and Private Open Space (1997)

\*DEEP Boat Launches (1994)

Connecticut Forest & Parks Association

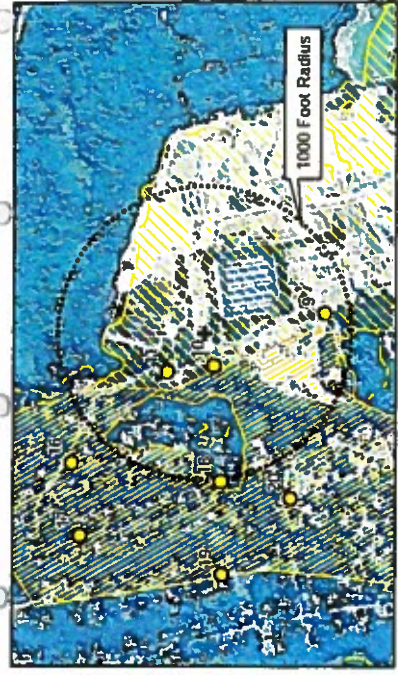
^Connecticut Walk Books - East & West – The Guide to the Blue-Blazed Hiking Trails of Eastern/Western Connecticut, 19th Editions, 2006.

### *Other*

^ConnDOT Scenic Strips (based on Department of Transportation data)

\*Available to the public in GIS-compatible format (some require fees).

^ Data not available to general public in GIS format. Reviewed independently and, where applicable, GIS data later prepared specifically for this Study Area.



### VISIBILITY ANALYSIS

#### Proposed Lattice Training Tower

199 Brickyard Road  
Farmington, CT

Proposed facility height is 180 feet AGL  
Existing tree canopy height estimated as 60 feet  
Study area includes 8,042 acres of land

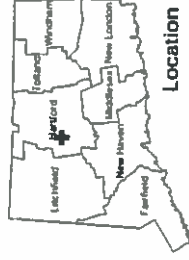
Map compiled 4/8/2013

Map information has been field verified by All-Points Technology Corporation on Wednesday April 5, 2013

Only those resources located within the Study Area are depicted. For a complete list of data sources consulted for this analysis, please refer to the Documentation Page.

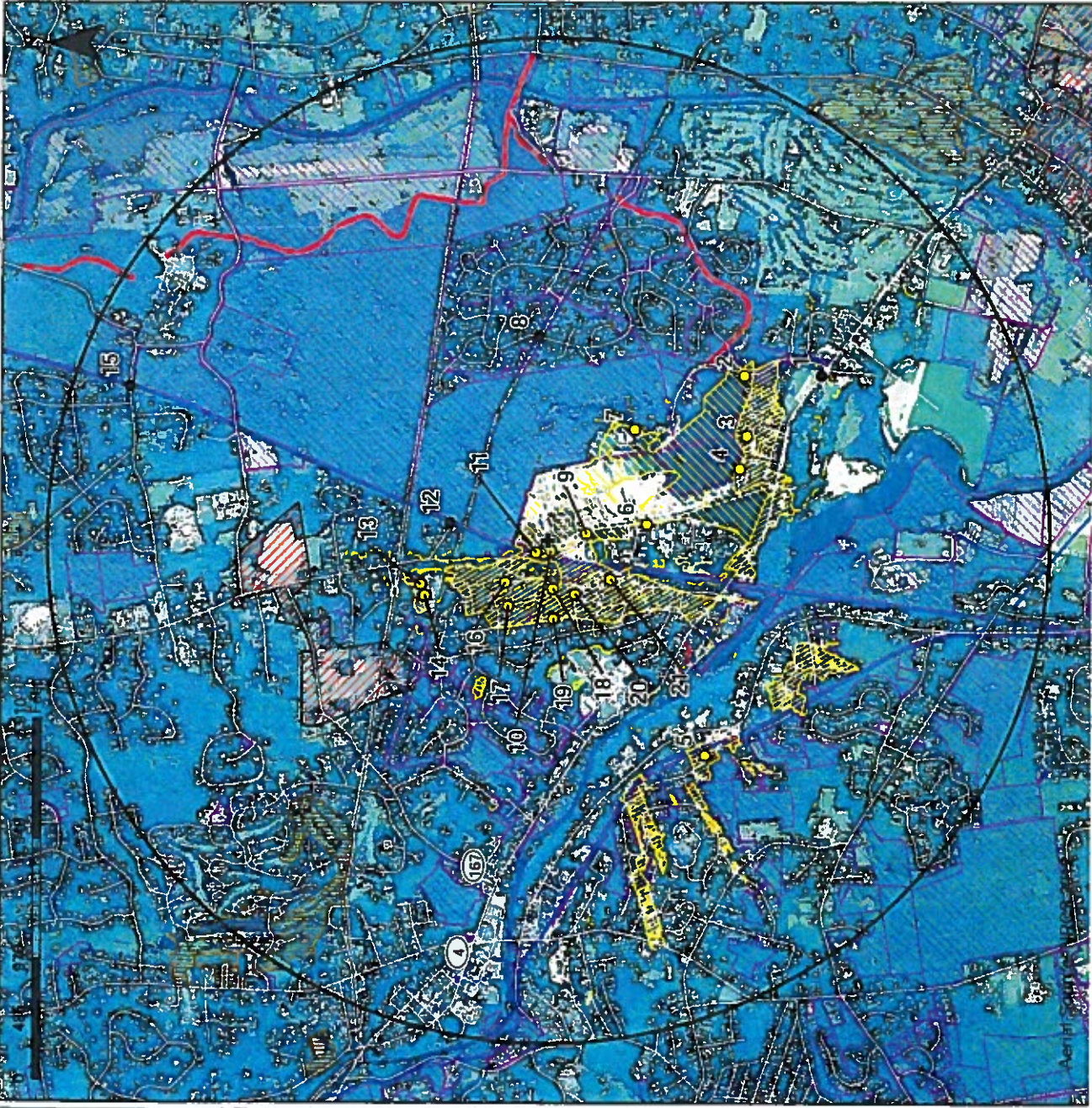
#### Legend

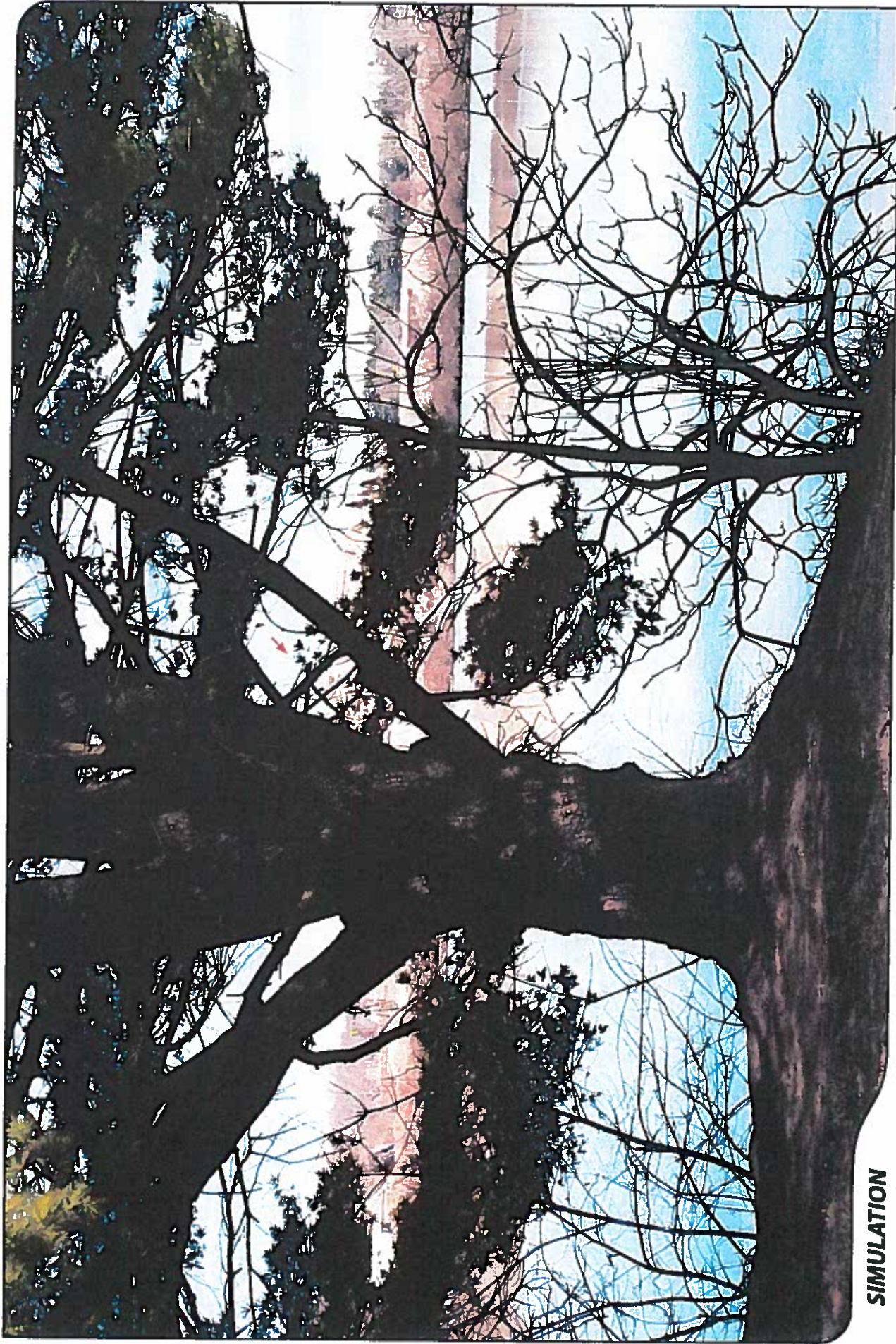
- Proposed Tower
- 2-Mile Study Area
- Photo Locations
- Not Visible
- Seasonal
- Year-round
- Predicted Seasonal Visibility
- Predicted Year-Round Visibility
- National Register (line)
- Trails
- National Register
- Protected Open Space
- Municipal Private Open Space
- Towns



Location

**ALL-POINTS**  
TECHNOLOGY CORPORATION  
3 Saddlebrook Drive • Wallingford, CT 06495  
www.allpointstech.com





**SIMULATION**

PHOTO	LOCATION	ORIENTATION	DISTANCE TO SITE	VISIBILITY
4	GRANDVIEW DRIVE	NORTHWEST	+/- 0.81 MILE	YEAR ROUND





N

50 x 60' compound

U/G utility run

potential new telephone-pole location

© 2013 Google

Google earth

Imagery Date: 3/29/2012 48°45'18.92" N 72°51'19.73" W Elev: 235 ft eye alt: 292 ft

## TOWAIR Determination Results

A routine check of the coordinates, heights, and structure type you provided indicates that this structure does not require registration.

### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

**PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6677.86 MTRS (6.67790 KM) AWAY**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-41-39.00N	072-51-51.00W	ROBERTSON FIELD	HARTFORD PLAINVILLE, CT	57.5	1117.0999999999999

#### Your Specifications

##### NAD83 Coordinates

Latitude 41-45-14.0 north  
Longitude 072-51-17.4 west

##### Measurements (Meters)

Overall Structure Height (AGL) 54.9  
Support Structure Height (AGL) 0.9  
Site Elevation (AMSL) 67.4

##### Structure Type

LTOWER - Lattice Tower

#### [Tower Construction Notifications](#)

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

[CLOSE WINDOW](#)

**TOWN OF FARMINGTON**

**TOWN PLAN AND ZONING COMMISSION**

**DATE AND TIME:** Tuesday, April 9, 2013 – 7:30 p.m.

**PLACE:** Town Hall Council Chambers

**AGENDA**

**PUBLIC HEARING**

1. Town of Farmington amendment to the zoning regulations to add Article IV Section 26 New and Expanded Homes within Existing Neighborhoods and amend Article IV Section 2.F. Buildings and Structures Accessory to One and Four Family Homes.

**NEW BUSINESS**

1. Northeast Tower – Informal presentation for training tower for property located at 199 Brickyard Road.

**OLD BUSINESS**

1. Virginia Ryan application for two-lot resubdivision for property located at Lot 26 Ely Road, R80 zone, Assessor's Map #30, and more particularly bounded to the east by 1 John Steele Road and to the south by 210 Old Mountain Road.
2. The Connecticut Water Company application for special permit and site plan approval for proposed garage/office building for property located at Lot 37-3 Executive Drive, C1 zone, Assessor's Map 149, and more particularly bounded to the north by 15 Executive Drive, Hyde Road Associates LLC, DiTommaso Associates LLC and to the west by Executive Drive, C1 zone.

**PLANNER'S REPORT**

**MINUTES**

1. Approve minutes of the March 27, 2013 meeting.

*SJM*

## REGULAR MEETING TOWN PLAN AND ZONING COMMISSION

April 9, 2013

Present were Chairman Dunn, Commissioners Brenneman, LeBlanc, Matava and Stanford and Alternate Commissioners Jarvis, Litchfield and Mastrobattista and the Town Planner and Clerk. The regular meeting opened at 7:41 p.m.

Alternate Commissioner Litchfield was appointed to vote on behalf of Commissioner Doeg.

### NEW BUSINESS

#### Northeast Tower – 199 Brickyard Road

The informal presentation for training tower has been withdrawn from this agenda because they were not able to conduct testing necessary for the presentation due to windy weather.

### OLD BUSINESS

#### Virginia Ryan – 210 Old Mountain Road

Town Planner Ollendorf reported the applicant's engineer is still working on responses to engineering comments. The matter was tabled.

#### The Connecticut Water Company – Lot 37-3 Executive Drive

Revised plans were presented to the members for review. Town Planner Ollendorf stated the revisions consisted of additional notations on the plans and minor adjustments of the drainage system. The Engineering Department submitted comments dated April 9, 2013 that were recommended as conditions of approval and the Town Planner suggested additional conditions of approval in a memorandum dated April 9, 2013.

Upon a motion made and seconded (Brenneman/Litchfield) it was unanimously

VOTED: To approve The Connecticut Water Company application for special permit and site plan for proposed garage/office building for property located at Lot 37-3 Executive Drive, C1 zone, Assessor's Map 149, and more particularly bounded to the north by 15 Executive Drive, Hyde Road Associates LLC, DiTommaso Associates LLC and to the west by Executive Drive, C1 zone with the following conditions:

1. The applicant shall address to the satisfaction of the Chief of Engineering Services the comments contained in an interoffice memorandum dated April 9, 2013;
2. The applicant shall provide a light fixture cut sheet for fixture H;
3. The applicant shall treat the garage concrete floor with a silica sealer;
4. The applicant shall provide and implement an Integrated Pest Management Plan; and
5. The garage shall be equipped with an emergency spill kit.

**TOWN OF FARMINGTON  
REGULATIONS  
FOR  
ZONING  
SUBDIVISION  
INLAND WETLANDS**



**FARMINGTON TOWN HALL**

One Monteith Drive

Farmington, Connecticut 06032-1053

# FARMINGTON, CONNECTICUT

**ZONING REGULATIONS**  
(Amended to November 7, 2014)

**SUBDIVISION REGULATIONS**  
(Amended to September 26, 2008)

**INLAND WETLANDS AND  
WATERCOURSES REGULATIONS**  
(Amended to April 9, 2011)

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**ZONING REGULATIONS**  
**TOWN OF FARMINGTON, CONNECTICUT**

**ARTICLE I. PURPOSE AND INTENT**

**Section I. PURPOSE**

These regulations are adopted under the General Statutes of the State of Connecticut, as amended, for the following purposes:

To promote and to protect the public health, safety and welfare of the inhabitants of Farmington, Connecticut, and of the public generally;

To facilitate adequate transportation, water, sewerage, schools, parks and other public benefits;

To encourage the most appropriate use of land throughout the Town, thereby conserving the value of properties;

To regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; and the height, size and location of advertising signs;

To regulate the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes;

To divide the municipality into zones of such number, shape and area as may be best suited to carry out the purposes of these regulations;

To regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land in such zones;

To permit certain classes or kinds of buildings, structures or uses of land within the Town only after obtaining a special permit or special exception;

To lessen congestion in the streets;

To secure safety from fire, panic, flood and other dangers;

To provide adequate light and air;

To prevent the overcrowding of land;

To further the policies of the Plan of Development;

To guide development in a manner which recognizes the importance of the natural environment;

To guide development which minimizes impacts to wetlands, watercourses, flood prone areas, hillsides, ridgelines, surface water and groundwater resources and other sensitive and significant features of the natural landscape; and

To encourage the preservation of historic structures.

## Section 2. BASIC REQUIREMENTS

No land, building, structure or portion thereof shall hereafter be used, and no building, structure or portion thereof shall be constructed, reconstructed, located, extended, enlarged or substantially altered, except in conformity with these regulations.

These regulations are intended to state the uses of land and/or buildings and structures, which are permitted within the Town. Uses not stated are not permitted.

## Section 3. APPLICATION OF REGULATIONS

No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, frontage, bulk and yard requirements. No building permit, zoning permit, certificate of occupancy or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of this section.

## Section 4. INTERPRETATION

In interpreting and applying these regulations, the regulations shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

When these regulations impose a greater restriction on the use of buildings or require larger yards, courts or other open spaces, or require a greater percentage of lots to remain unbuilt, or impose other standards higher than those imposed by any law, ordinance, regulation or private agreement, these regulations shall control. When restrictions are imposed by any law, ordinance, regulation or private agreements which are greater than those required by these regulations, such greater restrictions shall not be affected by these regulations.

When one section of these regulations imposes standards greater than those of another section, the standards of the more restrictive section shall control, however, it should be recognized that a use of property as set forth under Article II Sections 19 – 27 and Article IV shall be permitted in the respective underlying zone as established by right or by special permit.

## Section 5. ESTABLISHMENT OF ZONES

The Town of Farmington is divided into fourteen residential zones, designated herein as R80, R40, R30, R20, R12, R12LG, R9, R9LG, RDM, AH, HOD and SA; three business zones, designated herein as PR, BR and B1; three industrial zones, designated herein as CR, C1 and EE; a Unionville Center Zone, designated herein as UC and associated overlay Unionville Village District Zone; a flood protection zone, designated herein as FP; and four overriding zones, designated herein as Flood Perimeter Overlay, Aquifer Protection, Airport Protection and Ridgeline Protection Zone.

## Section 6. ZONING MAP

The boundaries of zones are established as shown on the "Official Zoning Map." The Official Zoning Map shall be at a scale of 1" = 1000' and identified by the signature of the Chairman of the Town Plan and Zoning Commission, and shall bear the date of the most recent zoning amendment.

When, in accordance with the provisions of these regulations, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map together with an entry on the Official Zoning Map as follows: "As amended to (date). (Such date to be that of the most recent amendment)"

The Official Zoning Map shall be filed in the office of the Town Clerk and an updated copy shall be displayed in the office of the Town Planning Department.

## Section 7. ZONE BOUNDARIES

- A. When uncertainty exists in the opinion of the Zoning Enforcement Officer as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines;
  2. Boundaries indicated as approximately following lot lines shall be construed as following such lines;
  3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits;
  4. Boundaries indicated as following railroad rights-of-way shall be construed as the center of said rights-of-way;
  5. Boundaries indicated as approximately following the center lines of streams, brooks or other bodies of water shall be construed as following such center lines;
  6. If a situation arises not covered by the above, the Zoning Enforcement Officer may establish the location of a zoning boundary by scaling the Official Zoning Map, reviewing previous official zoning maps or by applying the boundaries established by the report entitled Description of Zone Districts on file in the Planning and Zoning Office; and
  7. In any case of uncertainty not resolved by the above, the Commission shall determine the location of the boundary.
- B. Where a zone boundary divides a lot in one ownership into two or more residential zones, the area, frontage, bulk and yard requirements for that lot shall comply with those set forth for the zone, which comprises a majority of the area of said lot.
- C. Where a zone boundary divides a lot in one ownership into a residential and a nonresidential zone (industrial or business) or into two nonresidential zones, the area and frontage

requirements for that lot shall comply with those that are more restrictive as set forth for such zones. All other building requirements shall correspond with those of the particular zone in which a use, structure or building is established or constructed.

- D. The use of a lot under one ownership divided into two or more zones shall be controlled by the requirements of the zone designation for that particular portion of said lot except as otherwise permitted by Article V. Section 4. of these regulations.

#### Section 8. DEFINITIONS, GENERAL

In the construction of these regulations, the rules and definitions contained in this section shall be observed and applied, except where the context clearly indicates otherwise.

Words used in the singular shall include the plural, and words used in the plural shall include the singular; words used in the present tense shall include the future tense.

The word “shall” is mandatory and not discretionary.

The word “may” is permissive and discretionary.

The word “lot” shall include the words “piece” and “parcel.”

The words “zone,” “zoning district” and “district” have the same meaning.

The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

The phrase “these regulations” shall refer to the entire Zoning Regulations.

The word “Commission” unless otherwise specifically noted shall refer to the Town Plan and Zoning Commission.

Uses of land, buildings or structures not clearly permitted in the various zones are prohibited.

#### Section 9. DEFINITIONS

**ACCESSORY BUILDING OR USE:** A building or use which is subordinate and customarily incidental to the main building and use on a lot, providing that unless otherwise noted in these regulations any building accessory to a residential building shall not exceed 15 feet in height. The term “accessory building” when used in connection with a farm shall include all structures customarily used for farm purposes and such structures shall not be limited in height. No accessory building or use shall be established in the absence of a principal building or use. The Zoning Enforcement Officer in consultation with the Commission shall determine which uses shall be permitted as accessory uses to a principal special permit use in any zone.

**ACTIVE ADULT HOUSING:** A housing development where 100 percent of all dwelling units fully comply with the provisions of the United States Fair Housing Act as amended, as it pertains to “housing for older persons.” This includes compliance with any and all rules promulgated by the

United States Department of Housing and Urban Development which govern the implementation of such Act.

**AMATEUR RADIO TOWER:** A freestanding, attached or guy-supported device used in conjunction with noncommercial radio operations for which a resident operator holds an Amateur Radio License consisting of both an operator license and a station license.

**AMUSEMENT GAME:** A video game, pinball machine, air hockey game or other similar coin-operated machine.

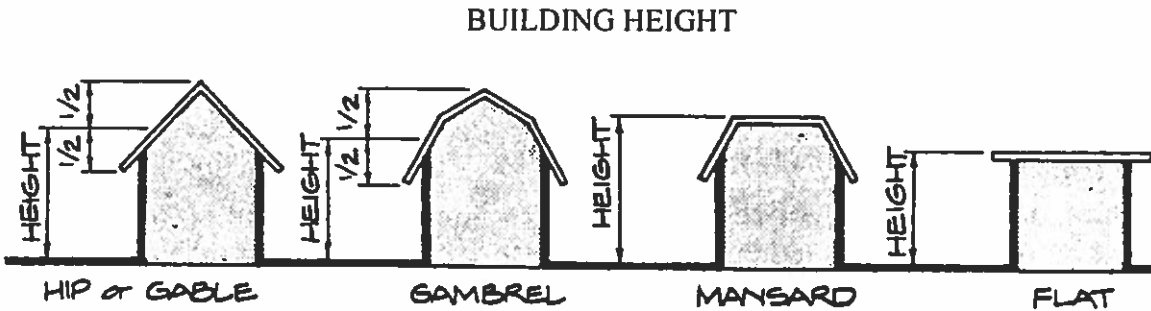
**AQUIFER:** A water bearing rock or stratum of sufficient size to provide a source of water to the Town.

**BED AND BREAKFAST ESTABLISHMENT:** A single-family residence in which no more than six rooms are rented for compensation to transient guests. None of the rented rooms shall contain kitchen facilities as defined as having a standard sized range and refrigerator.

**BILLIARD PARLOR:** An establishment for the playing of billiards or pool of no more than 3,500 square feet, including accessory uses, containing no more than one billiard table per 200 square feet of floor space.

**BUFFER:** A strip of land which, unless otherwise permitted by the Commission, is limited to planting and the maintenance of shrubs, bushes and trees and within which no road, parking area, structure or building is allowed, other than a fence or utility structure.

**BUILDING:** An independent structure having a roof supported by columns or walls resting on its own foundation or on the ground and includes a shed, garage, stable, greenhouse or other accessory building.



**BUILDING, HEIGHT OF:** The vertical distance measured from the average level of the ground along all walls of the building to the highest point of the roof for flat roofs; to deck line for mansard roofs, to the mean height between the highest eave and ridge for gable, hip or gambrel roofs and to the highest point of any other type of roof. Chimneys, spires, masts, elevator penthouses, tanks and similar projections shall not be included in the height provided that any such projections shall not have an aggregate area greater than 25 percent of the roof area.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Building Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed in

compliance with applicable building regulations and approvals. See Article V. Section 2.

**CERTIFICATE OF ZONING COMPLIANCE:** A document issued by the Zoning Enforcement Officer which indicates that a structure, use of land or building is on compliance with the Farmington Zoning Regulations.

**CLUB OR FRATERNAL ORGANIZATION:** An organization of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, and includes the establishment so operated.

**COMMISSION:** The Town Plan and Zoning Commission.

**CONVENIENCE STORE:** A general merchandise and grocery store usually with less than 3,000 square feet of gross floor area and open for business for extended hours. A Convenience Store generally attracts patrons because of the speed in which items may be purchased and because of the extended hours for which such stores are open for business.

**COUNTRY CLUB:** A private or public organization for outdoor recreation, including but not limited to, tennis, swimming, golf or other similar recreational activities.

**DORMITORY:** A building or group of buildings designed or altered for the purpose of accommodating students in educational institutions or members of religious orders with sleeping quarters with or without communal kitchen facilities and administered by bona fide educational or religious institutions. Dormitory includes fraternity and sorority houses, convents and monasteries, but does not include clubs or lodges.

**DWELLING:** A building or portion thereof designed exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including hotels, motels and inns.

**DWELLING UNIT:** A housing unit containing a single room or group of rooms intended for occupancy as separate living quarters by one family. Separate living quarters are those which have a sleeping area and kitchen facilities as defined as having a standard sized range and refrigerator. Separate living quarters may have either direct access from the outside or access through a common hall.

**ELDERLY HOUSING:** A dwelling unit exclusively designed for the needs of single people age 62 or over, or couples with at least one member over age 62.

**ASSISTED ELDERLY:** An Assisted Elderly Housing facility shall provide centralized areas including rooms for, but not limited to, examination, physical therapy, recreation and common dining, serving three meals per day. An Assisted Elderly Housing unit shall not provide a kitchen or allow for meal preparation, but may include a pantry, with a dormitory refrigerator and up to two surface cooking burners, and/or a microwave oven.

**ELEVATION:** 1) A view of a side of a structure as seen from a horizontal direction; 2) Height above a reference plane, as mean sea level.

**FAMILY:** A family shall be defined as either: 1) one or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption, including foster children; or 2) a group consisting of not more than four (4) persons, living together as a single housekeeping unit, who are unrelated by blood, marriage or adoption. This number may be increased to six (6) by special permit; or 3) a combination of 1 and 2 above, provided that such persons shall live together as a single housekeeping unit.

**FAMILY DAY CARE HOME:** A private family home caring for not more than six children including the provider's own children not at school full-time, where the children are cared for not less than three nor more than twelve hours during a 24-hour period and where care is given on a regularly recurring basis. This use shall not change the residential character of the home and shall be clearly secondary to the use of the home for residential purposes.

**FARM:** A parcel of land containing not less than five acres and principally used for either the commercial raising of livestock, poultry or crops including tree nurseries and greenhouses.

**FARM STAND:** A structure used principally for the sale of agricultural products grown on the premises. Farm stands located on a farm shall be considered an accessory use to such farm.

**FLOOR AREA RATIO:** The ratio of the gross floor area of a building(s) to the lot area on which the building(s) is located.

**FRONTAGE:** The distance of an unbroken line measured directly along an improved street or streets (street line(s)) between the sidelines of a lot or in the case of a corner lot between the sideline and rear property line. Where this line is an arc or the side lot lines converge towards this line, the distance may be measured along the minimum front yard setback line. For the purpose of this definition the term "street" shall be an existing public right-of-way used for travel or private right-of-way historically recognized as a street by the Town of Farmington or a right-of-way used for travel otherwise approved by the Commission as part of a subdivision plan.

**GARAGE, PRIVATE:** A detached or accessory building or portion of a main building for the parking and storage of automobiles belonging to the occupants of the premises.

**GARAGE, PUBLIC:** A building, other than a private garage, used for the parking or storage of automobiles.

**GARDEN SUPPLY CENTER:** An agricultural and associated retail operation where the primary use is the growing and/or sale of flowers, plants, shrubs or trees. This use may also include the sale of related garden merchandise.

**GROSS PARKING AREA:** The square footage of all parking stalls, aiseways and driveways including any landscaping contained within. However, driveways which connect a parking area to a street or other distinct parking area shall be exempt from this calculation.

**GROSS USABLE FLOOR AREA:** The horizontal area of all floors of a building measured from exterior of outside walls. Gross Usable Floor Area shall not include common hallways, elevators, stairs, common lobbies, terraces not used for customer service, utility rooms, rest rooms,



maintenance shops and basements or cellars intended and designed only for storage. Cafeterias may not be deemed as Gross Usable Floor Area at the discretion of the Commission.

**GROUP DAY CARE HOME:** A private family home which offers or provides a program of supplementary care to not less than seven nor more than twelve related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

**GUEST HOUSE:** A residential building located on the same lot as an existing single family dwelling, 1) for use solely for housing either guests or relatives of, or persons performing domestic services for, the family residing in the principal single family dwelling on the lot, and 2) not to be leased for compensation or otherwise occupied by anyone other than those persons referred to in 1 above. A Guest House shall not exceed 15 feet in height and 900 square feet in living area and shall not be located (nor shall any garage in connection with said guest house) within any required side, rear or front yard set forth in the table of "Height and Area Schedule."

**HEALTH CLUB or SPORTS FACILITY:** A club or facility designed to offer athletic activities, physical conditioning and/or diet and nutritional counseling. Such facility may include but not be limited to the following activities: tennis, handball, racquetball, squash, aerobic dancing, basketball, running track, swimming, weight lifting and use of Nautilus-type equipment.

**HOME OCCUPATION:** An activity carried out within a dwelling for financial gain. A home occupation shall be accessory to the primary use of the dwelling as a residence. For purposes of this regulation home occupations shall be divided into the following categories:

**HOME OFFICE:** A home occupation which utilizes only equipment and materials typical to an office such as, but not limited to, typewriters, word processors, computers, writing or drafting instruments or telephones. Home office shall comply with all of the standards found elsewhere in these regulations.

**HOME BUSINESS:** A home occupation otherwise permitted by these regulations.

**HOSPITAL:** A structure or structures used for the diagnosis, treatment or other care of human ailments, and containing inpatient beds.

**HOTEL, MOTEL or INN:** A building designed and used primarily for temporary occupancy by travelers, which provides or offers accommodations for a consideration for ten (10) or more persons exclusive of employees living on the premises, and which may provide rooms for public assembly and may include the serving of food.

**IMPERVIOUS SURFACES:** Surfaces that do not readily absorb water; including but not limited to building footprints, parking areas, driveways, roads, sidewalks and any areas in concrete or asphalt, not including retention basins. Building footprints are defined as the area of the greatest horizontal length and width of a building at or above ground level but not including roof overhangs or elevated pedestrian connectors between buildings. Surface areas consisting of stone or gravel shall be deemed impervious unless such areas are strictly used for landscaping in place of lawn or mulch or are unavailable to pedestrian or vehicular traffic.

**INLAND WETLANDS AND WATERCOURSES:** Areas as defined in Sections 22a-36 through

22a-45 of the Connecticut General Statutes.

**JUNKYARD:** More than fifty (50) square feet of space used for the accumulation or storage of paper, rags, scrap, metal or discarded or used materials of any kind.

**KENNEL:** An establishment in which more than six dogs over the age of six months are housed or an establishment in which three dogs over the age of six months are groomed, bred, boarded, trained or sold. Except in conjunction with an animal hospital, kennels shall not be permitted.

**LIVING QUARTERS, LIVING AREA:** The portion of a building, which is constructed with finished ceilings, walls and floors. In computing the floor area for living quarters, rooms for heating equipment, garage, outside vestibules and open or closed porches shall not be included. Measurements shall be taken from outside walls.

**LOT:** A parcel of land occupied or approved to be occupied by a building or buildings which meets the minimum requirements for frontage, lot width and lot area for the zone in which it is located or which meets the definition of nonconforming lot as defined in these regulations.

**LOT AREA:** The total area within the lot lines of a lot.

**LOT COVERAGE:** That percentage of the lot area that is covered by the building footprint and all other impervious surfaces on the lot.

**LOT LINE:** A line of record bounding a lot.

**MIXED USE DEVELOPMENT:** For the purpose of the CI Zone, a use of land, buildings or structures with a combination of commercial facilities and residential dwelling units.

**NONCONFORMING LOT:** A lot legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the minimum lot area or frontage requirements for the zone in which it is located.

**NONCONFORMING STRUCTURE:** Any building or structure legally in existence at the time of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the yard, height or bulk requirements for the zone in which it is located.

**NONCONFORMING USE:** A use legally existing at the adoption of these regulations, or legally existing prior to an amendment to these regulations, which does not conform to the use regulations for the zone in which it is located.

**NURSING OR CONVALESCENT HOME:** Any establishment where persons suffering or convalescing from illness due to infirmity, disease or ailment are boarded or housed.

**OPEN SPACE:** Land which is preserved in its natural state; landscaped or developed for recreational use as approved by the Commission.

**OUTBUILDING:** An accessory structure containing a roof and at least three sides which uses include, but are not limited to, storage or the conduct of a hobby. Outbuildings shall not be used for

living quarters or contain kitchen or sleeping facilities.

**PARKING AREA:** An area used for parking and movement but not the repair of motor vehicles, and in which no merchandise or materials are stored or sold and no business conducted. Such area shall not be used for the parking or storage of trailers nor the parking or storage of vehicles unrelated to the use of the subject property.

**PUBLIC OR PRIVATE SCHOOL:** Any building or part thereof the use of which meets State requirements for primary or secondary education.

**RECREATIONAL FACILITY:** An area principally dedicated to outdoor recreational activities but may include buildings for maintenance, indoor sports, food service or caretaker's residence.

**REHABILITATION CENTER:** A facility used for the diagnosis, treatment or other care of human ailments which may or may not contain beds or living quarters.

**RESTAURANT, FAST FOOD, DAIRY BAR, GRILL, COFFEE SHOP:** An establishment which exhibits one or more of the following characteristics: 1) Serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers; 2) Usually serves food over a general service counter that customers carry to the restaurant's seating facilities, to motor vehicles or off premises; or 3) Devotes 45 percent or more of the establishment's gross floor area to food service preparation, storage or related activities.

**RESTAURANT, LOW TURNOVER:** A public eating establishment, which provides table service and not meeting the criteria of a Restaurant, Fast Food.

**ROOMING OR BOARDING HOUSE:** A building in which rooms for living purposes are rented for compensation, with or without meals, to more than six but less than ten persons other than members of the family of the proprietor.

**SCHOOL:** Any building or part thereof, excluding public and private schools as defined in these regulations, which is designed, constructed or used for education or instruction in any branch of knowledge.

**SCREENING:** The use of fences, trees or shrubbery separately or in combination and of sufficient height and density, the purpose of which is to hide an area from view or to diminish, obscure or veil the view of an area.

**SHOPPING CENTER:** A group of commercial establishments totaling more than 20,000 square feet in area and managed as a single operating unit.

**SIGN:** Any natural or artificial structure, device, light, material or object which shall use any letter, word, number, banner, flag, pennant, insignia, logo or device to attract attention to identify, advertise, announce or represent any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, business or industry and which is intended to be seen from a street or highway, parking area, driveway or sidewalk.

**SIGN, DETACHED:** A sign supported by one or more supports placed in or upon the ground.

**SIGN, GROSS AREA:** The combined area of all existing signs on a lot.

**SIGN, ROOF:** Any sign erected and maintained upon or above the main roof of a building.

**SIGN, WALL:** A sign which is attached to any surface or plane of a building and which does not extend more than 12 inches beyond the perimeter of the building or above the roof line.

**STREET LINE:** The line between the lot and the street.

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a location on the ground and extending at least 12 inches above the surrounding finished grade.

**STRUCTURAL ALTERATION:** Any change in or addition to the structural or supporting members of a building such as bearing walls, columns, beams or girders.

**TEMPORARY USE OR STRUCTURE:** A use of a structure, building or property or the establishment of a structure on a parcel of land which is approved by the Commission for a period of time not to exceed 180 days within a calendar year. Such temporary use or structure shall not be established in violation of the use requirements of these regulations. The Commission may grant an extension of the above mentioned time period to a total of 270 days.

**TOXIC OR NOXIOUS MATTER:** Any solid, liquid or gaseous matter, including but not limited to gases, vapors, radiation, dusts, fumes and mists, containing properties which are inherently harmful and likely to destroy life, impair health or damage property.

**VARIANCE:** A relaxation of the terms of the Zoning Regulations where such a variance will be in harmony with the general purpose and intent of the regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such a parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Pursuant to the authority under CGS § 8-6, these Regulations do not permit the ZBA to grant use variances as specified below:

- i. The use of any residentially zoned premises for uses other than for residential purposes;
- ii. The use of a premises within the UC/UV, FC/FV and AP zone for any purpose not specifically permitted by the Zoning Regulations governing said districts; and
- iii. The use of premises within single-family residential districts for other than single family residential purposes.

**VENDING MACHINE:** A coin-operated machine that dispenses food and nonfood products, including but not limited to beverages, snacks and candy.

**WETLAND:** Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or floodplain by the U. S. Department of Agriculture Soil Conservation Service.

**YARD, MINIMUM FRONT:** A space extending across the full width of the lot between the front property line and a parallel line set back a distance equal to the front yard requirement.

**YARD, MINIMUM REAR:** A space extending across the full width of the lot between the rear lot line and a parallel line set back a distance equal to the rear yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

**YARD, MINIMUM SIDE:** A space extending from the minimum front yard to the minimum rear yard between the side lot line and a parallel line set back a distance equal to the side yard requirement. On a lot with no rear yard, the side yard shall extend to the opposite lot line.

**YARD, FRONT:** A space extending across the full width of the lot between the street line and the closest wall of a principal building. On lots having property lines along more than one street, there shall be only one front yard.

**YARD, REAR:** A space extending across the full width of the lot between the rear lot line and the closest wall of a principal building.

**YARD SALE:** The occasional sale of household goods or handcrafted items conducted on the premises of the owner and/or craftsman of the goods to be sold at a maximum frequency of two times per calendar year for a maximum of three consecutive days.

**ZONE:** An area of land set aside on the Zoning Map having separate requirements as established by these regulations.

**Section 10. USE OF LAND FOR ACCESS OR PARKING**

Access to or parking in connection with a use shall be considered to be accessory to such use and controlled by the same requirements as such use; but this provision shall not prohibit access across a lot in a business zone to a use lying in an industrial zone nor access across a lot in an industrial zone to a use lying in a business zone. Nothing herein shall prohibit access across a lot in a business or industrial zone to a use lying in a residential zone.

## ARTICLE II. USE REGULATIONS

### Section I. RESIDENTIAL 80, 40, 30 ZONES (R80, R40, R30)

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. Single Family Dwelling, one per lot.
  2. Family Day Care Home.
  3. Accessory Uses and Buildings provided the location of all buildings complies with Article IV. Section 2. of these regulations including but not limited to the following:
    - a. Private garage(s).
    - b. Tool shed and outbuilding.
    - c. Swimming pool, tennis court or other similar recreational structure.
    - d. Satellite receiving antenna.
    - e. Parking or storage of no more than one commercial motor vehicle of not more than one and one-half (1-1/2) ton capacity (manufacturer's rating) and/or designed to have no more than four wheels. For purposes of this section commercial motor vehicles shall include those vehicle having commercial or combination license plates. This regulation shall apply to all land within residential zones. For regulations concerning the parking or storage of trailers, mobile homes and recreational vehicles, see Article IV. Section 9.
    - f. Indoor or outside storage of objects or materials for use on the premises only. No outdoor storage shall be conducted within the required front yard.
  4. Home Office provided:
    - a. The office is situated in the principal building which is used as the dwelling and shall occupy no more than 25 percent of the total living area of the dwelling unit.
    - b. Only those residing in the dwelling may engage in the home office use.
    - c. No clients, customers or outside employees may visit or work from the premises in which the home office is located.
    - d. No business shall be conducted from the premises except by phone, computer, facsimile machine or mail.
    - e. The outside residential appearance of the dwelling is not changed.
    - f. No goods, chattels, materials, supplies or items of any kind shall be delivered either to or

from the premises in connection with the home office except in a passenger automobile.

g. No goods, chattels, materials, supplies or other items of any kind related to the home office shall be stored outside of the building containing the home office.

5. Farm, solely for the raising of crops.

6. Vehicle Sales in Residential Zones The sale of motor vehicles, trailers, and recreational vehicles shall include but not be limited to mobile homes, camper trailers, cars, light trucks, motorcycles and boats, and such items may be displayed for sale on a property in a residential zone provided the vehicle conforms to the provisions under Article II Section 1.A.3.e and Article IV Section 9 of these regulations. The property upon which the item is displayed must be owner occupied and the item displayed for sale must be owned by the owner(s) of said property. Only one item for sale can be displayed at a time and can be displayed for no more than 90 cumulative days per calendar year. No commercial vehicles, equipment or parts thereof may be sold or displayed in a residential zone. Vehicles for sale shall be displayed in such a manner as to not create a hazard to vehicular or pedestrian traffic and must not be displayed on Town or State property. All signs associated with the sale of vehicles shall be displayed from inside the vehicles.

7. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. School.

2. Day Camp.

3. Hospital.

4. Nursing Home.

5. Charitable and Philanthropic Institution.

6. Group Day Care Home.

7. Bed and Breakfast Establishment.



8. Public Utility Building or Structure not including service or storage yard.
9. Cemetery provided no burial plot shall be within 75 feet of any property line.
10. Country Club and Fraternal Organization, except where the chief activity is a service carried on as a business such as catering or renting of a function hall.
11. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions.
12. Radio and Television Tower, (commercial) provided the base of the tower is located a minimum distance from any property line at least equal to the height of the tower. Any guy wires used to support the tower shall be at least 100 feet from any property line.  
Communication Facility including satellite receiving or transmitting station.
13. Community Building for use by the residents of the community or neighborhood and maintained and operated for community purposes.
14. Farm, provided:
  - a. All farm buildings except dwellings shall be located not less than 100 feet from any street line;
  - b. Only the slaughtering of livestock and poultry raised on the premises shall be permitted; and
  - c. Commercial piggeries are prohibited.
15. Church, College, Library.
16. Poultry raising of less than 20 fowl providing they are suitably confined.
17. Public or Private School.
18. Guest House in the R80 Zone only.
19. Day Care Center, Nursery School.
20. Farm Stand (not otherwise located on a farm).
21. Home Business provided:
  - a. The home business is situated in the principal building which is used as the dwelling and shall occupy no more than 25 percent of the total living area of the dwelling unit.

- b. Only those residing in the dwelling and up to two nonresident employees may be engaged in the home business.
- c. Only articles made, raised or grown on the premises may be sold on the premises. This provision shall not apply to goods sold by catalogue and otherwise not directly sold and shipped or carried from the premises.
- d. No display of articles shall be visible from outside the building in which the home business is conducted.
- e. The outside residential appearance of the dwelling is not changed.
- f. Signage shall be limited to one non-illuminated sign no more than two square feet in area as approved by the Commission.
- g. Any instructional classes shall be limited to no more than five students at one time.
- h. Barbers, beauticians and other personal services shall be limited to the installation and use of one chair (station).
- i. No goods, chattels, materials, supplies or items of any kind related to the home business shall be stored outside of the building containing the home business.
- j. A number of parking spaces, as determined by the Commission, shall be provided on the site on which the home business is located.
- k. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot which is detrimental to the neighborhood.

As part of the special permit the Commission may attach conditions to an approval regulating the business hours and days of operation, the time period such special permit shall remain in effect and the manner in which items related to the home business may be transported to and from the premises. The Commission may also limit the grant of such approval to one individual applicant.

22. Rehabilitation Center.

23. Recreational Facility including park.

24. Garden Supply Center.

25. Raising of Fur Bearing Animals.

- C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

## Section 2. RESIDENTIAL 20 ZONE (R20)

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. All permitted uses in the R80, R40 and R30 Zones.
  2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.
- B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
1. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with 2. below.
  2. Group Day Care Home provided:
    - a. The lot contains a minimum of 30,000 square feet; and
    - b. All play areas shall meet all front, side and rear yard setback requirements of the R20

Zone.

- C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

### Section 3. RESIDENTIAL 12 ZONE (R12)

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. All permitted uses in the R80, R40, R30 and R20 Zones.
  2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.
- B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
1. All uses allowed by special permit in the R80, R40, R30 and R20 Zones, except Guest House and except Group Day Care Home unless in compliance with 3. below.
  2. Two Family Dwelling, one per lot.
  3. Group Day Care Home provided:

- a. The lot contains a minimum of 20,000 square feet; and
  - b. All play areas shall meet all front, side and rear yard setback requirements of the R12 Zone.
- C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

#### Section 4. RESIDENTIAL LAKE GARDA ZONE (R12LG)

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.
  2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.
- B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
1. All uses allowed by special permit in the R80, R40, R30, R20 and R12 Zones, except Two Family Dwelling, Guest House and except Group Day Care Home unless in compliance with

2. below.

2. Group Day Care Home provided:

a. The lot contains a minimum of 20,000 square feet; and

b. All play areas shall meet all front, side and rear yard setback requirements of the R12 Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Section 5. RESIDENTIAL 9 ZONE (R9)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.

2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40, R30, R20 and R12 Zones, except Guest House and except Group Day Care Home unless in compliance with 3. below.
  2. Three and Four Family Dwelling, one per lot.
  3. Group Day Care Home provided:
    - a. The lot contains a minimum of 15,000 square feet; and
    - b. All play areas shall meet all front, side and rear yard setback requirements of the R9 Zone.
  4. Rooming House.
  5. R9 Multi Family Cluster (See Article II. Section 20.).
- C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

**Section 6. RESIDENTIAL 9 LAKE GARDA ZONE (R9LG)**

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. All permitted uses in the R80, R40, R30, R20 and R12 Zones.
  2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within

the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R12LG Zone.

C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

#### Section 6A. RESIDENTIAL OAKLAND GARDENS ZONE (R9OG)

A. PERMITTED USES. The following use requiring a Zoning Permit as specified in Article V.

1. All permitted uses in the R80, R40, R30, R20, R12 and R9 Zones.

2. The maximum area of all attached and/or detached non-habitable areas (calculated cumulatively but excluding basements located within the principle dwelling) shall not exceed more than 75% of the habitable area (exclusive of finished basement) within the principle dwelling. For the purpose of applying the provisions of this subsection, the term non-habitable area shall include all area within any detached building as well as the area within the principle dwelling that is unfinished and unheated. Habitable area shall be defined as an area that is both finished and heated. The area of both habitable and non-habitable spaces shall be calculated measuring from the outside of exterior walls.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and



notice requirements and site plan information.

1. All uses by special permit in the R80, R40, R30, R20, R12 and R9 zone, except Two, Three and Four Family Dwelling, Guest House and except Group Day Care Home unless in compliance with 2. below.
  2. Group Day Care Home provided:
    - a. The lot contains a minimum of 20,000 square feet; and
    - b. All play areas shall meet all front, side and rear yard setback requirements of the R9 Zone.
- C. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of public hearing, the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- D. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation, the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

#### Section 7. RESIDENTIAL APARTMENT ZONE (RA)

INACTIVE - See Section 8. RDM Zone (no application under RA Zone accepted after February 7, 1969). Requirements of the former apartment zone are available from the Planning Department. Modifications may be made to an existing housing development within the RA Zone including the expansion or addition of structures providing such modifications comply with the height, setback and bulk requirements of the RA Zone and no additional units are created.

#### Section 8. DESIGNED MULTIPLE RESIDENCE ZONE (RDM)

- A. PERMITTED USES. The following use requiring a Zoning Permit as specified in Article V.
1. Home Office as defined in Article I. Section 9. and Article II. Section 1.
- B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted

under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Individual Family Residential Units under a single common ownership within a single structure or structures.
2. Apartments with Single Family Units combined in a single structure or structures under single common ownership.
3. Condominiums consisting of apartments with single-family units combined in a single structure or structures as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.
4. Parking, Recreation and Accessory Structures limited to the use of the residents of the units permitted above.
5. Combinations of the above.
6. Separate Single Family Lots may be approved for use with a dwelling within an RDM Zone as part of the buffer area outlined in Paragraph C.5. below, provided that such lots be a part of an approved development plan on file. Note: The total number of single-family lots permitted under this section shall not exceed ten percent of the total number of dwelling units authorized under the special permit. Where applicable, all requirements for subdivision shall be complied with.
7. Home Business as defined in Article I. Section 9. and Article II. Section 1.
8. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with Section 8.B.9.
9. Group Day Care Home provided such facility is located within a single-family dwelling situated on an individual lot or within a community building. All play areas shall meet all front, side and rear yard setback requirements for the building in which such facility is proposed.
10. Day Care Center provided such facility is located within a single-family dwelling situated on an individual lot or within a community building. All play areas shall meet all front, side and rear yard setback requirements for the building in which such facility is proposed.
11. Communication Facility including satellite receiving or transmitting station.

#### C. DEVELOPMENT STANDARDS

1. Area: A minimum of five acres of contiguous land is required for establishment of an RDM Zone.
2. Density: The maximum number of dwelling units shall not exceed five per net acre. In computing the number of net acres for the purposes of this paragraph, the number of square feet in a buffer area in excess of 50 feet pursuant to Paragraph 5 below shall be excluded, as well as 75 percent of all areas of inland wetlands and watercourses and slopes in excess of 33 percent (as calculated by two foot contour intervals). The overall site plan which is approved by the Commission shall be controlling as to the total number of dwelling units that may be constructed within a project. Phased construction of a project shall be designed in a manner consistent with this requirement. The number of single-family lots permitted in the buffer

area may be in addition to the maximum number of dwelling units established by the preceding formula.

3. **Grouping:** The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of twenty-four (24) feet. Each structure shall consist of no more than 12 units. No building may exceed 160 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less. Maximum height of residences and clubhouses shall be 35 feet. All other buildings and structures shall not exceed 15 feet in height. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.
4. **Open Area:** (Formerly Recreation Space, Living Space and Open Space.) There shall be set aside, not to be built upon, unpaved and landscaped with an acceptable balance of viable trees, shrubs and grass, site area equal to 3,500 square feet per unit. The area contained within the front yard and side and rear yard buffers, except for buffer areas contained within single-family lots, may be used to satisfy this requirement.
5. **Front Yard and Buffer Area:** There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear yard buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" or "B" Bufferyard (40-foot width). No buildings, structures or parking areas including stalls or aisleway are permitted within the front yard. One or more driveways may run perpendicular (approximations expected) to the required front yard. In the event that adjacent properties are zoned in any of the zoning classifications shown below, the buffer area shall be of the width shown in the column captioned "Buffer Width." Where one RDM Zone is adjacent to another or to an AH or nonresidential zone, required buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission. The Commission may require that side or rear bufferyard areas be planted in accordance with the specifications of a "B" Bufferyard (35-foot width).

<u>Zone</u>	<u>Buffer Width</u>
R80, R40	100 feet
R30, R20	70 feet
R12, R9	50 feet

If, in the opinion of the Commission, the individual topography or natural features of the site should suggest that this buffer width is not appropriate, the Commission reserves the right to increase the buffer by up to twice the required width by a vote of five-sixths of the full Commission.

6. **Single Family Homes Within the Buffer Area:** In accordance with Section 8.B.6. land within the buffer area may be wholly or in part used for single family homes situated on separate lots where such lots and house development shall conform to the following standards:

Zone Abutting Buffer Area

Standards for Lot and Home\*

R80, R40

R40

R30, R20

R20

All Other Zones

R20

\* In no case shall the required side or rear yard setbacks from an RDM Zone boundary line be less than 25 feet.

7. Parking: Two and three-tenths parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard, except for buffer areas contained within single-family lots.
8. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall have at least 100 square feet. Each detached dwelling unit not in the buffer area must consist of at least 900 square feet of living area.
9. Access Streets and Sidewalks: The placement, size, arrangement and use of access routes to public or private streets shall be adequate to service residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian sidewalks with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town.
10. Firewalls and Sound Control: Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (i) control of airborne sound transmission, and (ii) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition. A two-hour firewall shall not be required where a building is equipped with a fire suppression system per NFPA R 13 guidelines.
11. Staging: The Commission may approve a development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five acres. The Commission may grant a special permit limited to each such stage of development. Each stage shall be capable of independent existence without the completion of the succeeding stages. Buffer requirements shall not apply to the common line between stages of development.
12. All development within RDM Zones shall be served by public water and sewers. For the purpose of this section, public water shall not include a community well.
13. All utility wires shall be placed underground.
14. Discretionary Waivers for Rental Housing proposals where the site in question is adjacent in part to property with a zoning classification of RDM, RA, SA, PR, BR or B1 and at least (i) 50% of the dwelling units are one bedroom units, and (ii) 40% of the dwelling units within

each building have internal garages.

Notwithstanding anything contained in this Section 8 to the contrary, the Commission may grant any or all of the following waivers:

- (i) Density: up to a maximum of six dwelling units per net acre if not more than 10 bedrooms per net acre is proposed.
- (ii) Grouping: up to a maximum of 20 dwelling units per building if the building length does not exceed 160 feet. A maximum height of residences of 40.5 feet.
- (iii) Front Yard and Buffer Area: A prescribed Buffer Width can be reduced by half if it abuts dedicated open space of a depth equal to or greater than the prescribed Buffer Width.
- (iv) Parking: a minimum of two parking spaces per dwelling unit may be provided.

#### D. GENERAL REQUIREMENTS

1. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.
  2. The approval of an application for an RDM Zone shall be void and of no effect unless construction of the project commences within one year from the effective day of the zone change granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such zone change, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
- E. Nothing herein shall prevent the construction of a development approved within an RDM Zone prior to March 24, 1995 which does not conform to the density standards set forth in this section.
- F. PROTECTION AND CONVEYANCE OF UNDEVELOPED LAND: Areas of the development that are not proposed to be disturbed shall be encumbered by a conservation easement at the request of the Commission. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, nonprofit land trust or other organization dedicated to the preservation of land subject to the following:
1. Land to be conveyed shall be in excess of the area reserved and designated as open area under paragraph C.4 of this regulation unless otherwise approved by the Commission.
  2. Generally front yards, side and rear yard buffer areas as required by paragraph C.5 of this

regulation shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man made resources as defined in Article II Section 19.B.2 of these regulations. Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, used for active recreation or other community facilities as established by the Commission. Such use or uses of this land shall be determined at the time the RDM zone becomes effective. In cases where an RDM zone contains land which is to be conveyed for the above mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land records. Unless otherwise approved by the Commission, no building permit shall be issued for an RDM zone until the designated land conveyance has been executed.

3. The conveyance of land under this section shall not constitute a violation of the area, setback, density or bulk requirements of the RDM zone. Required front, side or rear yards (buffers) which may have been conveyed shall continue to be recognized and function under these regulations as such.

#### **Section 9. SENIOR – ACTIVE ADULT HOUSING ZONE (S-A)**

- A. **PURPOSE.** The purpose of this section is to permit the development of elderly, assisted elderly and active adult housing as defined in these regulations. No provision of this regulation shall be applied, enforced or implemented in a manner which is inconsistent with or prohibited by the fair housing laws of the United States and the State of Connecticut.
- B. **PERMITTED USES.** The following use requires a Zoning Permit as specified in Article V.
  1. Home Office as defined in Article I. Section 9. and Article II Section 1.
- C. **USES ALLOWED ONLY BY SPECIAL PERMIT.** In addition to specific requirements listed here, the standards provided in Article IV, Section 12 shall also apply to applications submitted under this section. Article IV, Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.
  1. Municipal and nonprofit housing for the elderly.
  2. For profit housing for the elderly.
  3. Assisted elderly housing.
  4. Active adult housing.
  5. Home business as defined in Article I. Section 9. and Article II. Section 1.
  6. Parking, Recreation and Accessory Structures limited to the use of the residents of the above.
  7. Memory Care Housing for the elderly, and others who qualify, for the care of residents with reversible and irreversible forms of Dementia including Alzheimer’s disease and related Dementias. Residents shall be 55 years of age or older, unless an application is made to request that the Town Plan and Zoning Commission permit a younger person to reside in such housing at its sole discretion. Companions who are non-qualified residents may be permitted with the permission of the owner and/or operator of the facility. Such developments shall conform to the standards of Section 9.E. Development Standards for Housing for the Elderly and Assisted Elderly Housing.

- D. **PROCEDURE.** An application for a Senior-Active Adult Housing Zone may be submitted to the Commission by a public, nonprofit or for-profit housing developer for a parcel of land or part thereof located in any business, industrial or residential zone and which contains the minimum area set forth in this regulation. All development within the Senior- Active Adult Housing Zone shall be constructed strictly in accordance with the maps and drawings approved by the Commission. Any additions or modifications to such approved plans shall be approved by the Commission, however minor additions or modifications shall not require a public hearing. The Commission shall make the determination as to whether an addition or modification shall be considered as minor.

No application for a Senior- Active Adult Housing Zone shall be approved by the Commission unless it finds that in addition to the standards contained in Article IV. Section 12.B. the application and plans conform to the standards contained in this section. The Commission may attach conditions to an approval of a Senior – Active Adult Housing Zone in order to assure compliance with the above mentioned standards.

No application for a Senior – Active Adult Housing Zone shall be approved by the Commission unless it finds that a need exists within the Town of Farmington for the specific housing type proposed and the Commission finds that the topography and other natural features of the property are capable of accommodating increased building density without detrimental impact.

E. **DEVELOPMENT STANDARDS FOR HOUSING FOR THE ELDERLY AND ASSISTED ELDERLY HOUSING**

1. The maximum number of units per acre for municipal, nonprofit and for profit housing for the elderly is 10. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands and watercourses as well as 75% of slopes over 33 % (as determined by two foot contour intervals) shall be excluded.
2. The maximum number of beds per acre for assisted elderly housing and Memory Care Housing is 15. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands and watercourses as well as 75% of slopes over 33% (as determined by two foot contour intervals) shall be excluded.
3. Each dwelling unit in an elderly housing development shall contain a minimum of 415 square feet of living area, inclusive of bathrooms and exclusive of halls.
4. Each dwelling unit in an assisted elderly housing development shall contain at least 315 square feet and not more than 1,000 square feet of living area, inclusive of bathrooms and exclusive of halls. The living area may be increased by up to 250 square feet when a one-bedroom unit with a den or a two-bedroom unit is provided. Each private dwelling unit in Memory Care Housing shall contain at least 250 square feet and not more than 700 square feet of living area, inclusive of bathrooms and exclusive of halls.
5. The shortest distance between any two structures shall be not less than the height of the taller structure as measured to the highest point of the roof from the ground elevation of the closest

wall to the adjacent structure, with a minimum of twenty-four (24) feet. Courts shall be completely open on one side. Maximum height of any principal building shall be thirty-six (36) feet. Accessory buildings and structures shall be limited to fifteen (15) feet in height. The maximum height and minimum distance between buildings may be waived upon a five-sixths vote of the full Commission if the design of the development is benefited by greater height or closer spacing.

6. One parking space shall be provided for each dwelling unit, except in the case of Assisted Elderly Housing and Memory Care Housing where one parking space for every three beds shall be provided. This number may be reduced upon a five-sixths vote of the full Commission.
7. There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" Bufferyard (40-foot width) and side or rear buffer yards be planted in accordance with a "B" Bufferyard (35-foot width). No buildings, structures (other than utility structures) or parking areas including stalls or aisle way are permitted within the front yard. No driveway, parking area (including stalls and aisle way) shall be permitted within 25 feet of the side and rear lot lines. One or more driveways may run perpendicular (approximations expected) to the required front yard. The required front yard and buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission where the project is adjacent to an AH, RDM, RA or nonresidential zone or where it is found that such reduced width is consistent with other properties in the area and is adequate to provide an effective buffer to neighboring properties.

#### **F. DEVELOPMENT STANDARDS FOR ACTIVE ADULT HOUSING**

- I. Each active adult housing unit shall be occupied by:
  - a. Persons who are 55 years of age or older.
  - b. A spouse of an occupant pursuant to a. above.
  - c. Occupant pursuant to b. above whom survives his or her spouse.
  - d. Occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.

In c. and d. above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.

- e. A personal care attendant who is in service to a resident 55 years of age or older, to attend to that resident(s) medical and/or health needs, provided that (i) the personal care attendant is: 21 years of age or older, registered with the Town Planner's office, and not paying the resident any form of rent, (ii) the resident(s) in question has a note from his/her doctor stating that the condition of the resident is such that a personal care attendant is warranted, (iii) if the resident in need of a personal care attendant is not in occupancy of his/her home for a period in excess of one month, unless extended by the Commission, the personal care attendant shall not live in the home.



2. One child 21 years of age or older may reside with his or her parent(s).
3. In no event shall an active adult housing unit be occupied by more than three residents.
4. A proposed active adult housing development shall be a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes.
5. A minimum of ten acres of contiguous land is required for establishment of an active adult housing development.
6. The maximum number of units per acre is four. In computing the number of acres for the purposes of this paragraph, 75% of the area of the site consisting of soils regulated as inland wetlands or watercourses as well as 75% of slopes over 33% (as determined by two foot contour intervals) shall be excluded.
7. No more than 40 percent of the lot area may be covered with impervious surfaces.
8. Only single-family detached units shall be allowed.
9. The minimum living area of each dwelling unit, inclusive of bathrooms and exclusive of hallways, shall be 900 square feet.
10. The maximum height of any building in an active adult housing development shall be 24 feet.
11. The minimum distance between sidewalls of units shall be 20 feet. Where the distance between units is less than 24 feet, adjacent walls shall be angled to prevent parallel sidewalls. The minimum distance between rear walls of units shall be 40 feet.
12. There shall be at least two parking spaces provided for each dwelling unit. At least one of these parking spaces shall be provided within an attached garage. A minimum of 25 percent of the units shall accommodate a two car attached garage. The Commission may require the provision of guest parking spaces in addition to aforementioned required parking. All unit driveways shall be a minimum of 20 feet in length.
13. Each dwelling unit shall contain a basement or attic for storage.
14. The Commission may require along the perimeter of the development a front buffer yard up to 40 feet in width and a side or rear buffer yard up to 40 feet in width. Front buffer yards shall be planted in accordance with the specifications of an "A" Bufferyard (40-foot width) and side or rear buffer yards shall be planted in accordance with the specification of a "B" Bufferyard (35-foot width).
15. The purchase of a dwelling unit for investment purposes, i.e. by a person or entity not intending to occupy the unit, is prohibited except that a nonresident family member may purchase up to one unit for persons who will reside in the unit and who otherwise comply with the provisions of this regulation.
16. An owner of a dwelling unit may rent his or her unit for a term(s) of not less than one year

provided that the tenant fully complies with all of the conditions of this regulation.

17. There shall be set aside open space area equal to 2,500 square feet per unit. Such open space area shall not include any watercourse, water body, wetland soils classified as poorly drained or very poorly drained or slopes in excess of 33% (as determined by two foot contour intervals).
18. The Commission may require the provision of a walking trail system within the proposed development. Unpaved walking trails may be counted as open space under Section 9.F.17 of this regulation.

#### **G. GENERAL REQUIREMENTS**

1. All developments approved in the S-A zone shall be served by public sewer and water. For the purpose of this section, public water shall not include a community well.
2. All utility wires shall be placed underground.
3. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.
4. The approval of an application for elderly housing, assisted elderly housing and active adult housing shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
5. Nothing herein shall prevent the construction or completion of a development approved under Article II Section 9, 9A of these regulations prior to the effective date of adoption of this zoning district (February 15, 2002).
6. Areas of any development within an S-A zone that are not proposed to be disturbed shall at the request of the Commission be encumbered by a conservation easement. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, a nonprofit land trust or other organization dedicated to the preservation of land subject to the following:
  - a. Land to be conveyed shall be in excess of the required area reserved and designated as

open space.

- b. Generally front yards, side and rear yard buffer areas as required or established shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man made resources as defined in Article II Section 19.B.2 of these regulations.
7. Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, or used for active recreation or other community facilities, as established by the Commission. In cases where an S-A zone contains land which is to be conveyed for the above mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records. Unless otherwise approved by the Commission, no building permit shall be issued for an S-A zone until the designated land conveyance has been executed.
  8. The conveyance of land under this section shall not constitute a violation of the area, setback, density or other development standards of the S-A zone. Required front, side or rear yards or buffers, which may have been conveyed, shall continue to be recognized and function under this regulation as such.

#### Section 10. PROFESSIONAL OFFICE ZONE (PR)

- A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
  1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
  2. Accessory Uses in conjunction with an approved special permitted use in Section B.
- B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
  1. Bank.
  2. General and Professional Offices, Research and Development.
  3. Medical Offices and Laboratories.
  4. Public Utility Building or Structure not including service or storage yard.
  5. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions.
  6. Day Care Center.

7. Radio and Television Studio.
8. Private or Public Parking Facility.
9. School, College, Public and Private School.
10. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

- a. The maximum number of animals boarded on the premises shall not exceed 50
- b. All animals must be boarded within an enclosed building
- c. Such building shall be noise proofed
- d. No animal day care center which contains the boarding of animals shall be located within a 400 foot radius of any residential zoning boundary as measured from the property line of the animal day care center
- e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

11. Hotel, Motel and Inn

C. HEIGHT AND AREA REQUIREMENTS.

1. Maximum height of buildings: 36 feet

- a. Maximum height may be increased by vote of five-sixths of the full Commission if it is found that reasonable grounds exist for such increase. Reasonable grounds shall include such factors as the natural topography of the site and design of the building and the limited impact of the building's height on surrounding properties. Any proposal to increase the height of a building above 36 feet shall be referred to the Fire Marshal for his review. In no case shall the approved height exceed 45 feet.

2. Yards:
- |             |              |
|-------------|--------------|
| Front yard: | 65 feet      |
| Rear yard:  | 30 feet      |
| Side yards: | 50 feet each |

- a. Where any Professional Office Zone adjoins any residential zone (excluding RDM and AH) the minimum requirements for rear and side yards shall be doubled on the boundary adjacent to the residential zone. The minimum side yard along a street across from or adjacent to a residential zone shall be 65 feet.

- b. All principal buildings in a Professional Office Zone shall be no less than 50 feet from each other.
- c. Where any Professional Office Zone adjoins Interstate Highway 84 the side or rear yard setback from the highway line shall be 150 feet. All development including buildings, structures, driveways and parking areas is prohibited within this yard area with the exception of signs, utility lines or utility structures.

3. Minimum lot size - 80,000 square feet\*

Minimum frontage - 200 feet\*

\* Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a PR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

- D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV, Section 8.
- E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.
- F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- G. LOT COVERAGE. No more than 40 percent of the lot may be covered with impervious surfaces. However the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV, Section 12.
- H. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

**Section 11. BUSINESS RESTRICTED ZONE (BR)**

A. **PERMITTED USES.** The following uses requiring only a Zoning Permit as specified in Article V.

1. **Signs.** Signs shall be permitted as specified in Article IV. Section 7.
2. **Accessory Uses** in conjunction with an approved special permitted use in Section B.

B. **USES ALLOWED ONLY BY SPECIAL PERMIT.** In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. **School, College, Public and Private School.**
2. **Public Utility Building and Structure** not including service or storage yards.
3. **Radio and Television Studio.**
4. **Municipally owned or leased Building and Structure** used in connection with the governmental or proprietary functions of the Town of Farmington or any other government.
5. **Community Building** for use by residents of the community or neighborhood and maintained and operated for community purposes.
6. **Hospital, Charitable and Philanthropic Institution** except correctional institutions.
7. **Convenience Store.**
8. **Retail Store and Personal Service Shop.**
9. **Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop,** except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
10. **Restaurant** (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
11. **Shop** for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
12. **Studio and Sample Room.**
13. **Hotel, Motel and Inn.**
14. **Nursing Home and Convalescent Home.**
15. **Theater,** except open-air drive-in theater.

16. Newspaper and Job Printing.

17. Funeral Home.

18. Business Offices, Research and Development.

19. Bank.

20. Medical Offices.

21. Animal Hospital provided the following conditions can be met:

- a. No animal hospital may be open for business, except in the event of any emergency, prior to 8:00 A.M. or after 8:00 P.M.;
- b. No outside kennels or runs for animals shall be allowed;
- c. Overnight boarding shall be allowed only in enclosed buildings. No animal hospital shall board more than 100 animals;
- d. Animal hospital structures shall be located not closer than 250 feet to any existing residential structures not used for commercial purposes, and shall be designed as to keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used; and
- e. Any animal hospital located within a Flood Perimeter Overlay Zone shall file with the Police Department, subject to its approval, an emergency evacuation plan for evacuation of all animals in the event of flood warnings issued by the National Weather Service or other appropriate authority.

22. Laboratory for Medical Research

This may include a compounding facility for the mixing and packaging of pharmaceutical product, with or without warehousing, provided the following conditions are met:

- a) No chemical reactions will take place in conjunction with any compounding activity which will result in the synthesis of a new product.
- b) There shall be no outside storage.
- c) The facility shall not produce chemicals or biological materials for sale except as otherwise approved by the Commission.
- d) The identity and estimated quantity of hazardous materials and waste used or produced, as defined by State or Federal law, shall be presented to the Commission for approval.
- e) No process shall be undertaken which will result in the emission of materials to air, subsurface or surface waters.

23. Health Club and Sports Facility.

24. Club and Fraternal Organization.

25. Garden Supply Center.

26. Banquet Hall or Catering Facility.

27. Day Care Center.

28. Private or Public Parking Facility.

29. Billiard Parlor provided the following conditions are met:

- a. No alcoholic beverages shall be sold or consumed within the establishment;
- b. Notwithstanding Paragraph A. Subparagraph 2. above, any accessory use for a billiard parlor must be approved by the Commission as part of the special permit.

30. Rehabilitation Center.

31. Auction House.

32. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

- a. The maximum number of animals boarded on the premises shall not exceed 50
- b. All animals must be boarded within an enclosed building
- c. Such building shall be noise proofed
- d. No animal day care center which contains the boarding of animals shall be located within a 400 foot radius of any residential zoning boundary as measured from the property line of the animal day care center
- e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

C. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN A BR ZONE.

1. A tract of land within the BR Zone may be developed in stages. However, The Commission may require that certain data be submitted for the entire tract. This may include site topography, natural resources data, traffic, parking and circulation, grading, erosion and sedimentation control and storm drainage.



2. Height and Area Requirements.

- a. Maximum height of buildings: 36 feet
- b. Yards:     Front yard:     65 feet  
                  Rear yard:     50 feet (when abutting residential zone)  
  30 feet (in all other cases)  
                  Side yards:    50 feet each

Where any Business Restricted Zone adjoins Interstate Highway 84 the side or rear yard setback from the highway line shall be 150 feet. All development including buildings, structures, driveways and parking areas is prohibited within this yard area with the exception of signs, utility lines or utility structures.

- c. Minimum lot size - 80,000 square feet \*  
Minimum frontage - 200 feet \*

\* Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

3. Off Street Parking. Off street parking shall be provided in conformance with Article IV, Section 8.

D. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.

E. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

F. LOT COVERAGE. No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision, the Commission shall be guided by Article IV, Section 12.

G. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that

construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

**Section 12. BUSINESS B1 ZONE (B1) \*\***

A. **PERMITTED USES.** The following uses requiring only a Zoning Permit as specified in Article V.

1. **Signs.** Signs shall be permitted as specified in Article IV. Section 7.
2. **Accessory Uses** in conjunction with an approved special permitted use in Section B.

B. **USES ALLOWED ONLY BY SPECIAL PERMIT.** In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the R80, R40, R30, R20, R12 and R9 Zones, except Guest House and Two, Three and Four Family Dwelling.
2. **Retail Store, Personal Service Shop.**
3. **Business Offices.**
4. **Medical Offices.**
5. **Bank.**
6. **Convenience Store**
7. **Fast Food Restaurant, Dairy Bar, Grill, Coffer Shop,** except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
8. **Restaurant** (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5. shall apply.
9. **Shop** for making articles to be sold primarily at retail on the premises.
10. **Studio and Sample Room.**
11. **Hotel, Motel and Inn.**
12. **Theater,** except open-air drive-in theater.
13. **Laundry** employing not more than four persons.
14. **Newspaper and Job Printing.**

15. Radio and Television Broadcasting Studio.
16. Funeral Home.
17. Health Club and Sports Facility.
18. Club and Fraternal Organization.
19. Banquet Hall or Catering Facility.
20. Day Care Center.
21. Private or Public Parking Facility.
22. Sale, Service, Storage and Repair of Motor Vehicles, including gasoline filling stations, subject to the following conditions:
  - a. Repairs, except for emergency repairs, shall be made within the building and only between the hours of 8:00 A.M. and 6: P.M.;
  - b. Vehicles which do not carry a license or which are so damaged as to be unfit for reconditioning for use on the streets shall be stored at least 100 feet from any street line and screened from view of the street;
  - c. The storage of commercial trucks, trailers, buses and contractors' vehicles outside of a building is not permitted except in a parking lot which is at least 100 feet distant from any street line and is screened from view of said street or streets; and
  - d. Accessory retail sales in conjunction with an automotive service station are permitted providing the area on the site and within the building is clearly incidental to the use of the site for automotive service purposes.
23. Billiard Parlor provided the following conditions are met:
  - a. No alcoholic beverages shall be sold or consumed within the establishment;
  - b. Notwithstanding Paragraph A. Subparagraph 2. above, any accessory use for a billiard parlor must be approved by the Commission as part of the special permit.
24. Auction House.
25. Animal Hospital provided the following conditions can be met:
  - a. No animal hospital may be open for business, except in the event of any emergency, prior to 8:00 a.m. or after 8:00 p.m.;
  - b. No outside kennels or runs for animals shall be allowed;
  - c. Overnight boarding shall be allowed only in enclosed buildings. No animal hospital shall board more than 100 animals;

- d. Animal hospital structures shall be located not closer than 250 feet to any existing residential structures not used for commercial purposes, and shall be designed as to keep noises from emanating from the buildings, except that in times of emergency, such as electrical failure, natural ventilation may be used; and
- e. Any animal hospital located within a Flood Perimeter Overlay Zone shall file with the Police Department, subject to it's approval, an emergency evacuation plan for evacuation of all animals in the event of flood warnings issued by the National Weather Service or other appropriate authority.

26. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

- a. The maximum number of animals boarded on the premises shall not exceed 50
- b. All animals must be boarded within an enclosed building
- c. Such building shall be noise proofed
- d. No animal day care center which contains the boarding of animals shall be located within a 400 foot radius of any residential zoning boundary as measured from the property line of the animal day care center
- e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

C. HEIGHT AND AREA REQUIREMENTS.

- 1. Maximum height of buildings: 36 feet
- 2. Yards: Front yard: 20 feet  
Rear yard: 15 feet  
Side yards: 15 feet each
- 3. Minimum lot size - 20,000 square feet \*  
Minimum frontage - 100 feet \*

\* Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

4. Lot Coverage: No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV, Section 12.
- D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV, Section 8.
- E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M. or when otherwise found to be warranted in order to protect nearby residential properties.
- F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- G. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the Commission grants the approval. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

\*\* Revisions of 1987 incorporated into the B1 Zone all requirements of the B2 Zone. The B2 Zone as a separate section within the Zoning Regulations and separate district on the Zoning Map were thus discontinued at that time.

### Section 13. INDUSTRIAL CR ZONE (CR)

- A. The regulations pertaining to the CR Zone are identical to those pertaining to the C1 Zone (Section 14.) with the following exceptions:
  1. The maximum height of buildings is 36 feet rather than 40 feet. However, the Commission may by a five-sixths vote permit a maximum building height of 40 feet. In making such a decision, the Commission shall be guided by Article IV, Section 12.
  2. A buffer area 100 feet in width shall be provided along all side or rear lot lines, which border any residential zone. The Commission may require the front yard or side yard along a street to be between 40 and 80 feet when across from or adjacent to a residential zone.

Section 14. INDUSTRIAL C1 ZONE (C1)

A. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Signs. Signs shall be permitted as specified in Article IV. Section 7.
2. Accessory Uses in conjunction with an approved special permitted use in Section B.

B. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. All uses allowed by special permit in the B1 Zone.
2. Any establishment, the principal use of which is manufacturing, fabricating, processing, producing, assembling, cleaning, servicing, testing or repairing of materials.
3. Laundry.
4. Warehousing Facility and Distribution Center.
5. Animal Hospital.
6. Bakery.
7. Place of Assembly, Health Club and Sports Facility.
8. Trucking Company.
9. Concrete Batching Operations including mixing and packaging of cement and aggregate and dehydrating components for such packaging.
10. Research and Testing Laboratory.
11. Yard for coal, coke, lumber and builders' materials.
12. Wholesaling Establishments.
13. Mixed Use Developments, providing there is compliance with the following standards:
  - a. Locational Requirements: The proposed parcel is now or formerly regulated by one or more provisions of the Urban Renewal Plan ("Plan") as adopted and amended by the Farmington Redevelopment Agency dated July 28, 1965 or is a parcel forming a part or lies contiguous to any parcel now or formerly regulated by the Plan.
  - b. Residential Development: The residential component of the development shall meet the

following standards:

- i) **Dwelling Size:** Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall have at least 100 square feet.
- ii) **Floor Area Ratio:** The floor area ratio for the residential component of the project shall be at least 0.10 and shall not exceed 0.25.

14. Animal Day Care Center.

The boarding of animals in conjunction with such animal day care use shall only be permitted by special permit, shall be ancillary to the animal day care use and shall conform to the following standards:

- a. The maximum number of animals boarded on the premises shall not exceed 50
- b. All animals must be boarded within an enclosed building
- c. Such building shall be noise proofed
- d. No animal day care center which contains the boarding of animals shall be located within a 400 foot radius of any residential zoning boundary as measured from the property line of the animal day care center
- e. The hours of operation for the pickup and drop off of animals boarded shall be limited to between 6 a.m. and 10 p.m.

As a condition of the special permit the Commission may further limit the number of animals boarded and the hours of operation.

15. Medical Marijuana Dispensary Facility and Medical Marijuana Production Facility

**Medical Marijuana Dispensary Facility** means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the State has issued a dispensary facility license to an applicant under Public Act 12-55 and Section 21a-408-14 of the Regulations of Connecticut State Agencies.

**Medical Marijuana Production Facility** means a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the State has issued a producer license under Public Act 12-55 and Section 21a-408-20 of the Regulations of Connecticut State Agencies. Production of marijuana shall include the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of marijuana by a patient or caregiver for the patient's use.

- a. No medical marijuana dispensary facility or production facility shall be permitted to locate within 500 feet from a public or private school, publicly owned recreational area, public library, child daycare center or place used primarily for religious worship or study. This measurement shall be taken between the closest lot lines of properties containing such facilities.
- b. No medical marijuana dispensary facility shall be permitted to locate within 5,000 feet from any other site containing or approved for a medical marijuana dispensary facility. No medical marijuana production facility shall be permitted to locate within 5,000 feet from any other site containing or approved for a medical marijuana production facility. This measurement shall be taken between the closest lot lines of properties containing such facilities.
- c. No medical marijuana dispensary facility or production facility shall be permitted to locate within 500 feet from a residential zoning district. This measurement shall be taken from all lot lines of a property containing such facility to the closest residential zoning boundary.
- d. The parking requirement for a medical marijuana dispensary facility or production facility shall be for that of a retail use and manufacturing use respectively.
- e. Any application for the approval of a medical marijuana dispensary or production facility shall be accompanied by a security plan which will be referred to the Chief of Police for review and comment. The Commission may withhold approval of such facilities following a finding that such security plan does not adequately protect the public health and safety.
- f. Medical marijuana dispensary facilities shall maintain transaction records in a manner that meets FDA standards. Such records shall be made available to the Commission or local police upon request in such form as to not violate State or Federal Law.
- g. Medical marijuana dispensary facilities shall not contain a drive through feature.
- h. The approval of a special permit for a medical marijuana dispensary or production facility must be submitted for renewal two years from the date of original approval and for between two and five year periods (at the discretion of the Commission) following such initial two year renewal period. The Commission may withhold approval of such application for renewal upon making a finding that the operation of such dispensary or production facility has violated the provisions of this regulation or that such operation has negatively impacted the health and safety of the community in a substantial way. In the case of an appeal of the special permit, the renewal shall extend the length of such appeal.
- i. No medical marijuana dispensary facility or production facility shall operate until a zoning permit has been issued by the Planning Department. Such zoning permit shall not be issued until a permit for such use has been issued by the State of Connecticut.



- j. A special permit issued for a medical marijuana dispensary facility or production facility shall expire and be of no effect if the applicant fails to submit to the Town a copy of a permit for such use from the State within six months from the approval of such special permit. Any appeal of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned six month period the length of such appeal.
- k. This regulation incorporates all of the rules, standards and requirements found in the regulations adopted by the State of Connecticut Department of Consumer Protection.

Article II, Section 14.B.15 is effective May 24, 2014.

C. HEIGHT AND AREA REQUIREMENTS.

- 1. Maximum height of buildings: 40 feet
- 2. Yards: Front yard: 40 feet  
Rear yard: 25 feet  
Side yards: 50 feet for both; 20 feet minimum
- 3. Minimum lot size - 40,000 square feet \*  
Minimum frontage - 150 feet \*

\* Nothing herein shall prevent the construction, alteration or use of a building or premises upon a legally established lot shown on a map or described in any instrument of conveyance filed in the office of the Town Clerk and located in a BR Zone prior to December 23, 1988 which does not conform to the minimum lot size or minimum frontage requirements listed above.

- 4. Lot Coverage: No more than 40 percent of the lot may be covered with impervious surfaces. However, the Commission may by a five-sixths vote permit up to 50 percent lot coverage. In making such a decision the Commission shall be guided by Article IV. Section 12.

D. OFF STREET PARKING. Off street parking shall be provided in conformance with Article IV. Section 8.

E. LIGHTING. Exterior lighting shall be of such intensity, or located or directed in such a way, so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 P.M.

F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

G. OPERATIONS, VIOLATIONS AND CHANGES OF USE, HOURS OF OPERATION AND OTHER RELATED ACTIVITIES.

1. Because of the nature of industrial operations, any violations of zoning regulations or any change, expansion or modification of use of the property, to include changes within the same category, such as a change in use involving a different type of manufacturing, is likely to have a substantially greater adverse impact upon neighboring properties than are violations and changes of use in residential or business zoning classifications. It is important for the Commission to have in place a means of monitoring uses in industrial zones so as to forestall any such adverse consequences growing out of zoning violations or changes of use. Therefore, effective upon the adoption of these amended regulations, the Commission shall have continuing jurisdiction over the uses of all properties within any industrial CR Zone and industrial C1 Zone and the Zoning Enforcement Officer shall inspect and monitor the industrially zoned properties within the Town and submit a report advising the Commission of any zoning violations or changes of use as a result of an inspection or from any other source of information. Upon reviewing such reports, the Commission shall determine what, if any, corrective actions should be taken. As part of its continuing jurisdiction, the Commission shall retain the right, if the property owner does not take prompt remedial action, to rescind the special permit allowing the existing use to which the property is put.
  2. Where the location of the property on which industrial operations are performed is close enough to residential areas that noise and light during nighttime hours might have an adverse impact on such residential areas, the Commission shall retain continuing jurisdiction over operations or any other activities performed on such industrially zoned properties and may, at any time, impose time limitations on when such operations and activities may be performed as are reasonable to protect persons living in nearby residential areas.
- H. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

**Section 15. FLOOD PROTECTION ZONE (FP) AND FLOOD PERIMETER OVERLAY ZONE (FPO)**

**GENERAL**

- A. STATEMENT OF PURPOSE. The purpose of this regulation is to promote public health, safety and general welfare within the Town of Farmington by minimizing flood losses in designated Flood Protection and Flood Perimeter Overlay areas in the Town by:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to

water or erosion hazards, or which result in damaging increase in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
  4. Controlling filling, grading, dredging and other development which may increase erosion or flood damage; and
  5. Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- B. **DEFINITIONS.** For the purpose of applying the provisions of Sections 15., 16. and 17. the terms below shall be defined as follows:

**BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** means the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**BASEMENT** means an area of the building having its floor sub-grade (below ground level) on all sides.

**BUILDING** (see definition for Structure)

**COST** means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's profit; and grand total. Items to be excluded include: cost of plans and specification; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

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

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** means the federal agency that administers the National Flood Insurance Program (NFIP).

**FLOOD or FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal water;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD BOUNDARY and FLOODWAY MAP** means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the applicable risk premium zones. FIRMs published after January 1990 may also show the boundaries of the floodway.

**FLOOD INSURANCE STUDY** is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood and other flood data.

**FLOODWAY** means 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.

**FLOOR** means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

**FLOODPROOFING** means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FUNCTIONALLY DEPENDENT USE OR FACILITY** means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

**HIGHEST ADJACENT GRADE (HAG)** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on

a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**HYDRODYNAMIC LOAD** is the force exerted on a structure by the impact of moving water. The magnitude of the force varies with the affected surface area of the structure, the water velocity and the angle of impact.

**HYDROSTATIC LOAD** is the force exerted on a structure by still water. The magnitude of the force varies with depth of water and affected surface area of structure.

**LOWEST FLOOR** means the lowest floor of the lowest enclosed (including basement).

**MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this regulation.

**MEAN SEA LEVEL (MSL)** means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after August 15, 1977.

**OBSTRUCTION** is any structure, matter or earthen alteration including, but not limited to, dams, levees, dikes, berms, embankments, conduits, culverts, bridges, abutments, walls, buildings, wharves, docks, wire, fences, projections, piles, fill, gravel, rock, excavation, channel work or rectification and vegetative plantings, in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may: impede, retard or otherwise change the direction of velocities of the flow of water, either in itself or by catching or collecting debris carried by such water; or be subject to being carried downstream and potentially threaten property or life.

**RECREATIONAL VEHICLE** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOOD PROTECTION ELEVATION** (sometimes referred to as Base Flood Level). The Regulatory Flood Protection Elevation for properties located north and south of Farmington Avenue easterly of the railroad overpass and westerly of the intersection of Farmington Avenue and Garden Street is as follows:

The area along Farmington Avenue between the railroad overpass and the intersection of Farmington Avenue and Garden Street is divided into two zones: Zone 1, consisting of

the properties on the north and south sides of Farmington Avenue and properties lying immediately to the rear thereof, bounded on the west by the railroad overpass and bounded on the east by the easterly line the property referred to as the Comer Nursery property; and Zone 2, consisting of the properties on the north and south sides of Farmington Avenue and properties lying immediately to the rear thereof, bounded on the west by the easterly boundary of said Comer Nursery property and bounded on the east by an extension of a line forming the easterly boundary of Garden Street at its intersection with Farmington Avenue.

The Regulatory Flood Protection Elevation for properties located within Zone 1 is 180 feet.

The Regulatory Flood Protection Elevation for properties located within Zone 2 is 175 feet.

For areas within the Flood Protection or Flood Perimeter Overlay Zones but not located along Farmington Avenue between the railroad overpass and the intersection of Farmington Avenue and Garden Street as described above, the Regulatory Flood Protection Elevation is either that elevation determined by the Town Engineer to constitute the base flood level for such area or the elevation published in the Flood Insurance Study, Town of Farmington, Connecticut, dated July 17, 1986 (or subsequent revision thereto), whichever elevation is greater.

**SPECIAL FLOOD HAZARD AREA** is the area with a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.

**START OF CONSTRUCTION** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [P.L. 97-348]), includes substantial improvements, and means the date the building permit is issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. Should the permittee fail to commence work within this time frame a new permit shall be required. 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 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, footing, 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.

**STRUCTURE** means a walled and roofed building, which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

**SUBSTANTIAL IMPROVEMENT** means any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the square foot method prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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 any improvement project required to comply with existing health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions.

**VARIANCE** means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**VIOLATION** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulation. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

- C. **LAND TO WHICH REGULATIONS APPLIES; RULES FOR INTERPRETATION OF ZONE BOUNDARIES.** This regulation shall apply to all lands within the Town of Farmington designated as either Flood Protection Zone or Flood Perimeter on the Official Zoning Map of the Town of Farmington. Additionally this regulation shall apply to all areas indicated by the: Flood Insurance Rate Map; or flood profile data within the Flood Insurance Study; both published by the Federal Emergency Management Agency dated July 17, 1986 as amended or revised to September 26, 2008 and any subsequent revisions thereto and adopted by reference. Where there is a conflict between all the aforementioned maps and sources, the more restrictive shall apply. The boundaries of the Flood Protection Zone and Flood Perimeter Zone shall be determined by: scaling distances on the official Zoning Map; or by utilizing flood elevation data from the flood profiles in conjunction with topographic contour intervals of at least two feet; whichever is more restrictive shall apply. Where interpretation is needed as to the exact location of the boundaries of the zones as shown on the Official Zoning Map, the Commission shall make the necessary interpretation. Any person requesting an interpretation as to the location of a zone boundary shall be given a reasonable opportunity to present his case to the Commission. Such request shall not require a public hearing.
- D. **RULES FOR INTERPRETATION OF USES ALLOWED.** With the Flood Protection and Flood Perimeter Overlay Zones all uses not specifically allowed as a permitted use or as a use allowed by special permit shall be prohibited. The Flood Perimeter Overlay Zone is an overlay zone and all development within this zone shall meet all the minimum requirements of both the Flood Perimeter Overlay Zone and the underlying zone.

- E. COMPLIANCE. No structure within the Flood Protection and Flood Perimeter Overlay Zones shall be located, extended, converted or structurally altered without full compliance with the terms of Article II. Sections 15., 16. and 17. of this regulation.
- F. NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the passage or amendment of this regulation, may be continued subject to the following conditions:
1. Repairs and maintenance of a nonconforming structure located in the Flood Protection Zone may be made, provided that no structural alterations are made. Repairs and maintenance of a nonconforming structure located in the Flood Perimeter Overlay Zone may be made except that no repair or reconstruction involving a structural alteration can be made unless the structure is brought into conformance with all the standards set forth in Article II. Sections 16. and 17. of this regulation.
  2. No nonconforming structure located in a Flood Protection Zone or Flood Perimeter Overlay Zone may be expanded unless said addition conforms with all the standards set forth in Article II. Sections 16. and 17. of this regulation.
  3. Nonconforming structures located within the Flood Protection or Flood Perimeter Overlay Zones, which have been substantially damaged must meet all the standards set forth in Article II. Sections 16. and 17. of this regulation.
  4. See Article IV. Section 1. Subsection D. regarding discontinued or abandoned uses.
- G. INTERPRETATION. The provisions of this regulation shall be held to be minimum requirements and shall be reasonably construed in accordance with the purpose of this regulation and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- H. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this regulation is considered reasonable for regulatory purposes in light of the dangers of flood hazards. Flood larger than those against which these regulations are designed may occur on rare occasions. Further, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside the Flood Protection and Flood Perimeter Overlay Zones or land uses permitted within such zones will be free from flooding and flood damages. This regulation shall not create any liability on the part of the Town of Farmington for any flood damages that may result from reliance on this regulation or any administrative decision lawfully made there under.
- I. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT. A Zoning Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities within the Flood Protection or Flood Perimeter Overlay Zones.
- J. DESIGNATION OF ADMINISTRATOR. The Zoning Enforcement Officer shall administer and enforce the provisions of Article II. Sections 15., 16. and 17. of this regulation.
- K. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR. In the administration of



this regulation the administrator shall perform the following duties, among others:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  2. Review all development permits to assure that the requirements of this regulation have been satisfied.
  3. Advise permittee 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 the Zoning Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 401 and 404 Permits.
  4. Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  5. Record the as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures in accordance with Sections 16. and 17. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed in accordance with Sections 16. and 17.
  6. Maintain all records pertaining to the provisions of this regulation.
- L. CERTIFICATION. Where required under Sections 16. and 17., a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the administrator. Upon completion of the applicable portion of construction the applicant shall provide the administrator with verification of the as built lowest floor elevation, defined as the top of the lowest floor (including basement) or, in the case of flood proofed buildings, the elevation to which the flood proofing is effective.
- M. STANDARDS APPLYING TO LAND IN BOTH THE FLOOD PROTECTION ZONE AND FLOOD PERIMETER OVERLAY ZONE
1. The water holding capacity of the 100-year floodplain as designated on the Flood Insurance Rate Map shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided onsite, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be

provided offsite if approved by the Commission. The calculations for determining the appropriate compensatory volume shall utilize the models employed by FEMA.

2. Within the 100-year floodplain as designated on the Flood Insurance Rate Map, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analysis performed in accordance with engineering practices and models employed by FEMA, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

N. ABROGATION AND GREATER RESTRICTIONS. This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

O. VARIANCE PROCEDURES. A request for variance or an appeal to this regulation shall be submitted and heard in accordance with Article IV Section 4 of these regulations.

1. The Zoning Board of Appeals shall hear and decide requests for variances from the requirements of this regulation as well as hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by Town Planner in the enforcement or administration of this regulation.
2. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred feet of the land in question may appeal within fifteen days after such decision to the State Superior Court as provided in Section 8-8 of the General Statutes of Connecticut.
3. The Town Planner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
5. Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7. In passing upon applications for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the following provisions. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
8. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding landowners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

9. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
  10. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a “functionally dependent use” provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
  11. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.
- P. **ENFORCEMENT.** – The following provisions shall govern with regard to the enforcement of this regulation.
1. Each Zoning Permit shall authorize, as a condition of approval, the Town Planner or designated agents to make regular inspections of the subject property. The Town Planner or designated agents are also authorized to inspect any property in a Special Flood Hazard Area where it appears that violations of these regulations may be taking place.
  2. If the Town Planner finds that any person in undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Town Planner shall:
    - a. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Zoning Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area immediately.
    - b. Notify the Building Inspector and request that any building permits in force be revoked or suspended and that a stop work order be issued.
    - c. The Town Planner may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Town Planner shall issue notice to

the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action.

- d. Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section Q.
- e. In the event violations or obstructions are not promptly removed from the Special Hazard Area, the Town Planner may cause such removal and remediation work to be performed utilizing any bond money held in escrow, or may direct the appropriate Town agent to cause such work to be done and to place a lien against the property.
- f. Any person subjected to enforcement action pursuant to this regulation, may appeal any requirement, decision, or determination of the Town Planner to the Zoning Board of Appeals. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Town Planner was in error or unwarranted.
- g. Nothing contained herein shall prevent the owner of a residential dwelling, commercial or industrial building existing at the time of the adoption of this regulation from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

Q. PENALTIES FOR VIOLATION. – Any violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special permits or exceptions shall be subject to a fine or any other penalty prescribed by Town Ordinance. Nothing herein contained shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation.

R. EFFECTIVE DATE. The effective date of Sections 15,16 and 17 of these regulations is September 26, 2008.

#### Section 16. FLOOD PROTECTION ZONE (FP)

A. GENERAL PROVISIONS. The configuration of the Flood Protection Zone was developed from data obtained from the 1955 flood event as presented by the U. S. Army Corps of Engineers as well as information provided in the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency. The purpose of the zone is to restrict or prohibit the development of uses or structures, which would endanger health and safety or property in times of flood or cause an increase in flood heights or velocities.

B. LAND TO WHICH PROVISIONS OF THE FLOOD PROTECTION ZONE REGULATION APPLIES. All land within the Town of Farmington as indicated within the Flood Protection Zone as shown on the Official Zoning Map of the Town of Farmington. All land within the Town of Farmington, which is designated as floodway on a map entitled Flood Insurance Rate Map Hartford County, Connecticut.

C. PERMITTED USES. The following uses, which generally have a low flood damage potential shall be permitted within the Flood Protection Zone requiring only a Zoning Permit as specified in Article V. However the establishment, maintenance or improvement of such uses shall not involve the creation of any obstruction without the review and approval of the Zoning Enforcement Officer and in cases involving the placement of fill or the development of structures without the receipt of a special permit.

1. Agricultural Uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck Farmington, forestry, sod farming and wild crop harvesting.
2. Private and Public Recreational Uses including golf courses, outdoor tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fish hatcheries, fishing areas, hiking and horseback riding trails.
3. Nonstructural Accessory Residential Uses such as lawns, gardens, parking areas and play areas.
4. Railroads, Streets, Bridges, Utility Transmission Lines, Pipelines and Wells.

D. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Sand and Gravel Excavation, Extraction and Processing Operations may be performed in areas having a zoning classification of EE at the time of the adoption of this regulation and may be performed in other areas within the Flood Protection Zone provided all requirements of Section 22. of this Article are met. Any expansion to a preexisting operation shall have to meet the requirements of Section 17.
2. Municipal Land Use and owned or leased buildings and structures used in connection with the governmental or proprietary functions of the Town of Farmington or of any other government, and such uses of land as may be made by the Town or any other government in connection with any of its governmental or proprietary needs and functions. Uses to be limited to nonresidential uses only.
3. Accessory Structures and Fill for all permitted uses in Subsection C. above.

E. DEVELOPMENT STANDARDS FOR PERMITTED USES AND SPECIAL PERMIT USES. Obstructions created in the establishment, maintenance or improvement of those permitted uses listed in Subsection C. or the development of those special permit uses listed in Subsection D. shall conform to the standards set forth in Article II. Sections 17D., 17E. and 17F. Structures shall not be designed or used for human habitation (i.e. residential).

F. FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED. In passing upon applications relating to the Flood Protection Zone, the Commission, in addition to the standards found in Article IV. Section 12., shall consider the

following:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments;
  2. The danger that materials may be swept onto other lands or downstream to the injury of others;
  3. The proposed and existing water supply and sanitation systems, the aquifer and the ability of existing and future systems to prevent disease, contamination and unsanitary conditions;
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damages on the individual owner and others;
  5. The importance of the services provided by the proposed facility to the community;
  6. The requirements of the facility for a waterfront location;
  7. The availability of alternative locations not subject to flooding for the proposed use;
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  9. The relationship of the proposed use to the Plan of Development;
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  11. The expected elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
  12. Such other factors which are relevant to the purposes of this regulation.
- G. CONDITIONS ATTACHED TO SPECIAL PERMIT. Upon consideration of the criteria listed above and the purposes of this section, the Commission may attach such conditions to the granting of the special permits as it deems necessary. Such conditions, among others, may include:
1. Modification of waste disposal and water supply facilities;
  2. Limitations on periods of use and operation;
  3. Imposition of operational controls, sureties and deed restrictions; and
  4. The following flood proofing measures may be required:
    - a. Anchorage to resist flotation and lateral movement;
    - b. Installation of watertight doors, bulkheads and shutters, or similar methods of

- construction;
- c. Reinforcement of walls to resist water pressures;
- d. Use of paints, sealants, membranes or mortars to reduce seepage of water through walls;
- e. Addition of mass or weight to structures to resist flotation;
- f. Installation of pumps to lower water levels in structures;
- g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
- h. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures;
- i. Construction to resist rupture or collapse caused by water pressure or floating debris;
- j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. In place of a basement drain which works by gravity, a sump pump may be used;
- k. Location of electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood; and
- l. Prohibition of storage or utilization of chemicals, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare.

**Section 17. FLOOD PERIMETER OVERLAY ZONE (FPO)**

- A. **GENERAL PROVISIONS.** The Flood Perimeter Overlay Zone overlays existing zoning designations. All uses permitted in the underlying zone shall continue to be allowed in the Flood Perimeter Overlay Zone provided the provisions of this section are complied with.
- B. **LAND TO WHICH PROVISIONS OF THE FLOOD PERIMETER OVERLAY ZONE APPLIES.** All land within the Town of Farmington which is located either within the Flood Perimeter Overlay Zone as shown on the Official Zoning Map of the Town of Farmington or within the numbered or unnumbered A zones as indicated on a map entitled "Flood Insurance Rate Map, Town of Farmington, Connecticut, Hartford County," however excluding those lands otherwise designated as Flood Protection Zone by this regulations (See Article II. Section 16.).
- C. **CHANGE OF UNDERLYING ZONE.** The existing zoning classification of any parcel of land within the Flood Perimeter Overlay Zone may be changed to a different zoning classification in which event the provisions, conditions and restrictions in the regulations pertaining to such changed zoning classification and the provisions, conditions and restrictions pertaining to the Flood Perimeter Overlay Zone shall apply.



**D. GENERAL STANDARDS.** In all of the Flood Perimeter Overlay Zone the following provisions shall apply:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. New construction and substantial improvements shall be constructed with materials resistant to flood damage except where elevated above the Regulatory Flood Protection Elevation on fill;
3. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
4. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
7. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
8. In any portion of a watercourse which is altered or relocated the flood carrying capacity shall be maintained;
9. No development shall be undertaken which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system;
10. Any fill proposed to be deposited shall be shown to be of hydrologically sound material and have some beneficial purpose; and the amount of fill used shall not be greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the applicant showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials;
11. Such fill or other materials shall be protected against erosion by riprap, vegetative cover or bulkheading;
12. Structures shall have a low potential for incurring flood damage and for causing flood damage;
13. Structures not elevated above the Regulatory Flood Protection Elevation shall be constructed

and placed on the building site so as to offer minimum obstruction to the flow of floodwaters; (i) so far as practicable, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and (ii) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures;

14. Manufactured homes are prohibited within the Flood Perimeter Overlay Zone and Flood Protection Zone.
15. For new construction or substantial improvements having fully enclosed areas below the lowest floor and subject to flooding and which are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Design for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
16. Subdivision proposals shall conform to the requirements and standards contained in Section 4.19 of the Farmington Subdivision Regulations.
17. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the base flood elevation and have a screw fill cap that does not allow for the infiltration of flood water.
18. If any portion of a structure lies within the Special Flood Hazard Area, the entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
19. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e. V zone is more restrictive than A zone; structure must be built to the highest base flood elevation). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone)
20. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

**E. STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS, FLOODWAYS AND/OR FLOOD MAPPING.**

- a. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the Federal or State government or other source, including data developed pursuant to Article IV. Section 4.09 of the Farmington Subdivision Regulations, as criteria for requiring that new construction, substantial improvements or other development in Zone A on the Farmington Flood Insurance Rate Map meet the standards in Section 17F.
  - b. In A zones 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.
  - c. The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
  - d. The Zoning Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, as criteria for requiring that new construction, substantial improvements or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Section 17F.
- F. STANDARDS FOR DEVELOPMENT WITHIN THE FLOOD PERIMETER OVERLAY ZONE WHERE FLOOD ELEVATIONS HAVE BEEN PROVIDED. In areas of the flood Perimeter Overlay Zone where flood elevation data has been provided the following provisions shall apply in addition to all of the general standards contained in Section 17D.
- 1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least to the regulatory flood protection elevation, except that in Zone 1 such structure shall be elevated to elevation 182 and in Zone 2 to elevation 177.
    - a. Recreational vehicles placed on sites within the Flood Perimeter Overlay Zone shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all the general standards of Section 17D. and E. and the elevation of and anchoring requirements of Section 17.F.1. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached addition. (Other requirements are contained in Article IV. Section 9.)
  - 2. Nonresidential Construction. New construction or substantial improvement of any nonresidential structure located in the Flood Perimeter Overlay Zone shall have the lowest floor, including basement, elevated at least to the regulatory flood protection elevation; or nonresidential structures may be flood proofed in lieu of being elevated provided that

together with all attendant utilities and sanitary facilities the areas of the structure below 1 foot above the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- a. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer.
3. If fill is required so that the lowest floor as defined above is at or above the regulatory flood protection elevation, it shall extend at least 15 feet beyond the limits of any building erected thereon but may be graded to provide for adequate drainage.

#### Section 18. AQUIFER PROTECTION ZONE (AP)

- A. PURPOSE. This section is adopted pursuant to the authority conferred by Section 8-2 of the Connecticut General Statutes for the following purposes: to secure the public health, safety and general welfare; to preserve the quality and quantity of the Town's ground-water resources in order to ensure a safe and adequate water supply for present and future generations; to preserve groundwater resources currently in use and those aquifers having a high potential for future use as a public water supply; and to regulate land uses in a manner consistent with the Water Quality Standards and Classification System adopted by the State Department of Environmental Protection (DEP).
- B. BOUNDARIES OF THE AQUIFER PROTECTION ZONE. All land within the Town of Farmington shall be included within the Aquifer Protection Zone. This section, then, shall be an "overlay zone" applicable to all properties within the Town of Farmington.
- C. GENERAL PROVISIONS. Within the Aquifer Protection Zone, no land shall be used and no structures erected, constructed, reconstructed, altered or used except in conformance with this section and all other requirements of the underlying zone.

The provisions in this section are not intended to repeal, abrogate or annul any portion of these regulations, other Town regulations, existing State or Federal regulations, or existing easements, covenants or deed restrictions. In any case where there is a conflict, whichever imposes the more stringent restriction shall apply.

- D. INSPECTION. All nonresidential uses within this zone shall be subject to inspection by agents of the Town. Uses of particular concern, as they have a potential for contaminating the ground-water, include, but are not limited to the following:
  - Veterinary hospitals and kennels
  - Appliance service shops
  - Junkyards and salvage operations
  - Commercial lawn care businesses
  - Furniture stripping

Dry cleaning  
Photographic processing  
Automotive service operations  
Machine shops  
Metal heat-treating operations  
Metal rescaling operations  
Commercial painting and/or coating operations  
Agricultural operations  
Golf courses.

E. **GENERAL DESIGN REQUIREMENTS.** The following general requirements shall apply in the Aquifer Protection Zone to all nonresidential uses which, given the nature of the use or of a process utilized, have a known potential for polluting the groundwater. Information necessary to ensure compliance with these regulations shall be included with any application to the Commission. Any modification to an approved site plan or existing use affecting any requirement of these regulations shall require approval by the Commission.

1. Floor Drains

- a. No interior floor drains from any process areas where possible contaminants are handled shall be directed to any stream, storm drain or subsurface leaching system.
- b. No interior floor drains from any process areas where possible contaminants are handled shall be directed to a sanitary sewer without adequate pretreatment as required by DEP and the Farmington Water Pollution Control Authority.

2. Chemical and Waste Storage and Disposal

- a. Chemical and waste storage tanks located outside shall have an impervious containment berm surrounding them. Containment dikes for most chemicals should be coated concrete or coated metal and shall be of adequate holding capacity to retain at least 100 percent of the largest tank's capacity. For outside storage the tank and dike shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve, which will allow clear storm water to be manually released as needed. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, and may have a top vent pipe or overflow pipe which is directed to the inside of the contaminant area.
- b. Drum or other container storage areas shall also have an impervious containment berm surrounding them with an impervious base. All drums shall be sealed or covered. For outside storage, drums or other containers shall either be protected from rainwater accumulation with a permanent roof, or the dike shall have a drain valve which will allow clear storm water to be manually released as needed.
- c. Other storage areas not included in a. and b. above shall provide for acceptable containment.
- d. Dumpsters utilized in conjunction with uses regulated under this section shall be covered or located within a roofed area and shall have drain plugs intact.

- e. No underground container for the storage of liquid fuels or other hazardous liquids may be installed, repaired or replaced unless such installation, replacement or repair is done in accordance with current State and local code requirements.
- f. Hazardous materials and waste, as defined by the United States Environmental Protection Agency (EPA), that are to be utilized or generated by nonresidential uses shall be identified and their quantities noted on the site plan.
- g. All generators of hazardous waste shall apply for and obtain all necessary permits and registrations required by EPA and DEP.
- h. All generators of hazardous waste that are classified as “small generators” by EPA and DEP shall provide: (i) for the collection, transport and ultimate disposal of said waste, consistent with the best available management practices, by a registered hauler, as defined and licensed by EPA and DEP; and (ii) upon request of agents of the Town, documented records for the same.
- i. Land disposal on the premises is prohibited except for instances where the DEP has issued a permit for disposal into a subsurface disposal system.
- j. Disposal into the sanitary sewers, at the municipal landfill or other municipal facilities is prohibited except for instances where the required reviews and approvals are obtained.

### 3. Underground Storage Tanks and Facilities

All underground storage tanks and facilities shall conform to the following standards:

- a. Each underground tank or container shall:
  - 1. be a fiberglass-reinforced plastic (FRP) tank which is equipped with contact plates under all fill and gauge openings and is chemically compatible with the contained product as determined by the tank or container manufacturer’s warranty; or
  - 2. be a steel tank externally coated with a factory applied corrosion resistant coating approved by the manufacturer for the proposed use, and equipped with cathodic protection and permanent cathodic protection monitoring devices, and contact plates under all fill and gauge openings.
- b. All other underground facility components shall:
  - 1. be protected against corrosion by use of noncorrosive materials or steel components with factory applied corrosion resistant coating and cathodic protection and permanent cathodic protection monitoring devices;
  - 2. be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and

3. be chemically compatible with the intended use as determined by the manufacturer's warranty.

### Section 19. CLUSTER DEVELOPMENT

- A. **PURPOSE.** The purpose of this section is to provide flexibility in the development of land in order to provide greater preservation and protection of open space and other valuable natural or man-made resources while permitting a variation in lot design and building requirements.
- B. **PROCEDURE.** Cluster development including cluster subdivisions and open space subdivisions is permitted in the R80, R40, R30 and R20 Zones by each of the following procedures:
  1. Upon the approval by the Commission of an application for special permit as submitted by the owners of the land proposed to be developed or their representative. Consent shall be required from the legal owner of the premises when the applicant is other than the owner. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements.
  2. As required by the Commission where it is desired to protect or conserve one or more of the following natural or man-made resources located on or contiguous to the property to be subdivided:
    - a. Land occupied by a farming operation including pastureland or land consisting of important farmland soils as defined in a report entitled "Important Farmlands-Hartford County Connecticut, United States Department of Agriculture, Soil Conservation Service."
    - b. Sloping land in excess of 15 percent grade, as calculated by two-foot contour intervals.
    - c. Inland wetlands or watercourses as defined in Section 2. of the Inland Wetlands and Watercourses Regulations for the Town of Farmington.
    - d. Structures or landscapes having historic or cultural value including archaeological sites.
    - e. Land along ridgelines, defined as areas lying in the upper half of the area above the mean elevation of the subregional watershed that the subject property is located in. The subregional watersheds are defined on maps prepared by the Natural Resources Division of the Connecticut Department of Environmental Protection.
    - f. Existing or proposed public well sites and their respective area of contribution as defined in State Public Act 89-305.
    - g. Established marked trails.
    - h. Land containing existing permanently preserved open space or recreational areas or land containing areas proposed as open space or recreational areas as shown in the Plan of Development.

- i. Land containing areas of special concern as identified by the Connecticut Natural Diversity Data Base as prepared by the Connecticut Department of Environmental Protection. Habitats of species that are endangered, threatened, or considered by State or Federal agencies to be significant at the state level; and other ecologically unique or special areas.
- j. Land containing one or more specimen trees, defined as trees having a diameter at breast height of 36 inches or more.
- k. Land located within any of the A zones as found on the Flood Insurance Rate Maps for the Town of Farmington as prepared by the Federal Emergency Management Agency dated July 17, 1986 and any revision thereto.

The Commission shall conduct a public hearing prior to approving any cluster or open space subdivision under this procedure. Such hearing may be conducted as part of the hearing for subdivision approval. In the case where no subdivision application has been submitted the hearing shall be conducted in accordance with Article IV. Section 12.C.

- C. SUBMISSION OF PLAN. At a minimum, for Cluster Subdivisions and Open Space Subdivisions, an informal subdivision plan, as described in Section 2.01.01 of the Farmington Subdivision Regulations, shall be submitted along with an application for special permit approval. In the case where attached housing is proposed by the applicant or required by the Commission a preliminary site plan containing the property boundary, location of all proposed buildings, driveways and parking areas, conceptual utility plan and building elevations shall be submitted. Subsequent to the approval of the preliminary site plan the applicant shall submit to the Commission for approval a final site plan which meets the specifications found in Appendix B of these regulations.

All areas of inland wetlands and watercourses and slopes in excess of 33 percent (as calculated by two-foot contour intervals) shall be clearly indicated on all plans.

The Commission may require additional information in order to adequately review the proposal against the standards specified in this section.

- D. STANDARDS FOR LOT (UNIT) COMPUTATION. The maximum number of lots (housing units) shall be computed as follows:

- 1. The following developable land formula shall be applied to the total tract size and its natural composition:

$$A - (.75B + .75C) = D$$

Where A = Total Site Area.

B = Area of Inland Wetland Soils and Watercourses Present on the Site.

C = Area of Land Containing Slopes Equal to or in Excess of 33 Percent (as calculated using



two-foot contour intervals).

D = Land Area for Computing the Maximum Number of Lots (Housing Units) that may be Developed.

2. The result of this equation shall be reduced by 10 percent for street rights-of-way and by 15 percent for open space dedication for property located in R80, R40 and R30 zones; and 20 percent for the R20 zone. The reduction for street rights-of-way may be deleted where all proposed lots will have access from an existing street. The reduction for open space dedication may be deleted where a cash payment is made to the Town in accordance with Section 4.01.03.1. or in cases where the development meets the standards of Section 4.01.03.2. of the Farmington Subdivision Regulations.
3. The remaining area shall be divided by the minimum lot size requirement for the zoning district in which the development is to be located.

**E. DEVELOPMENT STANDARDS**

1. Minimum area, frontage and yard requirements for R80, R40, R30 and R20 Cluster Subdivisions.

<u>Zone</u>	<u>Minimum Area (Sq. Ft.)</u>	<u>Frontage (Ft.)</u>	<u>Minimum Yard Depths (Ft.)</u>		
			<u>Front</u>	<u>Side</u>	<u>Rear</u>
R80	30,000	100	40	(see b.)	25
R40, R30, R20	15,000	85	30	(see b.)	25

- a. In the R40, R30 and R20 Zones, 25 percent of the total number of lots may be reduced to 12,000 square feet.

- b. Minimum Side Yard Depths shall be provided in accordance with the following table:

<u>Lot Frontage (feet)</u>	<u>Min. Side yard Each (feet)</u>
50 to 84	10 percent of frontage
84.01 to 99	10
Greater than 99.01	10 for one, 30 for both

- c. Minimum floor area requirements shall be those of the underlying zone.
- d. In the R40, R30 and R20 Zones by a five-sixths vote of the full Commission the minimum area of lots may be reduced to 10,000 square feet along with the following reductions in the minimum frontage, front and rear yard setbacks:

Minimum Frontage -	50 feet
Minimum Front Yard -	25 feet
Minimum Rear Yard -	20 feet

In order to be eligible for the reductions specified in this paragraph the development plan shall provide (i) a perimeter buffer area of at least 30 feet in width; (ii) that all lots abut

common open space with a minimum width of 30 feet for a minimum length of 50 feet.

- e. On corner lots 15,000 square feet or greater in area, the width of a side yard along a street shall be 20 feet. On corner lots less than 15,000 square feet in area, the width of a side yard along a street shall be 15 feet. A corner lot shall contain a front yard along one street. Determination of the front and side lot lines shall be done in accordance with Article III. Section 3.C. of these regulations.

2. Minimum Area, Frontage and Yard Requirements for R80, R40, R30 and R20 Open Space Subdivisions.

Lots within the R80 and R40 Zones shall comply with the minimum requirements of the R40 and R30 Zones respectively while lots in the R30 Zone shall meet the minimum standards of the R20 Zone and lots in the R20 Zone shall meet the minimum requirements of the R12 Zone.

3. Minimum Standards for Single Family Attached Cluster Housing.

- a. Single-family attached cluster housing shall be a single-family dwelling attached to or having a common wall with an adjacent single family dwelling and having its own ground floor and at grade entrance.

b. Minimum Yard Requirements:

Front Yard - 65 feet

Rear Yard - 50 feet

Side Yard - 50 feet each

- c. No building shall contain more than four units. Rooflines shall contain sufficient vertical breaks and horizontal breaks (at least between each unit) in order to avoid a rowhouse effect.
- d. Grouping: The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of 24 feet. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.
- e. Two and three-tenths parking spaces shall be provided for each dwelling unit. Such spaces shall be located within 200 feet of the dwelling unit they are intended to serve. No parking space, including stall and aisle way, shall be permitted within any minimum front, rear or side yard.
- f. The Commission, in addition to the setback requirements specified in paragraph b. above, may require the provision of a buffer with a maximum width of 50 feet.
- g. The Commission may approve the development and location of any recreation or accessory use or structure within an attached cluster housing development provided no

structure or use is located within any minimum yard or buffer area.

- h. The maximum height of any attached cluster housing shall be 35 feet. Accessory buildings shall not exceed 15 feet in height.
- i. Construction of attached cluster housing shall include (i) control of airborne sound transmission, and (ii) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.
- j. The Commission may require that all setback yards and buffers be planted in accordance with the specifications of an A Bufferyard (40-foot width) as described in Article IV, Section 13.B.4. or the Commission may require additional landscaping when unusual conditions require more extensive screening.
- k. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall or bathroom, and there shall be at least 600 square feet of living area for a two-room unit. Each additional room shall have at least 100 square feet.
- l. All utility wires shall be installed underground.

#### F. OTHER REQUIREMENTS

1. The applicant shall either deed to the Town, an acceptable nonprofit land trust or reserve by a method otherwise approved by the Commission at least five acres of open space land. The minimum acreage requirement specified here may be modified by a five-sixths vote of the full Commission in instances where the Commission seeks to protect or conserve one or more of the natural or man-made resources listed in Section 19.B.2. The Commission may require that all open space be reserved for public use.
2. The use of the land set aside as open space shall be approved by the Commission and said use shall be stated upon the record subdivision map or final site plan. The developer shall submit a suitable legal instrument for approval which will ensure that lands not deeded to the Town will continue to be used for conservation, park or recreational purposes. Such legal instrument shall also provide that the Town of Farmington, its agents or employees may without liability enter upon such land for the purpose of eliminating or discontinuing any thing, object or condition which may be deemed to be in violation of this regulation or the approval.

No privately owned open space shall be disposed of by sale or otherwise, except to an organization established for the purpose of owning, maintaining and preserving open space, without first offering to convey such open space to the Town. The Commission must approve the placement of any structures on lands reserved for park, recreation or conservation use.

3. The Commission may require the submission of a landscape plan in the case where designated open spaces are disturbed or where it is desirable to screen a cluster subdivision or open space subdivision from adjacent properties.
4. To ensure the protection of existing residences, the Commission may require that proposed

lots abutting lots with existing single-family residences conform to the area and setback requirements of the adjacent zone.

5. To ensure the protection of wetlands, watercourse and vernal pools on or adjacent to the property, the Commission may require the following minimum buffers to be designated as open space or conservation easement: 50 – 100 feet from designated wetlands and watercourses, and 100 – 200 feet from vernal pools.
6. When the property contains or is adjacent to an active farming operation, the Commission may require a minimum 75 – 100 foot vegetated buffer between the residential use and agricultural use. This buffer shall, at the discretion of the Commission, be designated as open space or conservation easement.

**Section 20. R9 MULTIFAMILY CLUSTER**

- A. **PURPOSE.** To provide a method of development that will promote affordable and multifamily housing compatible with existing and projected land uses.
- B. **USE ALLOWED BY SPECIAL PERMIT.** The following use may be allowed in the R9 Zone after obtaining a special permit. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.

1. Multifamily dwelling with up to 8 dwelling units in a building provided the following standards are met:

a. <u>Minimum Land Area per Unit</u> 8,712 sq. ft.	<u>Maximum Units per Lot</u> 24	<u>Minimum Frontage on Public Street</u> 200 feet
<u>Minimum Yards</u>	<u>Maximum Height of Buildings</u>	
Front yard:	30 feet	35 feet
Rear yard:	25 feet	
Side yards:	20 feet	

- b. No parking area (including parking stalls and back up area) shall be permitted within required yards or buffers;
- c. Between a building and access drives or parking area there shall be a minimum of 4 feet of landscaping space which is not encroached upon by vehicle overhang;
- d. Refuse containers shall be provided in an appropriate number for waste and recycling unless curbside service is provided.
- e. In the event that adjacent properties are zoned in any of the zoning classifications shown below, a buffer area shall be provided as shown in the column captioned "Buffer Width." For each side and rear yard abutting such zones buffer areas shall be planted or preserved

in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet;

<u>Zone</u>	<u>Buffer Width</u>
R80, R40	40 feet
R30, R20	25 feet
R12, R9	20 feet

- f. All units shall be served by public water and sewers. For the purpose of this section, public water shall not include a private or community well.
  - g. The shortest distance between any two structures shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, but not less than a minimum of twenty-four (24) feet.
  - h. No portion of a lot proposed to be developed in accordance with this section shall be within a 500-foot radius of any other lot developed or intended to be developed in accordance with this section.
  - i. Dwelling Size: Each dwelling unit shall consist of at least two rooms, exclusive of hall or bathroom, and there shall be at least 500 square feet of living area for a two-room unit and at least 600 square feet for a three-room unit. Each additional room shall contain at least 100 square feet.
  - j. Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (a) control of airborne sound transmission and (b) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.
  - k. All utility wires shall be installed underground.
- C. The approval of a special permit application for cluster housing within the R9 Zone shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request of the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

**Section 21. UNIONVILLE CENTER ZONE (UC)**

- A. **PURPOSE.** The purpose of the Unionville Center Zone is to facilitate the development of a compact village center which promotes through design regulations, mixed uses (housing,

shopping, employment opportunities, social and civic use), access to the Farmington River, business growth and vitality, a proper balance between accommodating pedestrian use and the automobile, a pattern of development which respects and fosters Unionville's historic past, the preservation of historic resources, views and vistas, buildings which are in proper size and scale with respect to the streetscape and one another in concert with the objectives of the Farmington Plan of Conservation and Development and the study entitled "Unionville Study:2002 Past, Present and Future" prepared by the University of Connecticut and Yale University. The pedestrian environment encouraged by this regulation is essential for developing the sense of community desired by the Town and will permit the business community to prosper.

B. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.

1. Signs. Signs shall be permitted as specified in Article IV Section 7.
2. Accessory Uses in conjunction with an approved special permitted use in Section C.
3. Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.

C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV Section 12 and Article II Section 21A shall also apply to applications submitted under this section. Article IV Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.

1. School.
2. Public Utility Building and Structure.
3. Municipally owned or leased building and structure.
4. Community Building for use by residents of the community or neighborhood and maintained and operated for community purposes.
5. Retail Store and Personal Service Shop.
6. Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop except mobile type of eating and drinking place, place offering curbside service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV Section 5. shall apply.
7. Shop for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
8. Gallery.
9. Hotel, Motel, Inn.
10. Business Offices.

11. Bank without drive through teller.
12. Medical Offices.
13. Health Club and Sports Facility.
14. Club and Fraternal Organization.
15. Private or Public Parking Facility.
16. Billiard Parlor.
17. Apartments with single family units combined in a single use or mixed use structure under single common ownership.
18. Condominiums consisting of single family units combined in a single use or mixed use structure as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.
19. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5 shall apply.
20. Animal Day Care Center
21. Within design sub district 2, the uses allowed by the granting of a special permit by the Commission shall be limited to public or private school, public utility buildings and structures, municipally owned or leased buildings or structures, community buildings, apartments with single family units, condominiums consisting of single family units combined in a single use as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.

**D. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN THE UNIONVILLE CENTER ZONE.**

1. Construction, rehabilitation and reconstruction of properties within this zone and in view from a public roadway must conform to the standards and requirements found here as well as the standards and requirements found in Article II Section 21A (Unionville Village District Zone).
2. A tract of land within the Unionville Center Zone may be developed in stages. However, the Commission may require that certain data be submitted for the entire tract. This may include site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage.
3. Height and Area Requirements.
  - a. Maximum height of buildings: 40 feet

- b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet, except for buildings located within design sub district 1. Each floor shall be completely set above grade as measured from all sides of the building. This provision may be waived by vote of 5/6 of the full Commission provided a favorable recommendation is received from the Unionville Architectural Design Review Committee.
- c. Yards: Front Yard: 10 feet\*  
           Rear Yard: 10 feet\*  
                           25 feet (when abutting a residential zone)  
           Side Yard: 0  
                           25 feet (when abutting a residential zone)  
           Side Yard Along a Street: 10 feet\*

\* The Commission may approve a reduction of the minimum front or rear yard requirement by vote of 5/6 of the full Commission provided a favorable recommendation is received from the Unionville Architectural Design Review Committee.

- d. Minimum lot size: None, except in design sub district 2 where the minimum lot size shall be two (2) acres.
- e. Minimum frontage: None, except in design sub district 2 where the minimum frontage shall be 200 feet.
- f. Minimum building length: The minimum length of a building shall be 25 feet. This standard shall be measured along that portion of the building situated closest to a street.
- g. Maximum floor area: With the exception of buildings constructed in design sub district 1, no building constructed after the effective date of this regulation (August 14, 2004) shall contain a retail business or office having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross square footage of a building for a retail business or office use to a maximum of 15,000 gross square footage upon favorable recommendation from the Unionville Architectural Design Review Committee and upon a Commission's finding that the proposed plan:
  - 1. Is in harmony with the overall objectives of the Unionville Study – 2000;
  - 2. The design of the building shall resemble and be in harmony with individual store fronts permitted and/or existing in the Unionville Center Zone through the use of architectural features such as:
    - a. staggering the depth from the street to the face of the building;
    - b. changing roof heights;
    - c. use of different but complimentary building materials;
    - d. changes in fenestration;
    - e. use of awnings/canopies; and
    - f. exterior lighting.
  - 3. Does not result in the demolition of any existing buildings.



No retail business located in design sub district 1 shall have a gross floor area in excess of 44,000 square feet. For purposes of this subsection gross floor area means the horizontal area of all floors of a building measured from the exterior of outside walls, excluding the following non-customer areas contained within the building footprint: (1) an enclosed mezzanine used for purposes such as offices and storage; and (2) a basement used for storage and food preparation.

4. Off Street Parking. This provision shall supercede the similar standards found in Article IV, Section 8.
- a. All Office Uses: one (1) space for each 285 square feet of gross usable floor area. Gross usable floor area should be assumed as eighty percent (80%) of total floor area where no floor plan exists at the time of application.
  - b. Retail and Personal Service Shop and Bank: one (1) space for each 285 square feet of sales and customer area plus one (1) space for each 285 square feet of gross usable floor area of office space.
  - c. Dwelling Units: one and one-half (1.5) spaces for a one-bedroom unit. Two (2) spaces for units having two or more bedrooms. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however, that such apron spaces are under the same ownership or control as the garage space.
  - d. Hotel, Motel: one (1) space for each room plus one (1) space for each employee at the largest shift.
  - e. Restaurant, Fast Food or Low Turnover: one (1) space for every three (3) seats plus one (1) space for each 285 square feet of customer area (without seats) plus one (1) space per employee at the largest shift.
  - f. Billiard Parlor: one (1) space for each 285 square feet of customer area plus one (1) space per employee at the largest shift.

Provisions for parking within the Unionville Center zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others. No owner or tenant shall designate a parking space for their or others exclusive use without the approval of the Commission.

In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider over lapping use of parking spaces based upon the various hours of operation and peak usage for each use.

Required parking spaces for uses located in the Unionville Center zone shall be provided onsite. However, by vote of 5/6 of the full Commission such spaces may be provided off site provided they are located within 500 feet of the entrance to the building housing such use and an agreement of a term found acceptable to the Commission is executed for use of such spaces.

The setback requirements for parking areas found in Article IV Section 8.A of these regulations shall not be applicable to the Unionville Center Zone.

- E. **LIGHTING.** Exterior lighting shall be of such intensity or located or directed in such a way so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.
- F. **HOURS OF OPERATION FOR SPECIAL PERMIT USES.** At the time of the public hearing the Commission shall require the submission of projected hours of operation. The Commission shall review the impact of such hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- G. **LOT COVERAGE.** No more than 85 percent of the lot may be covered with impervious surfaces except in design sub district 2 where no more than 60 percent may be covered with impervious surfaces.
- H. **RESIDENTIAL USE**
1. Excluding the area contained in design sub districts 1 and 2, new construction of a building shall not be permitted where such building is designed to have more than two thirds of its gross floor area dedicated to residential use. No building constructed after the effective date of this regulation, or amendment thereto, and located outside design sub district 1 or 2 shall contain residential units on the first floor above grade.
  2. No residential dwelling unit located within the Unionville Center zone shall contain more than two bedrooms except in design sub district 1 or 2. Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 500 square feet of living area for a two-bedroom unit and at least 600 square feet for a three-bedroom unit. Each additional room shall have at least 100 square feet.
  3. Except in design sub district 2, the floor area ratio for residential development shall not exceed 0.20. In design sub district 2, the maximum density shall be the lesser of four units per gross acre or eight units per net acre (net acre as defined in these regulations) where a portion of the overall property is being provided as deeded open space or set aside as conservation restricted (excluded from further development) area. The maximum density of the land area specifically utilized for development shall be no more than 12 units per gross acre.
  4. There shall be no outside display or storage associated with any residential use. Outdoor clotheslines are prohibited.

- I. **LANDSCAPING REQUIREMENTS.** The specific requirements found in Article IV Section 13 of these regulations shall not be applicable to the Unionville Center Zone. However parking areas containing more than ten cars shall contain landscaped areas within such parking area equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aiseways and associated landscaping. Landscape bufferyards as specified in Article IV Section 13 shall be provided as deemed necessary by the Commission to provide protection to adjacent residential properties.
- J. **VARIANCE.** The Zoning Board of Appeals when processing and deciding an application for variance for any property located within the UC zone shall give due consideration to and consult with the plan entitled “Unionville Study: 2002 Past, Present and Future” prepared by the University of Connecticut and Yale University in making a finding that such application is in harmony with the general intent and purpose of these regulations.
- K. **EXPIRATION OF PERMIT.** The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
- L. Nothing herein shall prevent the construction of a development within the Unionville Center Zone which was submitted for approval to the Commission prior to the effective date of this regulation (insert date) and which was subsequently approved and provided that construction commences in conformance with the timeframe set forth in section K.
- M. The Commission, in conjunction with the approval of a development proposal under this regulation, may establish a reasonable timeframe for the commencement and completion of various improvements. In order to ensure compliance with such a timetable the Commission may require the posting of a performance bond in a type and amount, which is found to be satisfactory.
- N. The Commission, in conjunction with the approval of a development proposal under this regulation, may require the posting of a performance bond to ensure the maintenance of various improvements. The Commission shall determine the type and sum of such bond.

**Section 21A. UNIONVILLE VILLAGE DISTRICT ZONE (UV)**

- A. **PURPOSE.** The purpose of this section is to promote, protect and enhance the unique and distinctive character, historic settlement pattern and architecture, and landscape of Unionville Center and to function in support of the Unionville Center Zone and its purposes pursuant to

Connecticut General Statutes 8-2j.

- B. DEFINITIONS. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

U.A.D.R.C – Unionville Architectural Design Review Committee.

MAJOR STREET – Farmington Avenue (Route 4), South Main Street/Lovely Street (Route 177), Mill Street and any other streets so designated by the Commission.

APPROVING AUTHORITY – The Farmington Town Plan and Zoning Commission.

DISTRICT or UNIONVILLE VILLAGE DISTRICT – The Unionville Village District as delineated on the Zoning Map for the Town of Farmington. The District shall be an overlay zone and its boundaries are coincidental with the zoning district boundaries of the Unionville Center Zone and its requirements and standards shall be in addition to and not in lieu of the regulations pertaining to the Unionville Center Zone.

VILLAGE DISTRICT PLAN – The study entitled “Unionville Study: 2002 Past, Present and Future” by the University of Connecticut and Yale University.

C. GENERAL REQUIREMENTS.

1. This regulation shall apply to new construction, substantial reconstruction and rehabilitation of properties within the District and in view from public roadways including but not limited to:
  - a. The design and placement of new, expanded or altered buildings including materials and colors.
  - b. The maintenance of public views.
  - c. The design, paving materials and placement of public and private roadways.
  - d. The design and placement of new and modified landscape areas, lighting, fencing and walls.
  - e. The replacement or elimination of exterior structural surfaces and features, including roofing materials, and siding.
  - f. Any change to the exterior color of a structure.
  - g. The demolition of any structure or part thereof or the elimination of any landscape area.
  - h. The design (including color), installation and modification of any sign.

This provision shall not apply to repairs to buildings where such repairs involve the replacement of building elements with like materials, colors etc. and such repairs do not

expand or decrease the area, vertical or horizontal footprint of the building, change roof line or roof type or add or remove building elements.

D. PROCEDURE. Activities that are governed by this regulation shall be presented to the Town in accordance with the requirements and procedures found under the Unionville Center Zone and under Article IV Section 12 as applicable. All proposals concerning the activities listed in Section C above shall be referred to the U.A.D.R.C. for a report and recommendation. The U.A.D.R.C. shall provide such report to the Town Plan and Zoning Commission within 45 days after the date the complete application is received by the Planning Office. In addition to the information, exhibits, drawings and plans required by these regulations the U.A.D.R.C. may also require one or more of the following items where it is reasonably required to adequately evaluate a proposal:

1. Cross-section drawings.
2. Perspective drawings.
3. The superimposition of the proposal on a computer created image of the existing area.
4. A streetscape illustrating the new proposal to scale and indicating the dimensional relationship between the project and structures on adjacent parcels.
5. Samples of colors and materials.
6. A three-dimensional model of the proposal.
7. Half size sections through all trim details.
8. Historical pictures of the subject site and surrounding area as available.

E. UNIONVILLE ARCHITECTURAL DESIGN REVIEW COMMITTEE. The Unionville Architectural Design Review Committee is a body composed of seven members. The Town Planner shall serve as the professional staff to the U.A.D.R.C. but not be a voting member. The Committee at a minimum shall contain one architect or landscape architect, one resident of Unionville, one Unionville business or property owner and one resident of Farmington. All appointments shall be made by the Town Plan and Zoning Commission. Preference will be given to any person who resides in or operates a business in said zoning district(s). Members shall serve on the committee for a term of three years except for the initial formation of the Committee and terms of members shall be staggered. The Committee shall be formed with the following initial term schedule: two members – three year term; two members - four year term; and three members – five year term. All successive terms shall be three years. Vacancies shall be filled by the applicable bodies cited above. Persons filling a vacancy shall be appointed for a period coincident with the completion of such term. Members shall continue to serve after the completion of their term until such time they have officially been reappointed or replaced. The report of the U.A.D.R.C. shall be entered into the public record and considered in the decision of the Commission. In addition the Zoning Board of Appeals shall refer any application for property in the Unionville Center Zone to the U.A.D.R.C. for a report and recommendation consistent with the timeframe as indicated in Section D. The U.A.D.R.C. may meet informally

with property owners or prospective developers prior to the formal submission of an application to the Approving Authority. The U.A.D.R.C. shall provide design support to the Commission consistent with the design and landscape standards found in Section F, the principles expressed in the Village District Plan, the architectural heritage of the area and the distinctive characteristics of the District.

**F. DESIGN OBJECTIVES AND STANDARDS.**

1. The building and layout of buildings and associated site improvements shall reinforce existing or historical building and streetscape patterns as determined by the Approving Authority. The applicable existing or historical building and streetscape patterns are found in publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures". The placement of buildings and associated site improvements shall assure there is no adverse impact on the District.
2. Proposed streets shall be laid out consistent with the design found in the Village District Plan.
3. Open spaces shall be provided and designed to facilitate safe pedestrian access to adjoining parking areas and developed properties and shall facilitate access to and enjoyment of the Farmington River.
4. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the District shall be integrated into the site design. These significant features are illustrated in the publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures".
5. The landscape design shall complement or enhance the district's landscape patterns; provide for an appealing streetscape and mitigate the visual impact of streets, parking areas and manmade objects and features through the use of plants and trees, fencing and masonry walls.
6. The exterior signs, site lighting and accessory structures shall complement and not undermine the architectural theme for the district and be compatible with their surroundings. There shall not be any internally illuminated signs including neon visible from a street or driveway.
7. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district or consistent with those recommended in the Village District Plan as determined by the Approving Authority.
8. Reasonable efforts shall be made to preserve, reuse and enhance historic structures.
9. Buildings to the greatest extent possible shall be placed and oriented to the front of a lot and close to a street and should maintain a pleasing spatial relationship with the roadway and other nearby buildings in relation to their height and mass and that of others.
10. Buildings shall have their principal access directly off a public street and sidewalk unless

otherwise approved by the Approving Authority.

11. Off street parking areas shall be located to the rear of a building where practicable. No parking should ever be provided between a major street and the closest wall of a building to such street or a line extending out in a direction parallel to such major street in conjunction with applications for new building construction proposed after the adoption of this regulation.
  12. Vehicular access to buildings and parking areas shall be via driveways from streets other than major streets where practicable and consistent with the circulation design found in the Village District Plan.
  13. Front facing walls of retail establishments shall contain display windows appropriate in size and number to their internal functions.
  14. Where practicable developments shall provide pedestrian circulation access to off-site walks, trails, parks and other public gathering places in addition to providing a front sidewalk.
  15. Where practicable developments shall provide for public and pedestrian amenities such as plazas, greens, walkways, benches, fountains, sculpture etc.
  16. The predominate building materials used in the district shall be brick, wood, stone or other natural materials. Manmade materials may be used where approved by the Approving Authority.
  17. Adequate provisions shall be made for deliveries and loading and to not interfere with pedestrian movement. Dumpsters shall be properly screened and odors from trash properly confined.
  18. Sidewalks shall not be less than 6 feet wide and should be designed to accommodate their intended function including but not limited to outdoor seating areas for dining. Sidewalks shall be concrete, brick or cobblestone unless otherwise approved by the Approving Authority.
  19. The construction of accessory buildings shall be prohibited unless otherwise approved by the Approving Authority.
  20. Vehicular circulation and the design and placement of parking shall be developed to prevent or reduce vehicular/pedestrian circulation conflicts.
  21. The ground level of a building should generally be visually distinct from upper stories.
  22. The design of buildings shall avoid long walls that are absent of windows or architectural detail or are presented on one plane without relief and shadow lines.
  23. Rooflines and roof types shall not include mansard roofs.
- G. USE. Uses at any location within the District shall be permitted and regulated only in

conformance with the underlying Unionville Center Zone.

- H. LOT SIZE, SETBACK, LOT COVERAGE AND HEIGHT REQUIREMENTS. Lot size, setback, coverage and height requirements for any lot located within the District shall be as specified for the underlying Unionville Center Zone.

Section 22. EARTH EXCAVATION ZONE (EE)

- A. USES ALLOWED BY SPECIAL PERMIT. The following uses may be allowed in the EE Zone after obtaining a special permit. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
1. The removal of sand, stone, gravel, loam, peat and peat moss and the processing of materials extracted from the premises provided the following conditions can be met:
    - a. Erosion Control. A detailed erosion control plan shall be submitted in accordance with Article IV. Section 11. of these regulations;
    - b. Wind Erosion and Dust Controls. Proper measures shall be taken to minimize nuisance from dust and wind erosion at all storage areas, yards, access roads, service roads or other untreated open areas within the lot;
    - c. Working Slopes. Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 vertical to 1-1/2 horizontal to the area of excavated or otherwise disturbed ground. Alternatively, the Commission may approve, as part of the application, satisfactory terracing arrangements to assure the safety and stability of the working slopes. Finished slopes shall not exceed a 1 vertical to 3 horizontal slope unless otherwise approved by the Town Engineer or in the case of a rock cut. Fences or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic;
    - d. Minimum Setbacks. All excavation, removal, filling or grading shall be located at least fifty (50) feet from any property line unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission. The Commission may permit grading up to a public street, road or highway right-of-way. There shall be no stockpiling of materials within 50 feet of any property line, public street, road, highway or right-of-way;
    - e. Topsoil Preservation and Restoration. Topsoil stripped from the property shall be set aside on the premises. Such topsoil stockpiles shall not be sold or removed from the premises. A minimum of four (4) inches of topsoil shall be placed over all areas proposed to be restored as shown on the approved grading plan;
    - f. Screening. When deemed applicable by the Commission, the applicant shall provide landscaping and/or a fence and/or embankment for the purposes of minimizing objectionable noise and screening operations from the view of highway traffic and



neighboring property owners;

- g. Landscaping. A final landscaping plan shall be prepared by the applicant and approved by the Commission. All material and labor costs to implement such plan shall be included in paragraph h. below;
- h. Bonding. Before a permit is granted under this section, the applicant shall file a bond in a form acceptable to the Town Engineer, and in such amount as the Town Engineer deems sufficient to ensure the faithful performance and completion of the work in accordance with the provisions of this section;

If the applicant fails to comply with any requirements of the original special permit approval, the Town Engineer may declare the special permit to be null and void and may declare the project to be in default and call the bond or other security. The Town Engineer may take whatever steps are necessary to complete the improvements necessary to bring the site into compliance with this section and to pay for such improvements from the bond or other security;

A bond will not be released by the Town Engineer until the applicant's engineer has certified to the Town Engineer, through submission of detailed "as built" plans, that all improvements are in accordance with approved plans. "As built" plans shall include grading plans, as well as erosion and sedimentation control details;

- i. Hours of Operation and Noise. Earth excavation operations may be performed only during the hours between 7:00 A.M. and 6:00 P.M. on Mondays through Saturdays. When deemed proper by the Commission to protect the public health and safety or mitigate any nuisance to nearby residences the Commission may specify the length of duration of such operation. All requirements of the Town's Noise Ordinance shall be complied with; and
  - j. Control Points. In order to ensure that the site is graded in accordance with the approved plans, vertical and horizontal control points shall be set around the entire perimeter of the parcel. Such control points shall be: (i) noted on the approved plans; (ii) located in number as approved by the Town Engineer but spaced no further than 200 feet apart; and (iii) set in or on the ground using materials approved by the Town Engineer.
- 2. Municipally owned or leased Building and Structure used in connection with the governmental or proprietary functions of the Town of Farmington or any other government.
  - 3. The processing or recycling of earth materials or concrete products imported from off the premises.
  - 4. The recycling, composting, processing and sales of organic material from onsite or imported from offsite. This activity shall be subject to all permits required by the State of Connecticut Department of Environmental Protection.
- B. SITE PLAN REQUIREMENTS. In addition to site plan requirements for special permits as listed in Article IV. Section 12. of these regulations, five copies of a grading plan certified by a

Registered Land Surveyor and Professional Engineer licensed in the State of Connecticut shall be submitted which contain the following:

1. The quantity of material to be removed and the limits of the proposed excavation, removal, filling or grading, areas to be restored and the location of processing equipment;
2. Storm drainage data showing drainage areas and estimated runoff of the area to be served by existing drainage facilities together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises both during and after completion of the proposed operation; and
3. All other data necessary to ensure compliance with A.1.a. through j. of this section.

**Section 23. EARTH REMOVAL FOR PURPOSES OF SITE IMPROVEMENT**

The removal of more than 100 cubic yards of earth, sand, stone, gravel, soil or other earth products from a parcel of land located outside of the EE Zone shall require a special permit unless the removal of such material is undertaken in conjunction with a site plan, development plan or subdivision plan approved by the Commission. No processing of such material shall occur on site without the approval of the Commission. In reviewing any proposal to remove over 100 cubic yards of material, whether requiring a special permit or not, the Commission may require the submission of part or all information or employ some or all of the provisions found in Article II. Section 22.A.1.a. through j. and B.1. through 3. If a special permit is required, see Article IV. Section 12. for application procedures, hearing and notice requirements.

**Section 24. PLACEMENT OF FILL ON SITE**

The placement of more than 100 cubic yards of fill material upon a parcel of land shall require approval from the Commission except where such activity is undertaken in conjunction with a site plan, development plan or subdivision plan approved by the Commission. In the review of such activity the Commission may require the submission of part or all information or employ some or all provisions found in Article II. Section 22.A.1.a. through j. and B.1. through 3.

**Section 25. AFFORDABLE HOUSING ZONE (AH)**

- A. **PURPOSE.** The purpose of this section is to promote the development of affordable single family and multiple-family housing by means of providing for an increase in allowable density.
- B. **PERMITTED USES.** The following uses requiring only a Zoning Permit as specified in Article V.
  1. **Single Family Dwelling,** one per lot.
  2. **Two Family Dwelling,** one per lot.
  3. **Multiple Family Dwellings,** as described in Article II. Section 8.B.1. and 8.B.2 and 8.B.3. of these regulations.

4. Accessory Uses and Structures, to single family and two family homes as described and regulated in Article II. Section 1.A.3. and Article IV. Section 2. of these regulations.
  5. Parking, Recreation and Accessory Structures limited to the use of the residents.
  6. Family Day Care Home.
  7. Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.
- C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV. Section 12. shall also apply to applications submitted under this section. Article IV. Section 12. shall also apply to application procedures, hearing and notice requirements and site plan information.
1. All uses allowed by special permit in the R80, R40 and R30 Zones, except Guest House and except Group Day Care Home unless in compliance with 2. below.
  2. Group Day Care Home provided:
    - a. The lot contains a minimum of 10,000 square feet; and
    - b. All play areas shall meet all front, side and rear yard setback requirements for single family or two family homes in this zone.
  3. Day Care Center.
- D. PROCEDURE. An application for an Affordable Housing Zone designation may be submitted to the Commission by a public, nonprofit or for-profit housing developer for a parcel of land or part thereof located in any business, industrial or residential zone with the exception of the R80 Zone and which contains the minimum area set forth in this regulation. Such application where proposing single family or two family housing, on individual lots, shall be accompanied by an informal subdivision plan as specified in the Farmington Subdivision Regulations. In the case where multiple family housing is proposed such application shall be accompanied by a site plan as described in Article IV. Section 12.C.3. of these regulations. All development within the Affordable Housing Zone shall be constructed strictly in accordance with the maps and drawings described above and approved by the Commission with the exception of additions to one or two family homes provided no additional dwelling units are added. Any additions or modifications to such approved plans shall be approved by the Commission, however minor additions or modifications shall not require a public hearing. The Commission shall make the determination as to whether an addition or modification shall be considered as minor.

No application for an Affordable Housing Zone shall be approved by the Commission unless it finds that in addition to the standards contained in Article IV. Section 12.B. the application and plans conform to the standards contained in this section. The Commission may attach conditions to an approval of an Affordable Housing Zone in order to assure compliance with the abovementioned standards.

The Affordable Housing Zone shall not legally take effect until the housing developer has entered into a contract with the Town of Farmington. The contract shall contain a) the specific initial rental charge or sales price for each affordable housing unit, as approved by the Commission; b) the selection criteria and procedure for determining eligible persons or families purchasing an affordable housing unit; c) a plan for the long term ownership and management of affordable rental units; d) a plan for the disposition and ownership of lots upon which affordable housing units are erected for sale; e) a plan for the sequence of construction of market rate and affordable housing units including provisions for financing construction and ownership of affordable units; f) provisions for the resale or conveyance of affordable units; g) provisions governing the occupancy of affordable units; h) provisions governing the relationship of any affordable units within a common interest ownership community; i) provisions prescribing the manner in which resale restrictions will be established and enforced; j) provisions for indemnifying the town from any liabilities, damages or claims rising out of or in connection with the terms of the agreement; and k) provisions governing the enforcement and continued effectiveness of the agreement. A copy of this agreement shall be filed on the Farmington Land Records.

E. DEVELOPMENT STANDARDS.

1. A parcel of land may be designated within the Affordable Housing Zone if its size is equal to or greater than four (4) continuous acres.
2. Density - The maximum number of dwelling units shall be calculated as follows:

Housing Type – One and Two Family Dwellings on Individual Lots – Minimum Land area per Dwelling Unit is 10,890 sq ft.

Housing Type – Multiple Family Dwellings – Minimum Land Area per Dwelling unit is 6,222 sq ft.\*

\* By a five-sixths vote of the full Commission the minimum land area per unit for multiple family rental housing may be reduced to 5,445 sq. ft.

In all cases a minimum of forty percent of the total number of units shall be designated as affordable.

The above stated minimum land area per dwelling unit shall be applied to the net acreage of the property which is expressed as the total acreage minus 75% of all areas of inland wetlands and watercourses and slopes in excess of 33% percent (as calculated by two foot contour intervals.)

3. A bufferyard having a minimum width of 50 feet shall be provided along the side and rear lot lines of the Affordable Housing Zone. The bufferyard shall be owned and maintained by the applicant or a homeowners' association.

This bufferyard may be reduced to as little as 15 feet by a five-sixths vote of the full Commission when the proposed AH Zone is adjacent to a commercial, industrial or RDM Zone. Furthermore, the Commission may permit the location of individual lots for one or two

family homes in place of the bufferyard by a five-sixths vote of the full Commission.

A bufferyard having a minimum width of 40 feet shall be provided along the front property line. Upon a five-sixths vote of the full Commission individual lots for one and two family homes may be approved in place of the bufferyard.

The approval of individual lots in place of any front, side or rear bufferyard shall not increase the maximum number of dwelling units permitted under E.2. of this regulation.

The Commission may require that all bufferyards be planted in accordance with the specifications of an A Bufferyard (40-foot width) as described in Article IV. Section 13.B.4. or the Commission may require additional landscaping when unusual conditions require more extensive screening. One or more driveways may run perpendicular (approximations expected) to the required bufferyard.

4. No more than 40 percent of the land area within the Affordable Housing Zone may be covered with impervious surfaces.
5. The maximum height of principal buildings exclusive of detached single family and two family dwellings shall be 36 feet. Accessory buildings such as community centers and community garages which are planned and designed to be accessible or used by more than one family shall not exceed 28 feet height. Other accessory buildings and structures shall be governed as to their location and height by Article IV. Section 2. of these regulations.
6. The shortest distance between any two principal structures excluding all detached single family dwellings and two family homes situated on individual lots shall be not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, with a minimum of twenty-four (24) feet. The Commission may waive the separation requirement if the design of the proposed development is benefited by closer spacing.
7. No building may exceed 160 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less.
8. Two and three-tenths parking spaces shall be provided for each multiple family dwelling unit containing two or more bedrooms. Each multiple family dwelling unit containing one bedroom shall require one and one-half spaces. The Commission may waive the immediate installation of up to twenty-five percent of this parking requirement.
9. The area of dwelling units within the Affordable Housing Zone shall conform with the following table:

<u>Number of Housing Type Bedrooms</u>	<u>Minimum Finished*</u>	
	<u>Area</u>	<u>Per Unit</u>
Detached Single Family	N/A	1,100 sq. ft.
Detached Two Family	N/A	1,100 sq. ft.

Multiple Family (Rental)	1	600 sq. ft.
Multiple Family (Rental)	2	725 sq. ft.
Multiple Family (Rental)	3	850 sq. ft.
Multiple Family (Sale)	1	750 sq. ft.
Multiple Family (Sale)	2	875 sq. ft.
Multiple Family (Sale)	3	1,000 sq. ft.

10. The minimum area per unit may be decreased with the approval of the Commission where the sales price or rental charge of a unit is reduced to a figure below the maximum established by Paragraph F.1. of this section.

Single family and two family dwellings located on individual lots shall be developed in accordance with the following table:

	Minimum Lot Size (Sq. Ft.)	Minimum Frontage	Minimum Yards		
			Front	Side Each*	Rear
1 Family	6,000	60'	20'	8'	25'
2 Family	7,000	70'	20'	8'	25'

On corner lots 15,000 square feet or greater in area, the width of a side yard along a street shall be 20 feet. On corner lots less than 15,000 square feet in area, the width of a side yard along a street shall be 15 feet. A corner lot shall contain a front yard along one street. Determination of the front and side lot lines shall be done in accordance with Article III. Section 3.C. of these regulations.

Maximum height shall be 35 feet.

No more than 40 percent of the lot area may be covered with impervious surfaces.

\* The Commission may permit one side yard to be reduced providing the total of both side yards is at least equivalent to 16 feet and the minimum distance between principal buildings is 16 feet.

11. Access Streets and Sidewalks. The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all-weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town. Unless otherwise approved by the Commission no detached one family or two family affordable housing unit for sale shall have access to a private street.
12. Firewalls and Sound Control. Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include a) control of airborne sound transmission; and b) impact noise reduction assemblies equal to F.H.A. minimum property standards for multifamily housing, current edition.
13. All utility wires shall be installed underground.

**F. GENERAL REQUIREMENTS**

1. An affordable housing unit is defined as a dwelling unit for which a household pays not more than 30% of its gross annual income for mortgage payment, property taxes and insurance where such income is equal to or less than 80% of the regional median income for a family of four as established by the United States Department of Housing and Urban Development for the Hartford Primary Metropolitan Statistical Area. In the case of rental housing, the rental charge plus cost of utilities for a dwelling unit shall not exceed 30% of a household's gross annual income where such income is equal to or less than 70% of the regional median income for a family of four as established by the United States Department of Housing and Urban Development for the Hartford Primary Metropolitan Statistical Area.
  
2. The sale of an affordable dwelling unit shall be subject to the following conditions and restrictions:
  - a. A resale restriction as approved by the Commission which would attempt to preserve the unit as perpetually affordable.
  - b. In the case of detached one and two family dwellings, the lot shall be conveyed at no cost to the Town of Farmington or a nonprofit housing corporation unless otherwise approved by the Commission.
  - c. Affordable dwelling units may only be sold to buyers as qualified by the Town of Farmington or a nonprofit housing corporation. All selection criteria shall be approved by the Commission.
  
3. Affordable dwelling units proposed as rental housing shall be subject to the following conditions and restrictions:
  - a. Restrictions imposed by this regulation concerning permitted rental charges shall apply to such rental units for a period of thirty (30) years from the date a Certificate of Occupancy is issued.
  - b. Increases in rent charged shall be tied to the following formula:
 

Initial	+	(Maximum Rental	-	Initial Maximum)	=	Maximum
Rent		(Charge for Future		Rental Charge )		New
		( Year as Set by		as Set by )		Rental
		( Section F.1		Section F.1 )		Charge
  - c. No rental unit may be offered for sale unless approved by the Commission.
  
4. No affordable dwelling unit offered for sale shall be subject to any private restriction or covenant except as approved by the Commission. The Commission shall not approve any private restriction or covenant that will adversely affect the affordability of such dwelling

unit.

5. No Affordable Housing Zone shall be approved unless the Commission finds that the topography and other natural features of the property are capable of accommodating increased building density without detrimental impact.
6. The Commission may withhold approval of an Affordable Housing Zone if it determines that the infrastructure proposed to serve the development (including but not limited to utilities and roadways) cannot adequately support the number of housing units proposed.
7. This section shall not be applicable to applications filed after ten percent of all dwelling units in the Town are (a) assisted housing or (2) currently financed by Connecticut Housing Finance Authority mortgages or (3) subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in Connecticut General Statutes Section 8-39a, for persons and families whose income is less than or equal to eighty percent of the area median income. Assisted housing shall be defined as housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under Chapter 138a of the Connecticut General Statutes or Section 1437f of Title 42 of the United States Code.
8. For each dwelling unit being constructed which has not been designated as affordable the developer shall construct simultaneously an affordable housing unit to a point of completion where such unit is entitled to a Certificate of Occupancy. However in cases where the number of affordable housing units approved in a particular application exceeds the minimum number determined by Section 25.E.2. the applicant with the approval of the Commission may initially construct a number of units not designated as affordable equal to that surplus figure prior to the construction of an affordable housing unit.
9. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan until all details of the approved development plan shall have been fully completed or bonded.

The approval of an application for an Affordable Housing Zone shall be void and of no effect unless construction of the project commences within one year from the date the zone change is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation. The Commission may grant one or more six-month extensions of this period upon written request made by the applicant. The Commission may withhold approval of any or all extensions if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include but not be limited to the acquisition of any or all required government approvals and project financing. Any appeals of such zone change or any site plan or subdivision approval related to such zone change shall extend the aforementioned one-year period the length of such appeal.

10. Nothing herein shall prevent the construction of a development within an AH Zone approved prior to March 24, 1995 providing such development is in conformance with Section 10.



above. Nothing herein shall require a development within an AH Zone approved prior to March 24, 1995 to comply with the standards of the AH Zone adopted on or after such date. Development of AH Zones approved prior to March 24, 1995 shall conform to the standards of the AH Zone in effect at the time of such approval.

11. Areas of the development that are not proposed to be disturbed shall be encumbered by a conservation easement at the request of the Commission. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, non-profit land trust or other organization dedicated to the preservation of land subject to the following:

a. Land to be conveyed shall generally not include required yards or buffer areas except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or manmade resources as defined in Article II Section 19.B.2 of these regulations.

Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, used for active recreation or other community facilities as established by the Commission. Such use or uses of this land shall be determined at the time the AH zone becomes effective. In cases where an AH zone contains land which is to be conveyed for the above mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records. Unless otherwise approved by the Commission, no building permit shall be issued for an AH zone until the designated land conveyance has been executed.

The conveyance of land under this section shall not constitute a violation of the area, setback, density or bulk requirements of the AH zone. Required yards or buffer areas which may have been conveyed shall continue to be recognized and function under this regulation as such.

#### Section 25A: HOUSING OPPORTUNITY DISTRICT (HOD)

A. PURPOSE: The purpose of this section is to promote the development of housing that will include both market-rate homes and homes within the economic means of moderate and low income households; and to allow as adjacent but otherwise separately operated uses, age-restricted rental housing and multi-family units for sale.

B. PERMITTED USES: The following uses may be approved on land zoned HOD on a site plan in accordance with Article IV, Sections 12 and 13 and Appendix § A.02.

1. Multiple family dwellings in combination with senior housing, as defined in Article II Section 25.B.3.
2. Senior housing in combination with multiple family dwellings as defined in this Section 25A.
3. Parking, recreation and accessory structures limited to the use of the residents.

4. Home offices as described and regulated by Article I, Section 9 and Article II, Section 1 of these regulations.
- C. **AFFORDABILITY PLAN:** An application for site plan approval of a Housing Opportunity District development shall be accompanied by an affordability plan prepared in compliance with Connecticut General Statutes § 8-30g(b)(1) and corresponding regulations, which plan shall include a specification of the percentage of units that will be subject to the plan and formulas for maximum rental and sale or resale price.
- D. **ELIGIBLE PARCELS:** A Housing Opportunity District development may be located on any parcel of land containing not less than 45 and not more than 50 acres; and having no less than 500 feet of frontage on Middle Road.
- E. **OVERALL DEVELOPMENT STANDARDS:** It is the intent of this Section 25A to allow, as adjacent uses, housing units rented to seniors as herein defined; and multi-family condominium units, not age-restricted, for sale. For the purpose of compliance with the federal and state Fair Housing Acts, such senior housing and non age-restricted uses shall be developed, operated and managed as separate units of a common interest ownership community, subject to a master, common interest declaration only as necessary for maintenance of shared infrastructure such as access roads and utility easements, and for administration of affordability restrictions. Each such development shall be subject to the following development standards:

1. Overall Standards

Minimum Front Yard	50 Feet
Minimum Side Yard	50 Feet
Minimum Rear Yard	50 Feet
Maximum Building Height	38 Feet
Required Parking Spaces (overall)	2.3 Per Unit
Required Parking Space (Village @ Yorkshire)	1.25 Per Unit
Maximum Impervious Coverage	40 Percent
Maximum Density	6 Units Per Net Acre
Net Acre or Acreage	Total acreage minus 75% of all areas of inland wetlands and watercourses and slopes in excess of 33% (as calculated by two foot contour intervals)

2. All HOD developments shall be served by public sewer and water. For the purpose of this section, public water shall not include a community well.
3. All utility wires shall be placed underground.
4. A Certificate of Occupancy shall not be issued by the Building Inspector for more than 85 percent of the dwelling units of the approved development plan or of the approved stage of the development until all details of the approved development plan or of the approved stage of the development plan shall have been fully completed or bonded.
5. The approval of an application for an HOD development shall be void and of no effect unless

construction of the project commences within two years from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation for any one of the building structures. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

6. Areas of any development within an HOD development that are not proposed to be disturbed shall at the request of the Commission be encumbered by a conservation easement. Such areas or portions thereof may be conveyed with the express approval of the Commission to the Town of Farmington, a nonprofit land trust or other organization dedicated to the preservation of land subject to the following:
  - a. Land to be conveyed shall be in excess of the required area reserved and designated as open space.
  - b. Generally front yards, side and rear yard buffer areas as required or established shall not be conveyed except in cases where such yard or buffer area is situated contiguous to an existing or proposed area of open space offsite or contains one or more natural or man made resources as defined in Article II, Section 19.13.2 of these regulations.
7. Land to be conveyed shall be preserved in an undisturbed state, used for passive recreation, or used for active recreation or other community facilities, as established by the Commission. In cases where an HOD development contains land which is to be conveyed for the above mentioned purpose(s), the approval of such zone and development plan shall not become effective until a map of the final development plan indicating the location and use of such land to be conveyed is filed in the Farmington Land Records. Unless otherwise approved by the Commission, no building permit shall be issued for an HOD development until the designated land conveyance has been executed.

F. DEVELOPMENT STANDARDS FOR SENIOR HOUSING, THE "VILLAGE AT YORKSHIRE":

2. The maximum number of units per net acre shall be 10.
3. The shortest distance between any two structures shall be not less than twenty-four (24) feet. Courts shall be completely open on one side. Maximum height of any building shall be thirty-six (36) feet. Accessory buildings shall be limited to twenty-five (25) feet in height. The maximum height and minimum distance between buildings may be waived upon a five-sixths vote of the full Commission if the design of the development is benefited by greater height or closer spacing.
4. There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear buffer yard of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" or "B" Buffer yard and side or rear buffer yards be planted in accordance with a "B" Buffer yard. No buildings, structures

(other than utility structures) or parking areas are permitted within any front, side or rear yard, except that a roadway may encroach up to 25 feet into a front yard provided that the requirements of the "B" Buffer yard are met within the area of encroachment. One or more driveways may run perpendicular through the required front yard. The required front yard and buffer areas may be reduced to as little as 25 feet by a five-sixths vote of the full Commission.

5. Each senior housing unit shall be occupied by:
  - a. Persons who are 62 years of age or older.
  - b. A spouse of an occupant pursuant to a. above.
  - c. Occupant pursuant to b. above whom survives his or her spouse.
  - d. Occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.

In c. and d. above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.
  - e. A personal care attendant who is in service to a resident 62 years of age or older, to attend to that resident(s) medical and/or health needs, provided that (i) the personal care attendant is 21 years of age or older, registered with the Town Planner's office, and not paying the resident any form of rent; (ii) the resident(s) in question has a note from his/her doctor stating that the condition of the resident is such that a personal care attendant is warranted; and (iii) if the resident in need of a personal care attendant is not in occupancy of his/her home for a period in excess of one month, unless extended by the Commission, the personal care attendant shall not live in the home.
6. In no event shall a senior housing unit be occupied by more than two residents.
7. The Commission may require the provision of a walking trail system within the proposed development. Unpaved walking trails may be counted as open space.
8. The entire development shall be governed by a master declaration prepared in accordance with the Common Interest Ownership Act.
9. 1.25 parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard.

**G. DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENT, "YORKSHIRE":**

1. Grouping: The shortest distance between any two structures shall be not less than twenty-four (24) feet. Each structure shall consist of no more than 12 units. No building may exceed 200 feet in length. The length of a building shall be defined as the longest horizontal dimension of a building following a wall which is unbroken by an intersecting wall at least fifty (50) feet in length and having an angle of 135 degrees or less. Maximum height of residences shall be 36 feet. All other buildings and structures shall not exceed 15 feet in height. The Commission may waive the separation requirement if the design of the proposed development is benefited by

closer spacing, provided there is a five-sixths vote of the full Commission.

2. **Open Area:** There shall be set aside, not to be built upon, unpaved and landscaped with an acceptable balance of viable trees, shrubs and grass, site area equal to 3,500 square feet per unit. The area contained within the front yard and side and rear yard buffers, may be used to satisfy this requirement.
3. **Front Yard and Buffer Area:** There shall be provided along the perimeter of a development a front yard with a minimum width of 50 feet and side or rear yard buffer areas of at least 50 feet in width. Front yards shall be designated along all perimeter property lines contiguous to a street. The Commission may require that front yards be planted in accordance with the specifications of an "A" or "B" Buffer yard as set forth in the Buffer yard schedule in Section 13 of the Zoning Regulations. No buildings, structures or parking areas are permitted within the front yard. One or more driveways may run through the required front yard. The Commission may require that side or rear buffer yard areas be planted in accordance with the specifications of a "B" Buffer yard.
4. **Parking:** 2.3 parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area or required front yard.
5. **Access Streets and Sidewalks:** The placement, size, arrangement and use of access routes to public or private streets shall be adequate to service residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian sidewalks with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Town.
6. **Firewalls and Sound Control:** Each grouping of four dwelling units (combined in one structure) shall be separated by a two-hour firewall. Construction of dwelling units shall include (i) control of airborne sound transmission; and (ii) impact noise reduction assemblies equal to FHA minimum property standards for multifamily housing, current edition.

#### **Section 26: RIDGELINE PROTECTION ZONE**

- A. **PURPOSE:** The purpose of this section is to protect Traprock Ridges so as to preserve their unique environmental attributes, their groundwater recharge function and the visual and historic assets of these distinctive ridgeline areas.
- B. **DEFINITIONS:** For the purpose of applying the provisions of Section 26 the terms below shall be defined as follows:

**ALTERATION** means a change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also, means an enlargement, whether by increase in height, coverage, volume or floor area.

**BUILDING** means any structure other than (A) a "facility" as defined in section 16-50i of the general statutes or (B) structures of a relatively slender nature compared to the buildings to

which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles and steeples, provided such structures are accessory to a building or use permitted by these regulations, and not the principal use or structure on the lot.

**CLEAR CUTTING** means the harvest of timber in a fashion which removes all or substantially all, trees over two inches in diameter at breast height (4.5 feet above grade) from any ten square foot area.

**DEVELOPMENT** is defined as the construction, reconstruction, alteration, or expansion of a building.

**LOT OF RECORD** means a lot which either has been approved by the Farmington Town Plan and Zoning Commission for building purposes prior to the effective date of this regulation or a lot which was legally established and recorded in the Farmington land records prior to the effective date of this regulation.

**PASSIVE RECREATION** means non-motorized recreation not requiring "*development*," as defined herein, nor requiring any alteration of the existing topography, nor any activity regulated pursuant to this section. Such *passive recreation* shall include, but not be limited to, hiking, bicycling, picnicking and bird watching.

**EARTH CHANGE** means the removal, excavation, deposition, processing, or grading of stone, fill or other earth material, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

**RIDGELINE SETBACK AREA** means the area bounded by: A) a line that parallels and is placed a horizontal distance of one hundred and fifty (150') feet off the lesser sloped side (typically the more wooded side) of all traprock (basalt) ridgelines as defined herein; and B) that lowest contour line created where less than a fifty (50%) percent slope (two horizontal for each vertical unit of distance) exists for a distance of fifty (50') horizontal feet on the more steeply sloped side (typically the more rocky side) of all traprock (basalt) ridgelines as defined herein.

**SELECTIVE TIMBERING** means the harvesting of not more than ten percent (10%) of the trees, not less than 6 inches (6") in diameter at breast height (4.5 feet above grade), within the ridgeline setback area on a lot for the commercial sale of lumber. The ten percent limitation shall be cumulative from the effective date of this regulation.

**SELECTIVE CLEAR CUTTING** means the removal or alteration of trees within the ridgeline setback area exclusively for the purpose of establishing, maintaining or enhancing a view from an existing or proposed residence.

**TRAPROCK RIDGELINE** means the line on Pinnacle Rock, Rattlesnake Mountain, Farmington Mountain and Talcott Mountain created by all points at the top of a fifty percent (50%) or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least fifty (50) horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology, identified on the map entitled "Surficial Materials Map of Farmington," a copy of which is on file in the Planning and Zoning office of the Town of Farmington (hereinafter, "Surficial Materials Map"). The Surficial Materials Map shall be deemed and construed to be illustrative only, and in individual instances, the actual surficial

basalt geology may be as determined by field observations, and other topographic maps, bedrock geologic maps, surveys, and other available information. Where no surficial basalt geology (unconsolidated, loose rock) exists, bedrock basalt geology shall be used to define the traprock ridgeline. All slopes shall be measured as preexisting prior to any disturbance by human intervention, existing or proposed, as best such preexisting conditions can be determined by available topographic maps or other records.

**C. DELINEATION OF REGULATED AREAS**

The Town of Farmington shall prepare within three (3) months after the enactment of this regulation a map or series of maps which generally delineate the Ridgeline and Ridgeline Setback Area as defined herein (hereafter referred to as “the Ridgeline Map”). The definitions of Traprock Ridgelines and Ridgeline Setback Areas in these regulations shall govern for purposes of determining whether any area within the Town is in fact a regulated area. The actual presence and location of Ridgeline Setback Areas as determined by qualified professionals shall govern the applicability of this regulation to a proposed development. “Qualified professionals” shall include, as relevant, licensed land surveyors, geologists, and/or geographers. In cases where an applicant disputes the designation of any part of his land as a regulated area, he shall have the burden of proving that designation inapplicable.

**D. PERMITTED USES:** Anything in this section to the contrary notwithstanding, the following operations and uses shall be permitted in Ridgeline Setback Areas, as of right, as set forth in Connecticut General Statutes Section 8-2(c), as amended:

1. Emergency work necessary to protect life or property. Emergency work shall include but not be limited to the removal or trimming of dead or dangerous trees. Prior to the commencement of such activity, a plan for conducting all emergency work shall be submitted to and approved by the Planning Department.
2. Establishment or construction of any commercial use or structure approved by special permit or by site plan approval prior to the effective date of this regulation, which approvals remain in effect. In the case of a site plan which was approved without a special permit such approval shall be deemed to remain in effect for a period not to exceed five years from the date of the adoption of this regulation, unless such time period is extended per Section 8-3(i) of the Connecticut General Statutes.
3. Maintenance of any use or structure existing on the effective date of this regulation. Maintenance shall not include any expansion or relocation of such use or alteration of structures as defined by this regulation.
4. Selective timbering subject to the following conditions:
  - a. The work shall be done or monitored by a registered forester as certified by the Connecticut Department of Environmental Protection.
  - b. Prior to commencing such activity a plan prepared by a registered forester for the work shall be filed with the Farmington Planning Department.
5. Grazing of domesticated animals in pasture areas existing only on the effective date of this regulation.

6. Passive recreation.
7. Earth changes conducted within an EE zone existing on the effective date of this regulation. Such earth changes are to be undertaken in accordance with any approved plan which is on file with the Town of Farmington prior to the effective date of this regulation.
8. Alteration of a building which existed prior to the effective date of this regulation or which was approved and constructed in accordance with this regulation subject to the following conditions:
  - a. Any expansion (by height, volume, coverage or floor area) shall not involve earth changes in an area occupied by tree cover and shall not cause clear cutting activity.
  - b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area. This determination shall be made by the Planning Department in consultation with the Commission.
  - c. A plan for such alteration shall be submitted to and approved by the Farmington Planning Department.
  - d. Such alteration shall not involve a cumulative floor area expansion greater than ten percent (10%) of the floor area of the building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit.
9. Selective Clear Cutting Subject to the following conditions:
  - a. Such clear cutting shall be limited to the cumulative removal or alteration of no more than ten trees less than ten (10") inches in diameter (4.5 feet above grade) from the effective date of adoption of this regulation or shall be done in accordance with a plan prepared by an arborist and approved by the Farmington Planning Department.
  - b. Such clear cutting shall not result in the removal of all trees within a 100 square foot area.
  - c. Such clear cutting shall not result in the creation of large treeless gaps along the top of the ridgeline.
  - d. Such clear cutting shall not result in the exposure of large areas of the building as viewed from below the ridgeline setback area.

In deciding to approve such plan, the Department shall give due consideration to the environmental impacts from such selective clear cutting as well as the implementation of lesser means in the establishment, maintenance or enhancement of a view such as the topping of trees or the removal of fewer or smaller trees.
10. Construction, relocation, alteration of an accessory building or use provided that such building or use is not visible as viewed from below the ridgeline setback area, such activity will not result in the removal or alteration of trees over 3 inches in diameter at breast height (4.5 feet above grade) and no trees will be removed or altered which are located between the principal building and the Traprock Ridgeline.



E. USES ALLOWED ONLY BY SITE PLAN APPROVAL. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving site plan approval from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in section K. The Commission may waive the requirement for all or a portion of this information upon a finding that it is not essential to determining compliance with the conditions set forth in this section.

1. Alterations of buildings not permitted under Section D of this regulation subject to the following conditions:
  - a. Such alterations shall not involve a cumulative floor area expansion greater than twenty-five percent (25%) of the floor area of a building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit.
  - b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area.
  - c. Such alteration shall not result in the removal of trees greater than ten (10") inches in diameter (4.5 feet above grade) located within 75 feet of the Traprock Ridgeline as defined in this regulation.
2. Construction, relocation alteration of any accessory building or use provided that such building or use is less than 300 square feet in area.

F. USES ALLOWED ONLY BY SPECIAL PERMIT. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving a special permit from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in Section K. The Commission may waive the requirements for all or a portion of this information upon a finding that it is not essential to determining compliance with the conditions set forth in this section. In addition to the specific requirements and standards listed below and in Section O. Article IV, Section 12 shall apply to application procedures, hearing and notice requirements.

1. Development except for alterations permitted by right or after site plan approval as set forth provided the following conditions are met:
  - a. No more than 40 percent of the portion of the lot within the Ridgeline Setback Area as defined in this section may be covered with impervious surfaces.
2. Earth Changes
3. Clear Cutting
4. Above Ground Utilities. However, this provision shall not apply to utilities, which are accessory to the construction of a building permitted by this regulation.

G. STANDARDS FOR GRANTING OF A SPECIAL PERMIT WITHIN RIDGELINE SETBACK AREAS

In addition to the requirements of Article IV. Section 12., the Commission shall require

compliance with the following:

1. That adequate safeguards have been taken to minimize the visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public. Visual impacts may include, but not be limited to: unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which, by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings; the height, intensity, coverage and glare from proposed lights. Such safeguards may include, but not be limited to restrictions on the removal of trees and other vegetation, requiring supplemental landscaping, restrictions on structure colors and reflectivity of windows and roofs, requiring buffers and setbacks from ridgeline, restrictions on exterior lighting and height limitations. The Commission may require that clear cutting occur in a staggered or other pattern, which reduces the visual impact of such cutting, and may further require that clear cutting be staged over a period of time to allow for regrowth of remaining vegetation. Additionally, the Commission may require that buildings be clustered to reduce visual impact. The Commission may require the installation of flags, balloons, or other on-site markers to allow evaluation of visual impacts as seen from various vantage points.
2. That the viability of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) is protected. Steps to protect these areas may include, but not be limited to, restricting the size of lawn areas or other clearings; restricting clear cutting to certain seasons of the year or to certain areas, patterns, methods of removal, or other restrictions which may be necessary to minimize the impact on wildlife and wildlife habitats. The Commission may require an analysis of the potential impacts of the proposed activity on wildlife to be prepared by an Environmental Specialist or Biologist.
3. That the groundwater quality and recharge potential of the area is preserved. The Commission may require an analysis of the possible impacts of the proposed activity on groundwater quality and recharge. In order to minimize such impacts, the Commission may require, but not be limited to, restrictions on the size or location of septic systems; the use of biofilters, detention ponds, retention ponds, and other methods of storm water management which protect surface and subsurface waters; and the regulation of the storage, handling or usage of hazardous materials or waste, including, but not limited to, fertilizers, pesticides and herbicides.
4. That areas of archaeological and historic importance have been identified, and adequate steps have been taken to preserve and/or record these areas.
5. That the stability of the ridgeline is protected and that erosion potential is kept to a minimum by minimizing changes to the existing topography, preserving existing vegetation, requiring the revegetation of disturbed areas, and requiring the installation and maintenance of sedimentation and erosion control structures as needed. Steps to protect the ridges stability may include, but not be limited to, requiring retaining walls or other methods to minimize the cutting and filling of slopes; requiring reforestation or landscaping of quarries upon reaching finished grade, or of other areas disturbed by development or clear cutting; and requiring that driveways, roads, and other improvements requiring grading shall be approximately parallel

to existing contours.

6. In reviewing any application for development or earth changes involving a lot of record and within 75 feet of the Traprock Ridgeline the Commission may allow less than full compliance with the restrictions set forth in this regulation on activities set within said 75 foot area where full application of such restrictions would have the effect of precluding development of a principal building on such lot consistent with the size of typical homes in the neighborhood. In addition, in reviewing an application for an accessory structure or use on a lot of record and within said 75-foot setback area, the Commission may approve such structure or use provided the Commission determines that such application complies with Section G 1-5.

As a result of applying these criteria, the Commission may alter the proposal in terms of height, size, design, and location and may control the extent and location of any tree clearing and/or earth change (grading, etc.). When blasting is proposed the Commission may require that minimal charges be used to protect the environmental quality of the ridge.

H. PROHIBITED OPERATIONS AND USES IN RIDGELINE SETBACK AREAS. The following shall be prohibited in the Ridgeline Setback Area:

1. Development, earth changes, and clear-cutting within 75 feet of the Traprock Ridgeline as defined in this regulation, except for development, earth changes or selective clear cutting of or on any lot of record.
2. Underground storage tanks containing hazardous waste or materials including petroleum products.
3. Any other provision of these regulations to the contrary notwithstanding, no lighting poles shall be higher than 10 feet, and all luminaries shall be designed to prevent the visibility of the light source from off the property. The use of strobe lights on any antenna or other structure is prohibited.
4. Earth changes, which produces finished grades which are steeper than the pre-existing natural grades other than in EE zones.
5. Air conditioning, heating or ventilation equipment which projects above the plane of any roof surface, other than accessory chimneys.

I. USE VARIANCES PROHIBITED.

In accordance with Connecticut General Statutes Section 8-6, no variance shall be granted by the Zoning Board of Appeals, which would allow any use of land within the Ridgeline Setback Area, which would violate any subset of this regulation.

J. NON-CONFORMING BUILDINGS

Nothing contained within this regulation shall prevent the reconstruction of a building in existence prior to the effective date of this regulation provided such reconstruction conforms to the provisions found in Article IV Section 1B of these regulations, and such reconstruction does

not produce a substantial change in appearance, character, or construction.

#### K. SITE PLAN REQUIREMENTS

An application for site plan approval or special permit shall be accompanied by the following site information:

1. An A-2 survey showing the proposed or existing location of each structure, driveway and other man made feature on the lot, existing and proposed contours including the maximum height of all such structures.
2. The location of all wooded areas and those specific trees to be altered or removed.
3. Elevations of all proposed structures including materials and colors.
4. Where, in the opinion of the reviewing authority, existing vegetation is insufficient to provide adequate screening of visual impact areas on a particular lot, the applicant shall prepare a landscape plan specifying the location, number, type and size of plant and tree material that will be added to the property.

The Commission may require the applicant to provide field markers depicting the highest elevation of each proposed building or structure as well as photographs taken from off-site locations within the Town of Farmington from which proposed activities within a ridgeline setback area may reasonably be expected to be seen.

#### Section 27: AIRPORT APPROACH OVERLAY ZONE

##### A. STATEMENT OF PURPOSE

The Airport Approach Overlay Zone (AAO Zone) is established for the purpose of reducing hazards which endanger lives and property at and near the Robertson Airport located in Plainville, Connecticut, adjacent to the Farmington town line. The Airport Approach Zone is an overlay zone which extends over each zone in the Town of Farmington. The standards imposed by the regulations of the underlying zone shall remain in effect except as modified or supplemented by the provisions of the AAO zone.

##### B. PERMITTED USES

In the AAO zone, any use which is allowed by right or special permit in the zone upon which the AAO zone is superimposed is permitted, except any use which by reason of electrical interference with radio communications may be a hazard to aircraft.

##### C. HEIGHT RESTRICTION

No structures, trees, buildings, antennae, towers or power communication lines shall be erected or allowed to grow to a height in excess of the height of the surfaces defined herein. The surfaces defined below are established in relation to the Robertson Airport runway existing in the Town of Plainville. A map entitled "Robertson Airport, Plainville, Connecticut Approach Zone Map Scale 1" = 1000' Dated 3/26/99 Tomasso Brothers, Inc. New Britain, CT Branko Tomicic, L.S. 070104" depicts the surfaces in relationship to the Robertson Airport runway. This map is on file in the office of the Town Planner for guidance purposes only. The actual locations of all surfaces

are as defined herein:

- a. Primary Surface – A 500-foot wide surface longitudinally centered on the Robertson Airport runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- c. Approach Surface - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface for a horizontal distance of 3,000 feet at a 20 to 1 slope. The inner edge of the Approach Surface is 500 feet wide and it expands uniformly to a width of 1,400 feet.
- b. Horizontal Surface – A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 foot radii from the center of each end of the primary surface of the runway of Robertson Airport and connecting the adjacent arcs by lines tangent to those arcs.
- c. Transitional Surface – These surfaces are located on each side of the runway and extend outward and upward on both sides of the runway at right angles to the runway centerline, extended at a slope of 7 to 1 from the sides of the Primary Surface and from the sides of the Approach Surfaces until they intersect with the Horizontal Surface.
- d. Conical Surface – A surface extending outward and upward from the perimeter of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**Section 28: MEDICAL OFFICE CAMPUS ZONE (MOC ZONE)**

A. PURPOSE: The purposes of the Medical Office Campus Zone are:

1. To enhance the development, coordination and delivery of office-based health and medical services in proximity to the University of Connecticut Health Center (“Health Center”), recognized as a gateway to the Town and region, through planning of permitted and specially permitted uses and implementation of detailed, uniform, campus-based design and aesthetic standards for architecture, signage, landscaping, lighting, dimensions and traffic access for medical offices and related uses.
2. To promote economic development in proximity to the Health Center, as set forth in the Town of Farmington’s Plan of Conservation and Development.
3. To implement smart growth strategies for the area proximate to the Health Center by complementing and enhancing existing structures, utilizing existing infrastructure and recent traffic improvements, coordinating allowed uses with available public transportation and highway access, and using economies of scale to ensure that such site details as parking, impervious coverage, and signage are provided in proportion to the needs of the overall campus.
4. To coordinate land use planning in proximity to the Health Center with the state legislature’s establishment and funding of the University of Connecticut Health Network and Connecticut

Bioscience Initiative.

B. PERMITTED USES: The following uses requiring only a Zoning Permit as specified in Article V.

1. Accessory Uses in connection with an approved special permitted use in Section C, provided that all such uses shall be consistent with the architectural, signage and landscaping of the campuses permitted uses.
2. Pre-Existing, Non-Conforming Structures or Uses, in compliance with Article IV, Section 1.

C. USES ALLOWED BY SPECIAL PERMIT ONLY:

1. Medical and Dental Offices and Clinics
2. Diagnostic or Medical Laboratories
3. Rehabilitation Centers, including physical therapy facilities and sleep centers providing overnight accommodations to patients in recovery or rehabilitation, and to authorized visitors.
4. Surgery Centers, including outpatient centers with overnight accommodations to patients in recovery or rehabilitation and to authorized visitors.
5. Basic or Applied Research, Development or Production Facilities related to medicine, medical services, bioscience, biotechnology, pharmaceuticals, or photonics.
6. Child Day Care Centers
7. Private and Public Parking Structures
8. Food Service for employees working within the building and visitors, but not constituting a restaurant open to the public.
9. On-site Parking on an adjacent lot not containing a principal use allowed by this regulation, provided that vehicles have direct access between the adjacent lots to a permitted principal use, and the total number of parking spaces required is determined in accordance with Subsection G of this regulation.

D. HEIGHT AND AREA REQUIREMENTS:

1. Minimum Lot Area for a Medical Office Campus shall be 35 acres. In determining the boundaries of a Medical Office Campus Zone, the eligible land shall include the area of any lot or lots where the Zone's purposes as stated above will be promoted. The campus may include lots separated by a public street or highway, provided that land comprising a public street or highway shall not be included in the minimum lot area.
2. Height of Buildings shall not exceed 44 feet, provided that 46 feet shall be allowed if the building includes a surgical center.

3. **Building Size** shall not exceed 80,000 square feet of gross useable floor area.
  4. **Yards**
    - a. Front yard: 40 feet
    - b. Rear yard: 30 feet
    - c. Side yard: 30 feet, provided that if the side or rear yards of lots within the Medical Office Campus Zone are adjacent, the site plan may utilize a zero lot line.
    - d. Yard Exceptions: The Commission may reduce the yard and parking space setback requirements in its sole discretion where the yard of a property abuts the I-84 highway connector and a State highway having a right of way equal or greater than 80 feet in width. (effective November 8, 2013)
  5. **All Principal Buildings** in a Medical Office Campus Zone shall be separated from each other by no less than 50 feet.
  6. **Minimum Lot Frontage** shall be 100 feet.
  7. **Impervious Site Coverage** shall be calculated on a campus-wide basis and shall not exceed 50 percent.
- E. **LOCATION:** A Medical Office Campus Zone shall be located only in the “Health Center” neighborhood as set forth in the Town’s Plan of Conservation and Development, adopted February 2008.
- F. **ARCHITECTURE:** A special permit/site plan application for any new structure in a Medical Office Campus Zone shall include specification of exterior building features such as columns, arches, banding, roofing, masonry, and glass, so as to achieve uniformity with existing structures within the campus.
- G. **OFF STREET PARKING:** Off street parking shall be provided in conformance with Article IV, Section 8, as those regulations apply to Medical Offices with Clinics, with the following additional provisions:
1. Parking spaces that serve an existing commercial structure and use that will become non-conforming by rezoning of its location to the Medical Office Campus Zone, may be dedicated to that use through signage and pavement markings, provided that the Commission shall approve the number and location of the proposed dedicated spaces.
  2. The required number of parking spaces shall be calculated on a campus-wide basis.
  3. The location of parking spaces relative to building entrances shall be tailored to the buildings’ primary use as medical and dental offices and clinics, by ensuring safe and easy access to people with handicaps and disabilities.
  4. Parking spaces shall be set back no less than 30 feet from any property line, provided that if the side or rear yard of lots within the Medical Office Campus Zone are adjacent, the site

plan may utilize a zero lot line.

- H. **LANDSCAPING:** Landscaping shall be provided in conformance with Article IV, Section 13, provided that plantings within the front yard as per Section 28.D.4.a. above shall be determined based on field conditions and controlled by a condition of approval and with the exception of the buffer yard berm but with 1.0 x plant units. In addition, a special permit/site plan application shall be accompanied by specifications of foundation plantings, walkway plantings, courtyard plantings, entrance plantings, island plantings, and irrigation system locations that will achieve uniformity through the campus.
- I. **LIGHTING:** Exterior lighting shall comply with Article IV, Section 14. A special permit/site plan application shall include specification of height, color, and materials for all sidewalk fixtures, so as to achieve uniformity across the campus. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.
- J. **SIGNAGE:** Shall comply with the provisions of Article IV, Section 7 that apply in the PR zone, with the following additional provisions:
  - 1. A special permit/site plan application shall be accompanied by a campus-wide master signage plan that will ensure that all new or replacement signage will achieve uniformity across the campus. Such master plan shall identify existing and proposed attached and detached signs and shall specify locations, mounting, overall size, colors, materials, fonts and lighting.
  - 2. The master signage plan shall provide for detached signs with monument bases with material brick or precast to match existing buildings and provide uniformity.
  - 3. Notwithstanding the provisions of Article IV, Section 7.F., if located within a front yard, signs shall not exceed 11 feet in height and 60 square feet in total area per side.
  - 4. All signs shall be illuminated by exterior front lighting.
- K. **HOURS OF OPERATION:** A special permit/site plan application for a new structure within a Medical Office Campus Zone shall include proposed hours of operation and the reasons for such hours. The Commission shall review such schedule and any impacts on neighboring properties.
- L. **SIDEWALKS:** Newly constructed sidewalks shall be at least six feet wide, and shall be installed throughout the campus to provide pedestrians access among all buildings. Existing sidewalks that are less than six feet wide may remain. Entrances to medical office buildings shall be built with heated sidewalks.
- M. **STAGES:** A tract of land in the Medical Office Campus Zone may be developed in stages, as approved by the Commission.
- N. **RESOLUTION OF CONFLICTING STANDARDS:** Notwithstanding Article I, Section 4 of these regulations, in the event that any provision of this Medical Office Campus Zone regulation conflicts with a provision of the PR Zone regulation, this Medical Office Campus Zone



regulation shall govern.

O. ADDITIONAL REGULATIONS:

1. Public bus stops shall be located so as to be most accessible to all campus buildings and access points.
2. Delivery and pick-up locations for laboratories shall be specifically identified.
3. Delivery and pick-up locations for package and courier services shall be located so as to be most accessible to all campus buildings.
4. Exterior mechanical equipment such as cooling towers and chillers shall be color-coordinated to match the buildings served.
5. Within the campus, locations shall be identified for installation of picnic/outdoor eating tables.

P. EXPIRATION OF SPECIAL PERMIT: The approval of an application for special permit shall be void and of no effect unless construction authorized commences within one year from the date the approval is granted by the Commission. For purposes of this regulation, the term "construction" shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

This amendment is effective July 17, 2010.

Section 29: FARMINGTON CENTER ZONE (FC)

- A. PURPOSE. The purpose of the Farmington Center Zone is to preserve and protect the existing historic landscape and structures within the zone as well as considering potential infill and redevelopment that will complement the same. The following design regulations shall guide mixed-use development; historic development patterns, view and vistas; a village streetscape; and pedestrian access and safety in concert with the objectives found in the Farmington Plan of Conservation and Development.
- B. PERMITTED USES. The following uses requiring only a Zoning Permit as specified in Article V.
1. Signs. Signs shall be permitted as specified in Article IV Section 7. However no more than 50% of the interior of a window or glass door may be covered with signs.

2. Accessory Uses in conjunction with an approved special permitted use in Section C.
  3. Home Office as described and regulated by Article I. Section 9. and Article II. Section 1. of these regulations.
- C. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed here, the standards provided in Article IV Section 12 and Article II Section 29.A. shall also apply to applications submitted under this section. Article IV Section 12 shall also apply to application procedures, hearing and notice requirements and site plan information.
1. School.
  2. Public Utility Building and Structure.
  3. Municipally owned or leased building and structure.
  4. Community Building for use by residents of the community or neighborhood and maintained and operated for community purposes.
  5. Retail Store and Personal Service Shop.
  6. Fast Food Restaurant, Dairy Bar, Grill, Coffee Shop except mobile type of eating and drinking place, place offering curb service and drive through windows. Where alcoholic beverages are sold, the limitations of Article IV Section 5. shall apply.
  7. Shop for making articles to be sold primarily at retail on the premises, provided that those engaged in making the articles shall not exceed five in number.
  8. Gallery.
  9. Business Offices, Medical Offices.
  10. Bank.
  11. Club and Fraternal Organization.
  12. Private or Public Parking Facility.
  13. Restaurant (low turnover). Where alcoholic beverages are sold, the limitations of Article IV. Section 5 shall apply.
  14. Apartments with single family units combined in a single use or mixed use structure under single common ownership.
  15. Condominiums consisting of single family units combined in a single use or mixed use structure as permitted under the Common Interest Ownership Act of the Connecticut General Statutes.

**D. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT WITHIN THE FARMINGTON CENTER ZONE.**

1. Construction, rehabilitation and reconstruction of properties within this zone and in view from a public roadway must conform to the standards and requirements found here as well as the standards and requirements found in Article II Section 29.A. (Farmington Village District Zone).
2. A tract of land within the Farmington Center Zone may be developed in stages. However, the Commission may require that certain data be submitted for the entire tract. This may include site topography, natural resources data, traffic, parking and circulation, schematic architectural drawings, grading, erosion and sedimentation control and storm drainage.
3. Height and Area Requirements.
  - a. Maximum height of buildings: 40 feet, except 50 feet where all or a part of the required parking for such units is in an underground garage beneath the building.
  - b. Minimum height of buildings: Two floors of finished space with a minimum ceiling height of eight (8) feet. Each floor shall be completely set above grade as measured from all sides of the building. This provision may be waived by a vote of 5/6 of the full Commission provided a favorable recommendation is received from the Farmington Architectural Design Review Committee.
  - c. Yards: Front Yard: 0 feet unless otherwise specified by the Commission.  
Rear Yard: 10 feet unless abutting a residential zone where the Commission may require a B bufferyard.  
Side Yard: 0 feet unless abutting a residential zone where the Commission may require a B bufferyard.  
Side Yard Along a Street: 0 feet unless otherwise specified by the Commission.
  - d. Minimum lot size: None
  - e. Minimum frontage: None
  - f. Minimum Building length: The minimum length of a building shall be 25 feet. This standard shall be measured along that portion of the building situated closest to a street.
  - g. Maximum floor area: No building constructed after the effective date of this regulation (insert date) shall contain a retail business or office use having a gross floor area greater than 5,000 square feet. The Commission may approve an increase in the allowable gross floor area for a retail business or office use to a maximum of 15,000 square feet upon a favorable recommendation of the Farmington Architectural Design Review Committee and upon the Commission's finding that the proposed plan does not result in the demolition of any existing building and that the building design shall resemble and be in harmony with individual store fronts permitted and/or existing in the Farmington Center

Zone through use of architectural features such as:

1. staggering the depth from the street to the face of the building;
2. changing roof heights;
3. use of different but complimentary building materials;
4. changes in fenestration;
5. use of awnings/canopies; and
6. exterior lighting

For purposes of this subsection gross floor area means the horizontal area of all floors of a building measured from the exterior of outside walls, excluding the following non-customer areas contained within the building footprint: (1) an enclosed mezzanine used for purposes such as office and storage; and (2) a basement used for storage and food preparation.

4. Off Street Parking. This provision shall supersede the similar standards found in Article IV Section 8.
  - a. All Office Uses: one (1) space for each 285 square feet of gross useable floor area. Gross useable floor area should be assumed as eighty percent (80%) of total floor area where no floor plan exists at the time of application.
  - b. Retail, Personal Service Shop, Shop and Bank: one (1) space for each 285 square feet of sales and customer area plus one (1) space for each 285 square feet of gross useable floor area of office space.
  - c. Dwelling Units: one and one-half (1.5) spaces for a one-bedroom unit. Two (2) spaces for units having two or more bedrooms. In determining the number of spaces, enclosed garage spaces and garage apron spaces meeting the dimensional criteria of a parking space set forth in these Regulations shall be considered to be acceptable provided, however that such apron spaces are under the same ownership or control as the garage space.
  - d. Restaurant, Fast Food or Low Turnover: one (1) space for every three (3) seats plus one (1) space for each 285 square feet of customer area (without seats) plus one (1) space per employee at the largest shift.

Provisions for parking within the Farmington Center zone are based upon the concept of shared parking. The Commission may require that as part of an approval for a development in this zone legal rights of access and use of such parking areas be provided for others. No owner or tenant shall designate a parking space for their or others exclusive use without the approval of the Commission.

In calculating the required number of parking spaces for a use or uses on a particular site or offsite (see next paragraph), the Commission may consider over lapping use of parking spaces based upon the various hours of operation and peak usage for each use.

Required parking spaces for uses located in the Farmington Center zone shall be provided onsite.

However, by vote of 5/6 of the full Commission such spaces may be provided off site provided they are located within 500 feet of the entrance to the building housing such use and an agreement of a term found acceptable to the Commission is executed for use of such spaces.

The setback requirements for parking areas found in Article IV Section 8.A of these regulations shall not be applicable to the Farmington Center Zone.

- E. LIGHTING. Exterior lighting shall be of such intensity or located or directed in such a way so as not to produce glare on public streets or neighboring property. The Commission may require a reduction in lighting after 10:00 p.m. or when otherwise found to be warranted in order to protect nearby residential properties.
- F. HOURS OF OPERATION FOR SPECIAL PERMIT USES. At the time of the public hearing the Commission shall require the submission of projected hours of operation. The Commission shall review the impact of such hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.
- G. LOT COVERAGE. No more than 85 percent of the lot may be covered with impervious surfaces except that the Commission may approve by a 5/6 vote of the full Commission up to 100 percent coverage in the case of a reduction of lot area from a conveyance of land to a public entity.
- H. RESIDENTIAL USE.
  - 1. No residential dwelling unit located within the Farmington Center Zone shall contain more than two bedrooms, except a third bedroom is permitted in dwelling units where such dwelling units contain not less than 1,500 square feet of finished living area and all or a part of the required parking for such units is in an underground garage beneath the building. Each dwelling unit shall consist of at least two rooms, exclusive of hall and bathroom, and there shall be at least 400 square feet of living area for a one-bedroom unit. Each additional room shall have at least 100 square feet.
  - 2. There shall be no outside display or storage associated with any residential use unless otherwise approved by the Commission. Outdoor clotheslines are prohibited.
- I. LANDSCAPE REQUIREMENTS. The specific requirements found in Article IV Section 13 of these regulations shall not be applicable to the Farmington Center Zone. However parking areas containing more than ten cars shall contain landscaped areas within such parking area equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aisle ways and associated landscaping. Landscape buffer yards as specified in Article IV Section 13 shall be provided as deemed necessary by the Commission to provide protection to adjacent residential properties.
- J. VARIANCE. All applications for variance submitted for property located within the Farmington Center Zone shall be referred to the Town Plan and Zoning Commission and the design review committee for a report. All such reports must be furnished to the Zoning Board of Appeals within 45 days from the date of submission.

- K. **EXPIRATION OF PERMIT.** The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent building foundation and a framed structure with completed watertight roof, windows and siding. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.
- L. The Commission, in conjunction with the approval of a development proposal under this regulation, may establish a reasonable timeframe for the commencement and completion of various improvements. In order to ensure compliance with such a timetable the Commission may require the posting of a performance bond in a type and amount, which is found to be satisfactory.
- M. The Commission, in conjunction with the approval of a development proposal under this regulation, may require the posting of a performance bond to ensure the maintenance of various improvements. The Commission shall determine the type and sum of such bond.

**Section 29A. FARMINGTON VILLAGE DISTRICT ZONE (FV)**

- A. **PURPOSE.** The purpose of this section is to promote, protect and enhance the unique and distinctive character, historic settlement pattern and architecture and landscape of Farmington center and to function in support of the Farmington Center Zone and its purposes pursuant to Connecticut General Statutes 8-2j.
- B. **DEFINITIONS.** For the purpose of applying the provisions of this section the terms below shall be defined as follows:

F.A.D.R.C. – Farmington Architectural Design Review Committee.

MAJOR STREET – Farmington Avenue (Route 4) and any other streets so designated by the Commission.

APPROVING AUTHORITY – The Farmington Town Plan and Zoning Commission.

DISTRICT or FARMINGTON VILLAGE DISTRICT – The Farmington Village District as delineated on the Zoning Map for the Town of Farmington. The District shall be an overlay zone and its boundaries are coincidental with the zoning district boundaries of the Farmington Center Zone and its requirements and standards shall be in addition to and not in lieu of the regulations pertaining to the Farmington Center Zone.

**C. GENERAL REQUIREMENTS.**

1. This regulation shall apply to new construction, substantial reconstruction and rehabilitation of properties within the District and in view from public roadways including but not limited to:
  - a. The design and replacement of new, expanded or altered buildings including materials and colors.
  - b. The maintenance of public views.
  - c. The design, paving materials and placement of public and private roadways.
  - d. The design and placement of new and modified landscape areas, lighting, fencing and walls.
  - e. The replacement or elimination of exterior structural surfaces and features, including roofing materials and siding.
  - f. Any change to the exterior color of a structure.
  - g. The demolition of any structure or part thereof or the elimination of any landscape area.
  - h. The design (including color), installation and modification of any sign.

This provision shall not apply to repairs to buildings where such repairs involve the replacement of building elements with like materials, colors, etc. and such repairs do not expand or decrease the area, vertical or horizontal footprint of the building, change roof line or roof type or add or remove building elements.

- D. PROCEDURE.** Activities that are governed by this regulation shall be presented to the Town in accordance with the requirements and procedures found under the Farmington Center Zone and under Article IV Section 12 as applicable. All proposals concerning the activities listed in Section C above shall be referred to the F.A.D.R.C. for a report and recommendation. The F.A.D.R.C. shall provide such report to the Town Plan and Zoning Commission within 45 days after the date the complete application is received by the Planning Office. In addition to the information, exhibits, drawings and plans required by these regulations the F.A.D.R.C. may also require one or more of the following items where it is reasonably required to adequately evaluate a proposal:

1. Cross-section drawings.
2. Perspective drawings
3. The superimposition of the proposal on a computer created image of the existing area.
4. A streetscape illustrating the new proposal to scale and indicating the dimensional relationship between the project and structures on adjacent parcels.

5. Samples of colors and materials.
6. A three-dimensional model of the proposal.
7. Half size sections through all trim details.
8. Historical pictures of the subject site and surrounding area as available.

E. FARMINGTON ARCHITECTURAL DESIGN REVIEW COMMITTEE. The Farmington Architectural Design Review Committee is a body composed of the seven members serving in the capacity of the Unionville Architectural Design Review Committee. See Article II Section 21.A. regarding terms of office etc. The Town Planner shall serve as the professional staff to the F.A.D.R.C. but not be a voting member. The report of the F.A.D.R.C. shall be entered into the public record and considered in the decision of the Commission. In addition, the Zoning Board of Appeals shall refer any application for property in the Unionville Center Zone to the F.A.D.R.C. for a report and recommendation consistent with the timeframe as indicated in Section D. The F.A.D.R.C. may meet informally with property owners or prospective developers prior to the formal submission of an application to the Approving Authority. The F.A.D.R.C. shall provide design support to the Commission consistent with the design and landscape standards found in Section F, the architectural heritage of the area and the distinctive characteristics of the District.

F. DESIGN OBJECTIVES AND STANDARDS.

1. The building and layout of buildings and associated site improvements shall reinforce existing or historical building and streetscape patterns as determined by the Approving Authority. The applicable existing or historical building and streetscape patterns are found in publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures". The placement of buildings and associated site improvements shall assure there is no adverse impact on the District.
2. Proposed streets shall be laid out in a manner that will reinforce the existing character of the area. Their placement and width should be designed to safely accommodate expected traffic with the least amount of impact to existing structures.
3. Open spaces shall be provided and designed to facilitate safe pedestrian access to adjoining parking areas and developed properties.
4. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the District shall be integrated into the site design. These significant features are illustrated in the publications entitled "Farmington-New England Town Through Time" and "Farmington Connecticut-350 Years In Pictures".
5. The landscape design shall complement or enhance the district's landscape patterns; provide for an appealing streetscape and mitigate the visual impact of streets, parking areas and manmade objects and features through the use of plants and trees, fencing and masonry walls.



6. The exterior signs, site lighting and accessory structures shall complement and not undermine the architectural theme for the district and be compatible with their surroundings. There shall not be any internally illuminated signs including neon visible from a street or driveway.
7. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district as determined by the Approving Authority.
8. Reasonable efforts shall be made to preserve, reuse and enhance historic structures.
9. Buildings to the greatest extent possible shall be placed and oriented to the front of a lot and close to a street and should maintain a pleasing spatial relationship with the roadway and other nearby buildings in relation to their height and mass and that of others.
10. Buildings shall have their principal access directly off a public street and sidewalk unless otherwise approved by the Approving Authority.
11. Off street parking areas shall be located to the rear of a building where practicable. No parking should ever be provided between a major street and the closest wall of a building to such street or a line extending out in a direction parallel to such major street in conjunction with applications for new building construction proposed after the adoption of this regulation.
12. Vehicular access to buildings and parking areas shall be via driveways from streets other than major streets where practicable.
13. Front facing walls of retail establishments shall contain display windows appropriate in size and number to their internal functions.
14. Where practicable developments shall provide pedestrian circulation access to off-site walks, trails, parks and other public gathering places in addition to providing a front sidewalk.
15. Where practicable developments shall provide for public and pedestrian amenities such as plazas, greens, walkways, benches, fountains, sculptures etc.
16. The predominate building materials used in the district shall be brick, wood, stone or other natural materials. Manmade materials may be used where approved by the Approving Authority.
17. Adequate provisions shall be made for deliveries and loading and to not interfere with pedestrian movement. Dumpsters shall be properly screened and odors from trash properly confined.
18. Sidewalks shall not be less than 6 feet wide and should be designed to accommodate their intended function including but not limited to outdoor seating areas for dining. Sidewalks shall be concrete, brick or cobblestone unless otherwise approved by the Approving

Authority.

19. The construction of accessory buildings shall be prohibited unless otherwise approved by the Approving Authority.
  20. Vehicular circulation and the design and placement of parking shall be developed to prevent or reduce vehicular/pedestrian circulation conflicts.
  21. The ground level of a building should generally be visually distinct from upper stories.
  22. The design of buildings shall avoid long walls that are absent of windows or architectural detail or are presented on one plane without relief and shadow lines.
  23. Roof lines and roof type shall not include mansard roofs.
- G. USE. Uses at any location within the District shall be permitted and regulated only in conformance with the underlying Farmington Center Zone.
- H. LOT SIZE, SETBACK, LOT COVERAGE AND HEIGHT REQUIREMENTS. Lot size, setback, coverage and height requirements for any lot located within the District shall be as specified for the underlying Farmington Center Zone.

This amendment is effective December 15, 2012.

## ARTICLE III. HEIGHT AND AREA REGULATIONS

### Section 1. SCHEDULE OF ZONE REQUIREMENTS

All buildings or structures hereafter erected or altered shall, unless otherwise exempted by the provisions of Article IV. Section 1. of the regulations, conform to the requirements for the zone in which such building or structure is located as found in Section 6. Height and Area Schedule.

### Section 2. FLOOR AREA REQUIREMENTS FOR RESIDENCES \*

All buildings hereafter erected, structurally altered, or enlarged for use in whole or in part as dwellings shall have the following minimum requirements for living quarters:

- A. In R80, R40 and R30 Zones for all principal dwellings, 1,200 square feet of finished living area;
- B. In R20 Zones for all principal dwellings, 1,000 square feet;
- C. In R12 and R9 Zones for all dwellings, 900 square feet.
- D. In two, three and four family dwellings each unit having one bedroom shall contain 525 square feet of finished living area and for each additional bedroom, 120 square feet of finished living area. The preceding minimum floor areas shall also apply to all other multiple family housing where the minimum floor area is not elsewhere established by these regulations.

- \* The purpose of the minimum floor area requirements is to assure that a dwelling will safely and reasonably accommodate the uses to which it is likely to be put. The minimum floor areas shown above are believed to be reasonable and appropriate. However, the Commission will consider a request for a special permit for the diminution of said minimum floor area requirements if the applicant persuasively establishes that a floor area less than the minimum provided for will provide safe and reasonable use of the premises and otherwise satisfy the purposes of the zoning regulations. See Article IV. Section 12. for application procedures, hearing and notice requirements.

### Section 3. YARD EXCEPTIONS

- A. Unless otherwise specifically prohibited by other provisions of these regulations any driveway, walkway, uncovered step or stair, detached wall, light post, flagpole (one per lot), utility unit or similar accessory structure may be erected or located within any yard area established by Article III. Section 6. Aboveground fuel tanks shall be permitted in any required side or rear yard at least ten feet from the property line or five feet when the tank is screened from view of the adjoining property. However no fence or detached wall may be erected or located within any required yard along a street which is greater than four feet in height unless otherwise approved by the Commission. In approving such fences, the Commission shall give due consideration to the protection of the existing streetscape and any scenic views or vistas. The Commission may require the installation of plant material or other suitable material to soften the view of such fence or wall.

Covered steps, porches which are not enclosed, terraces and decks may extend into a required yard provided they are distant from the front yard lot line at least 20 feet, and 10 feet from other lot lines, except from other lot lines along a street where the setback shall be at least 15 feet in the R9 and R12 Zones and at least 20 feet in all other residential zones.

These provisions shall not apply to nonresidential buildings or uses.

- B. Other usual projections, such as windowsills, cornices and chimneys may extend into any required yard not more than six inches; and a bay window may extend not more than two feet. The roof overhang of a building may extend not more than one and one-half feet into a required yard.
- C. Corner lots shall have a required front yard on only one street front, but the width of any side yard on a street side shall be not less than 15 feet in the R9 and R12 Zones and 25 feet for all other residential lots. Through lots or lots having lot lines along three or more streets shall have a required front yard on only one street, however the lot line along a street which is opposite from the front yard shall be a rear lot line.

The Commission shall determine at the time of subdivision application which of the street lines shall serve as the front, rear or side lot lines. In the case where no subdivision is involved or where such setback lines were not identified on a previously approved subdivision plan, the property owner shall make such determination.

#### Section 4. INTERIOR LOTS

- A. The Commission may approve the creation of an interior lot only under the following conditions: Where the lot to be divided was established prior to the effective date of these regulations (April 27, 1950) with less than twice the lot frontage required for the zone in which it is situated and it would not be desirable to service such proposed lot or lots by a street as defined under the definition for frontage; or where the establishment of an interior lot would further protect or preserve any of the natural or man-made resources found in Article II. Section 19.B.2. of these regulations. Under either condition the Commission shall also require compliance with Article IV. Section 12.B. of these regulations.
- B. The Commission may approve only in accordance with the conditions stated in Section 4.A. above as part of a subdivision, or when no subdivision approval is required, by special permit in accordance with Article IV. Section 12. of these regulations, the use of an access way at least 20 feet wide to serve a residential lot which does not otherwise comply with the minimum frontage requirements for the zone in which it is located. An access way shall be defined as a strip of land providing access to an improved public street from an otherwise landlocked lot. The owner of a lot served by an access way must own such access way in fee simple. The use of a lot served by an access way is restricted to one single-family dwelling.
- C. Where an interior lot in an R80 Zone exceeds twice the area requirement of the zone or in all other residential zones where such lot exceeds four times the area requirement of the zone the Commission may require the access way to be 50 feet in width.
- D. Each interior lot shall be served by its own driveway except as otherwise approved by the

Commission. In making its decision the Commission shall consider the topography, soils and vegetation of the site, as well as existing development and projected development in the immediate area. Where possible, curb cuts will be minimized through the use of shared driveways.

- E. Interior lots in all residential zones, except the R80 Zone, shall contain at a minimum twice the lot area required for non-interior lots for the zone in which they are located.
- F. The lot line to which the access way leads shall be deemed the front line of the interior lot. The required frontage prescribed for the zone in which such interior lot is located shall be provided at least at the front yard setback line. Such interior lot shall conform to all yard requirements prescribed for the zone in which it is located. The Commission may require the provision of landscaping along the access way to protect existing homes from glare and noise.

Section 5. FENCES IN OTHER THAN FRONT YARD

- A. There shall be no limitation on the height of a fence located within the rear yard or a side yard behind the front building line or other required side yard along a street. (See also Article IV. Section 4.)

Section 6. HEIGHT AND AREA SCHEDULE – For all other zones not listed here, see text.

ZONE	DWELLINGS PERMITTED	MAXIMUM HEIGHT	MIN. FLOOR AREA	MINIMUM FRONTAGE	MINIMUM ACREAGE OR LOT SIZE	MINIMUM YARDS		
						FRONT	SIDE EACH	REAR
R80	1 Family	35'	1,200	200'	80,000 sf	50'	40'	50'
R40	1 Family	35'	1,200	150'	40,000 sf	50'	25'	50'
R30	1 Family	35'	1,200	125'	30,000 sf	40'	15'	25'
R20	1 Family	35'	1,000	100'	20,000 sf	40'	10' for one 30' for both	25'
R12	2 Family	35'	900	75'	12,000 sf	30'	10'	25'
R12LG	1 Family	35'	900	75'	12,000 sf	30'	10'	25'
R9	4 Family	35'	900	1 fam. 60' 2 fam. 70' 3 fam. 80' 4 fam. 90'	9,000 sf 12,000 sf 18,000 sf 24,000 sf	20'	10% of frontage but not over 10'	25'
R9LG	1 Family	35'	900	60'	9,000 sf	20'	Same as R9	25'
R80 Open Space – Same as R40			R40 Open Space – Same as R30					
R30 Open Space – Same as R20			R20 Open Space – Same as R12					
R80, R40, R30, R20 Clusters	1 Family	35'	Same as underlying zone	See Text	See Text	See Text	See Text	See Text
R9 Cluster	24 max. 8/bldg.	35'	900	200'	8,712 sf/unit	20'	20'	25'
RDM	5/acre	35'	600		5 acres			
AH	See Text	See Text	See Text		4 acres			
PR	None	36'		200'	80,000 sf	65'	See Text	30'
BR	None	36'		200'	80,000 sf	65'	100' abut. Res. 50'	60' abut. Res. 50' abut. Res. 30' abut. Comm.
B1	None	36'		100'	20,000 sf	20'	15'	15'
CR	None	36'		150'	40,000 sf	40'	20' for one 50' for both	25
CI	None	40'		150'	40,000 sf		Same as CR	

## ARTICLE IV. SPECIAL REGULATIONS

### Section 1. NONCONFORMING STRUCTURES, LOTS AND USES

A. Any structure, lot or use legally existing at the time of the adoption of these regulations or any amendments thereto, which does not conform to the provisions of these regulations, shall be designated a nonconforming structure, nonconforming lot or nonconforming use. The following rules shall apply to such nonconformities.

#### B. NONCONFORMING STRUCTURES

1. Any building or structure legally in existence at the time of the adoption or amendment of these regulations which does not comply with either the minimum floor area, height, bulk, lot coverage, landscaping or other dimensional requirements of these regulations shall be considered a nonconforming structure. Such structures may continue to be used, subject to the following conditions:

- a. A nonconforming structure may be expanded, altered or extended provided such expansion, alteration or extension does not violate or further violate any of the height, bulk, setback or landscaping requirements for the zone in which it is situated except in the case of residential nonconforming structures in business or industrial zones which shall be governed by Article IV. Section 1.D.1. A nonconforming structure may not be moved to another lot or to another portion of the same lot except where such movement would be in compliance with all height, bulk, setback and landscaping requirements for the zone in which it is to be situated.
- b. A nonconforming structure or building may be repaired or maintained, however it may not be demolished and replaced by a new nonconforming structure except as provided for in this section; or in the case of signs, Article IV. Section 7.B.6.
- c. A nonconforming structure or building which is damaged or destroyed by fire, explosion or natural disaster may be rebuilt, provided such reconstruction does not violate the provision of Article IV. Section 1.B.1.a. and provided the reconstruction is completed within two years of the calamity.

#### C. NONCONFORMING LOTS

1. Any lot which does not conform to minimum area or frontage requirements for the current zone in which it is located shall be designated a nonconforming lot, providing such lot shall have been recorded by deed or shall have been shown on map tentatively approved by the Commission and filed in the Town Clerk's office prior to the effective date of these regulations (April 27, 1950), or prior to the adoption of any amendment of these regulations, which would otherwise make such lot unlawful.

2. Only one single family dwelling and accessory buildings may be erected on a nonconforming lot located in a residential zone, except as stated below, provided all other requirements of the height and area schedule are complied with. The area or frontage of a nonconforming lot shall not be reduced.
3. Where a nonconforming lot located within a residential zone presently contains or contained subsequent to April 27, 1950 a use, structure or building which is currently or previously accessory to a principal use, structure or building located on a contiguous parcel of land, such lots for the purpose of this regulation are deemed to be merged and therefore no zoning permit or building permit shall be issued for the construction of a single family dwelling on such nonconforming lot.

#### D. NONCONFORMING USES

1. Any use of a building or lot which was in existence prior to the adoption of these regulations (April 27, 1950), or amendments thereto, and is not permitted as of right or by special permit for the zoning district in which it is located shall be designated a nonconforming use. Such use may continue subject to Paragraphs 3., 4. and 5. below, or be changed only to a conforming use, but shall not be extended or expanded.\* This prohibition shall include but not be limited to the following:

The expansion of floor area, volume area or lot area dedicated to such nonconforming use.

The expansion of seasonal or occasional nonconforming uses to a year round or continuous use.

The expansion of operating hours of a nonconforming use which results in a change of nature of such use.

The addition of new facilities, equipment, products or services to a nonconforming use which results in a change of nature of such use.

\* However residential uses or structures located in a business or industrial zone may be expanded or enlarged provided any building expansion complies with the yard and height requirements of the R20 Zone and the number of dwelling units does not increase.

2. No nonconforming use shall, if once changed to a conforming use, be changed back to such nonconforming use.

No nonconforming use shall be moved from one portion of a premises to another portion of a premises unless it complies with the use provisions of the zone to which it is relocated.

No nonconforming use shall be moved from one lot to another lot unless it complies with the use provisions of the zone to which it is relocated.

3. A building or structure containing a nonconforming use, with the exception of a



residential use in a business or industrial zone, may be maintained or repaired provided no structural alterations are made. No such building or structure shall be demolished and replaced by a new building or structure except where the use is changed to a conforming use or except as otherwise provided for in this section.

A building or structure containing a nonconforming use which is damaged or destroyed by fire, explosion or natural disaster may be rebuilt, provided such reconstruction does not violate the provisions of Article IV. Section 1.D.1. and Section 1.D.2. and provided the reconstruction is completed within two years of the calamity.

A building or structure containing a residential use and located in a business or industrial zone may be maintained or repaired including the making of structural alterations. Such buildings or structures may be demolished and replaced by a new building or structure provided any expansion of said building or structure does not violate the yard or height requirements of the R20 Zone and if such building or structure is relocated on the site, it shall conform to the yard requirements of the R20 Zone.

4. A nonconforming use shall not be resumed if such use has been abandoned.

## Section 2. BUILDINGS AND STRUCTURES ACCESSORY TO ONE TO FOUR FAMILY HOMES

- A. Accessory buildings and structures, (exclusive of farm buildings, swimming pools and appurtenances such as decking, tennis courts, satellite receiving antennas and amateur radio towers) shall be subject to the following requirements:
  1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
  2. Shall be at least 25 feet from any street line.
  3. Shall not exceed a height of 15 feet.
  4. Shall be at least 5 feet from the rear and side lot lines.
  5. The maximum size of a detached building or structure shall not exceed the area specified in the following table unless a special permit is granted by the Commission.

<u>ZONE</u>	<u>LOT SIZE</u>	<u>MAXIMUM FOOTPRINT OF DETACHED BUILDING OR STRUCTURE</u>
R9 – R80	<10,000 sq. ft.	550 sq. ft.
R12 – R80	10,000 sq. ft. +	700 sq. ft.

The area of a footprint of an accessory building or structure shall be measured from the outside of exterior walls.

**B. Accessory farm buildings shall be subject to the following requirements:**

1. May be located in the side yard but must be at least 100 feet from any street line.
2. Roadside stands may be located in front yards, but must be set back at least 25 feet from any street line.
3. Shall be at least 5 feet from the rear and side lot lines. However, buildings or structures housing or sheltering animals shall be located a minimum of 75 feet from any side or rear property line.

**C. Swimming pools and appurtenances such as decking and tennis courts shall be subject to the following requirements:**

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
2. Shall be at least 25 feet from any street line.
3. Shall meet the side and rear yard requirements for the zone in which it is located shown in Article III. Section 6. of these regulations, except in the R40 and R80 zones where the rear yard requirement shall be 25 feet.

**D. Satellite receiving antennas shall be subject to the following requirements:**

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half

of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.

2. Shall be at least 25 feet from any street line.
3. Shall not exceed a height of 15 feet to be measured from ground level to the highest point of the antenna.
4. Shall meet the side and rear yard requirement for the zone in which it is located shown in Article III. Section 6. of these regulations.

E. Amateur radio towers shall be subject to the following requirements:

1. Shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets.
  2. Shall be at least 25 feet from any street line.
  3. Shall be permitted as of right as a freestanding structure or attached to the principal structure, when the height of the tower including the antenna mast does not exceed 45 feet in height.
  4. Shall be allowed by special permit as a freestanding structure or attached to the principal structure, when the height of the tower including the antenna mast is more than 45 feet in height but not more than 65 feet in height. The Commission will be guided by standards provided in Article IV. Section 12.
  5. Shall be located a distance from all property lines equal to the height of the tower.
  6. Shall include a fence, anti-climb device or other means of limiting access to the tower.
- F. A building attached to the principal building by a solid covered passageway no less than three (3) feet in width having a roof and a least one wall, a floor and doors on both ends; or attached by sharing a common structural wall with a door permitting access between both buildings shall be considered an integral part of the principal building and not an accessory building.

### Section 3. PUBLIC GARAGES AND SERVICE STATIONS

- A. In considering approvals for the erection or enlargement of a public garage for more than five motor vehicles, or a motor vehicle service station or gas filling station, or for the conversion

of any premises not so used to be used for such purposes, due consideration shall be given to the proposed located of such facility in regard to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.

#### Section 4. VISIBILITY AT INTERSECTIONS

On a lot located at the intersection of two streets within any zone, no object more than two and one-half feet in height as measured from the edge of pavement of each of the roadways shall be placed or maintained within the triangular area formed by the intersecting edges of pavement and a straight line connecting points on such pavement edges, each of which points is 25 feet distant from the point of intersection. Such objects include but are not limited to plantings, fences, walls or lamp posts, however utility poles and street signs may be permitted within the triangle provided they do not interfere with the visibility of a motorist.

#### Section 5. SALE OF ALCOHOLIC BEVERAGES

A. No building or use of land for the sale of alcoholic beverages shall be approved in the Town of Farmington unless the following requirements can be met:

1. For a retail liquor outlet, no portion of the lot may be within a 1,500-foot radius of any other lot on which a retail liquor outlet is located;
2. For the sale and consumption of alcoholic beverages on the premises, no portion of the lot may be within a 1,500-foot radius of any other lot used for the sale and consumption of alcoholic beverages on the premises; and
3. No building or land shall be used and no building shall be erected or altered which is intended, arranged or designed to be used for the retail sale of alcoholic beverages, or for sale and consumption on the premises, if any portion of the lot is situated:
  - a. Within 500 feet radius of any lot used or to be used for a college, school, church, hospital or library; or
  - b. In any zone, except B1 and BR.

B. Waiver of any of the above requirements in this section may be granted by a vote of five-sixths of all the members of the Commission after a public hearing is held in accordance with Article IV. Section 12.C.2. of these regulations and provided the Commission finds that such waiver:

1. Will not cause undue concentration of liquor outlets in the area;
2. Will be in harmony with the general purpose of the Zoning Regulations as it concerns the area;
3. Will not cause the proximity of the proposed outlet to schools, churches, public playgrounds and residential zones or lots used exclusively for residential purposes to adversely affect the health and safety of persons in the area; and

4. Will not cause the location and size of the proposed outlet, the size of the site in relation thereto, and its location with respect to access streets to hinder the appropriate development and use of adjacent land and buildings, or cause traffic hazards.

#### Section 6. LOADING SPACE

On any lot which is hereafter developed for business, industrial, hotel or institutional use, there shall be provided adequate space suitably located on the lot for the loading and unloading of goods and material. In determining adequacy and suitability of location, the Zoning Enforcement Officer shall be governed by the nature of the use, the volume of vehicular and pedestrian movement which passes the premises and the location of the principal building in relation to the street.

#### Section 7. SIGNS

A. PURPOSE. The purpose of this section is to control the location, size, number, manner of lighting and architectural appearance of signs located on all buildings and premises within all zones in order to ensure public safety, property value protection and the protection of the residential, business, industrial or historic character of each zone.

#### B. GENERAL.

1. In reviewing a proposed sign or existing signs proposed for modification or alteration, the Commission shall consider the extent to which such signs are compatible with the character of the neighborhood and other signs which may be located on the property or in the general vicinity thereof, the extent to which such signs shall preserve and enhance property values and the extent to which the design and location of such signs shall protect against traffic distractions and hazards.
2. No permanent sign shall be erected, relocated or altered, except for normal maintenance and where a sign face is altered using similar colors, materials and lettering type, without a Zoning Permit issued by the Zoning Enforcement Officer following Commission approval.
3. The total area of a sign shall consist of the smallest rectangle that will contain the entire sign, excluding supports. However when a sign consists of individual letters or symbols affixed to a freestanding or building wall, the area of such sign shall be measured as the composite of the smallest rectangles, which would contain each separate line of letters or symbols. The height of a sign shall be measured from ground level to the top of the sign, or any part thereof, including supports and lights.
4. Applications for sign approval shall be made on forms provided by the Planning Department and shall be accompanied by such plans and information specified on such forms.
5. The Commission may approve the alteration or replacement of a nonconforming sign provided such alteration or new sign does not exceed any present nonconformities.

6. No lot shall contain more than two flagpoles unless otherwise approved by the Commission.
7. The total area of a double-sided sign shall be deemed the area of the largest face and not the combination of the two faces. Each face of a double-sided sign shall not extend beyond forty-five degrees to one another.

C. SIGNS WHICH ARE EXEMPT FROM THIS SECTION. The following types of signs shall be exempt:

1. Government flags. However there shall be no more than three flags on a property unless additional flags are approved for use and display by the Commission. Such flags may only be displayed on poles or posts affixed to the ground or otherwise approved by the Commission.
2. Signs required by law or regulation shall to the extent consistent with such law conform to this section.
3. Signs used for the control of traffic or the regulation of parking as approved by either the Commission or a government authority.
4. Signs located within the interior of a building with the exception of those signs which revolve, rotate, flash, move or give the appearance of movement and except those signs which are internally illuminated including but not limited to neon signs.
5. Signs required by the State or Federal government in conjunction with a publicly assisted or financed development project.
6. A non-illuminated sign advertising that a business is open, whether located inside or outside a structure and provided that such sign is limited to no more than twelve square feet in area.

D. SIGNS PERMITTED IN RESIDENTIAL ZONES.

1. One sign not over two square feet in area generally limited to the name of the occupant and address of the premises.
2. The name of a farm and of the proprietors thereof may be attached to or painted on the wall of a farm building or on a detached pole provided:
  - a. The farm building or pole is at least 50 feet from any lot line;
  - b. The total area of the sign shall not exceed 20 square feet; and
  - c. If freestanding, the height of the sign shall not exceed 10 feet.
3. Bulletin boards on church or school property not exceeding 16 square feet in area and 8

feet in height.

4. The Commission may approve an attached or detached sign for a subdivision development, multiple family housing development or special permit use in a residential zone in accordance with the standards set forth in Sections 7.E. and 7.F.

E. ATTACHED SIGNS PERMITTED IN PR, B1, BR, CR, C1, UC AND EE ZONES.

1. One attached sign per business establishment advertising the business or businesses conducted within the building. Where it is demonstrated by the applicant that more than one attached sign is required to adequately identify a business the Commission may approve additional signs on a particular building wall or on more than one building wall facing directly onto a street or driveway.
2. The total area of all attached signs shall not exceed one square foot for each linear foot of the front of the building. The front of the building shall be defined as the longest building wall which faces directly onto a street or driveway. For attached wall developments such as a shopping center, each business having direct access at grade shall be allowed a total area of attached signage not to exceed one square foot in area for each linear foot of building wall that the business occupies.
3. Attached signs shall not project more than 36 inches from the wall or surface to which they are attached, and not be painted directly on the surface of any building.
4. Any property containing more than two businesses shall submit a unified sign design for the Commission's approval.

F. DETACHED SIGNS PERMITTED IN PR, BR, CR, B1, UC AND C1 ZONES.

1. General Requirements.
  - a. Detached signs may be approved for use in the PR, BR and CR, B1 and C1 Zones in conjunction with or subsequent to special permit approval of a development plan.
  - b. Height and area requirements of such signs shall be in accordance with the following:
    - 1) if located within the first two-thirds of the required front yard and less than 6 feet in height such sign shall not exceed 25 square feet;
    - 2) if located within the first two-thirds of the required front yard and from 6 feet to 10 feet in height such sign shall not exceed 12 square feet; and
    - 3) if located beyond the first two-thirds of the required front yard signs shall not exceed 10 feet in height and shall not exceed 50 square feet.
  - c. Where a sign is proposed to be located in a side yard the criteria of 1) and 2) shall apply.

- d. In no case shall any sign exceed 10 feet in height.
  - e. Any detached sign shall be placed within a landscaped area. The extent and type of landscaping and the location of the sign shall be shown on the plan submitted to the Commission for approval.
  - f. Unless otherwise approved by the Commission, all detached signs shall be located no closer than fifteen feet to the edge of the roadway.
2. A shopping center and/or park-like development shall be allowed a sign bearing the name of such center or park at its main entrance.
  3. The Commission shall determine the maximum number of detached signs permitted for each individual lot.

G. TEMPORARY SIGNS - ALL ZONES. The following temporary signs are permitted in all zones and shall require a permit from the Zoning Enforcement Officer.

1. Signs advertising a public or semipublic charitable, social, educational or fundraising event provided the sign may not be erected more than 14 days prior to the event and must be removed no later than two days after the event. Such signs shall be non-illuminated, not to exceed 50 square feet in area, and shall not be located in such a manner as to interfere with the safe movement of vehicles or pedestrians. It is prohibited to install temporary signage of any kind at the following intersections: the traffic island located on the south side of the intersection of Main Street and Farmington Avenue (Farmington); the traffic island located on the south side of the intersection of Farmington Avenue and South Main Street (Unionville); the traffic island located at the corner of Colton Street and Main Street (Farmington); the traffic island located at the intersection of High Street and Mountain Road (Farmington); the traffic island located at the intersection of Coppermine Road and West District Road (Farmington); the traffic island located at the intersection of Coppermine Road and Red Oak Hill Road (Farmington); the traffic island located at the intersection of Church Street and Main Street (Farmington); the traffic island located at the intersection of Garden Street and Porter Road (Farmington) as well as within 50 feet of the Welcome to Farmington sign located at the I-84 exit ramp and Farmington Avenue (Exit 39 Farmington). Town staff shall have the option of removing any and all such temporary signs that are in violation of this provision after endeavoring to notify the sponsor of a permissible event. Such signs shall be brought to and stored at the Town Hall. If unclaimed, these signs will be discarded after 10 days.
2. One non-illuminated sign advertising the sale or lease of a real estate development (new construction or substantial reconstruction), including but not limited to, a subdivision, office building(s), retail store(s), industrial building(s) or vacant commercially or industrially zoned land, provided:
  - a. The sign shall not exceed 32 square feet in area;
  - b. Shall be located at least 15 feet from the edge of the roadway and on the subject premises; and



- c. A permit shall be issued for a six-month period only and may be renewed for additional six-month periods.
  - d. The sign may be displayed for a period not to exceed two years from the completion of such unless otherwise approved by the Commission.
3. One non-illuminated “For Sale,” “For Rent” or “For Lease” sign advertising an existing individual single or multiple family dwelling unit, individual building lot or portion of an existing real estate development as defined above provided:
- a. The sign shall not exceed 6 square feet in area; however, in the case of a commercial or industrial building(s) exceeding 10,000 square feet in area and where the building vacancy exceeds 50%, the area of the sign may be increased to a maximum of 32 square feet by the Zoning Enforcement Officer.
  - b. Shall be located at least 15 feet from the edge of the roadway and on the subject premises; and
  - c. A permit shall be issued for a six-month period only and may be renewed for additional six-month periods.
  - d. One additional sign may be permitted by the Commission on the premises for each portion of a real estate development being marketed by a separate owner, tenant or agent representing such, provided that the aggregate area (square footage) of all signs shall not exceed 32 square feet.
4. Non-illuminated building contractors’ sign located on buildings under construction or 15 feet off the edge of roadway not to exceed 12 square feet. The size of such sign may be increased to as much as 32 square feet with the approval of the Zoning Enforcement Officer in the case where such work involves an area exceeding 10,000 square feet or the construction or renovation of at least four dwelling units. Such sign(s) shall be removed immediately after work has been completed by such contractor.
5. Non-illuminated signs announcing the opening of a new or relocated business within the Town of Farmington, one per business. Not more than one sign shall be displayed at any given time for each premise unless otherwise approved by the Commission. Such signs shall not exceed 12 square feet in area and shall be attached to a post affixed to the ground, which is no more than six feet in height. All portions of the sign including post shall be set back at least five feet from the edge of a roadway, however, no sign shall be placed in a location which interferes with a driver’s sight line or which obstructs any public sidewalk. All signs shall be uniform in appearance as approved by the Commission and distributed by the Zoning Enforcement Officer, no additions or alterations to the sign are permitted. These signs may be displayed, following the receipt of a permit from the Zoning Enforcement Officer, for a period not to exceed 60 days from the date of the permit. Each sign must be located directly in front of the new or relocated business except in the case where the main entrance to such business does not face directly onto a public street or in the case where a business is located on a dead end

street. In such aforementioned exceptions the sign may be located along the closest public through street. The provisions of this subsection shall not apply to home occupations or to a location for any business, which has been in operation at such location for more than six months.

H. OFFSITE TRAFFIC CONTROL SIGNS shall require approval by the Farmington Traffic Authority.

I. ILLUMINATION.

1. Permanent signs, unless otherwise prohibited by other sections of this regulation, may be illuminated externally as approved by the Commission. Exterior lighting shall be confined or directed to the surface of the sign so that no direct rays or glare are visible beyond the property lines or create a danger to vehicular traffic.

J. DIRECTIONAL SIGNS.

1. The Commission may approve the installation of directional signs for office parks, industrial parks, shopping centers, churches, institutional uses and municipal uses. Such signs shall not exceed two square feet in area, contain black lettering on a white background and shall be mounted on poles not to exceed seven feet in height.
  - a. The Commission may approve the installation of one or more temporary directional signs for new or renovated developments such as listed in paragraph 1 above. Such signs shall not exceed two square feet in area, contain black lettering on a white background and shall be installed or mounted so not to exceed seven feet in height. The Commission shall specify the duration such signs may be posted.
  - b. When two or more of such directional signs are at the same intersection or area, such signs shall be attached to the same post.

K. PROHIBITED SIGNS. The following signs are prohibited:

1. Portable or wheeled signs except those advertising public or semi-public events, or signs on parked vehicles where the sign is the primary use of the vehicle;
2. Signs emitting artificial light directly or through transparent or translucent materials from a source of light in the interior of the sign, except as allowed in Paragraph 1.2.;
3. Signs which revolve, rotate, flash or move in any manner, or give the appearance of movement;
4. Advertising flags, banners or streamers;
5. Signs which extend above the highest point of a roof. Roof-mounted signs may only be approved upon a finding by the Commission that the display of a sign on other portions of a building would not produce adequate visibility due to on site or off site topographic conditions, orientation of the building with respect to an adjacent street or highway or the

location of neighboring buildings or structures on or off site which would tend to produce an obstructed view;

6. Signs which are internally illuminated including but not limited to neon signs and including signs located inside building windows or which may be viewed through a window from a road, driveway or sidewalk;
  7. Billboards;
  8. Signs which are directly painted onto any portion of a building or structure;
  9. Signs affixed to the roof of any canopy structure located at a gasoline filling station.
  10. Signs with LED or LCD letters or symbols.
- L. Heights, Size and Locational Exceptions. Where there is ample demonstration that the height, size or locational requirements of this section are inappropriate due to topography, location of a building on a lot or on an abutting lot or to other physical features affecting the parcel or building, the Commission may permit an increase of 50 percent in the size and height limitations specified in this section and may permit a location closer to the front property line than specified in Paragraph F. Such exceptions may be permitted only upon a five-sixths vote of the full Commission.

## Section 8. OFF STREET PARKING STANDARDS

### A. GENERAL PROVISIONS

1. On all premises off street parking facilities shall be provided for all uses except where the alteration, enlargement or change of an existing use would require no increase in the amount of parking spaces required under Paragraph B. of this section.
2. In the PR, BR and CR Zones no parking or loading area (including parking stalls and aisle way) shall be permitted within fifty (50) feet of any residential zone boundary. The Commission may require parking at distances greater than fifty (50) feet as circumstances reasonably justify.
3. All parking lots shall be hard surfaced except as approved by the Commission for parking areas, which are to be developed for a seasonal use, where such parking is in excess of the amount required by this regulation or when determined by the Commission that the use of pervious material would enhance or protect the natural environment.
4. In all business and industrial zones no parking or loading area (including parking stalls and aisle way) shall be allowed neither in the required front yard nor within fifteen (15) feet of any other property line.

No such parking or loading area shall be permitted within the required front yard for special permit uses in residential zones. In addition, parking and loading areas for special permit uses in residential zones, with the exception of two, three and four family

dwellings, shall not be permitted within twenty (20) feet of all other property lines.

See also Section 13 (Landscape Regulations).

5. Any lighting used to illuminate any off street parking shall be so arranged as to direct the light away from any adjoining property and streets. See also Section 14.
6. Each off street parking space shall measure nine feet in width by twenty feet in length (9' x 20').

Aisles between parking spaces for one-way travel shall be a minimum of:

- a. Twelve (12) feet for parallel parking, thirty (30) and forty-five (45) degree angle parking.
- b. Eighteen (18) feet for sixty (60) degree angle parking.
- c. Twenty-three (23) feet for ninety (90) degree angle parking.

Aisles between parking spaces for two-way travel shall be a minimum of:

- a. Twenty (20) feet for two, three and four family dwellings.
- b. Twenty-three (23) feet for all other uses.

The driveway width for one-way travel shall be a minimum of twelve (12) feet.

The driveway width for two-way travel shall be a minimum of twelve (12) feet for two, three and four family dwellings and twenty-three (23) feet for all other uses not including single-family dwellings. The width of a driveway, that portion which is located within the required front yard or side yard along a street and serving one single family home shall be a minimum of ten (10) feet and a maximum of twenty-four (24) feet. The actual width shall be determined by the Town Engineer taking into consideration the designation of the intersecting street and the relative location of any garage in conjunction with such driveway to the street line.

7. Where a property includes two (2) or more uses, including those within a shopping center, the parking requirements shall be the composite of the requirement for each use.
8. The Commission may waive the immediate installation of up to twenty-five (25) percent of the parking requirement for any proposed land use if the applicant can sufficiently demonstrate to the Commission that if a waiver is granted, there will still be an adequate number of spaces for the proposed use.

The applicant shall indicate on the parking plan where the spaces will be located should they become needed. In addition, the applicant shall place a note on the plan agreeing to construct the spaces which had been waived within six months after the date of any request by the Commission to do so. For purposes of calculating lot coverage, the area

which is designated for possible future parking shall be considered paved.

Criteria which the Commission shall be guided by in the granting of such a waiver are:

- a. The promotion of a ridesharing or vanpooling program by the applicant (for office uses only);
  - b. A study submitted by the applicant which indicates parking will be adequate if the waiver is granted;
  - c. The shared use of parking facilities (does not apply to retail stores); and
  - d. The provision of a larger than required buffer yard.
9. Up to twenty-five (25) percent of parking spaces may be designated for compact car parking. The layout of these spaces shall discourage their use by mid and full size cars. Each space shall be a minimum of eight feet in width and sixteen feet in length (8' x 16'). Aisle width shall be as specified in Section 8.A.6. above. The location of these spaces shall be approved by the Commission. Generally, the compact spaces shall be clustered in the same area. The purpose of this section is to encourage a design which will reduce the amount of impervious surfaces and provide additional landscaped area.
10. A proposed driveway providing access from a street to nine (9) or more parking spaces shall have a maximum grade of six percent (6%) for the first forty (40) feet in from the paved portion of the road.
- A proposed driveway providing access from a street to eight (8) or less parking spaces shall have a maximum grade of eight percent (8%) for the first twenty (20) feet in from the paved portion of the road.
- The maximum grade for all driveways and aisles shall not exceed twelve percent (12%) except in the case of single-family homes where such grade may not exceed fourteen percent (14%). The transition to these maximum grades shall be gradual.
- The maximum grade along the cross slope of a driveway or aisle shall be five percent (5%).
- The maximum grade along the width of a parking space shall not exceed six and one-half percent (6-1/2%).
11. Each parking space shall have free access to a driveway except in the case of single-family homes and where permitted by the Commission in an RDM Zone, AH Zone, S-A Zone, or any cluster development.
12. One-way or two-way driveways which serve eight (8) or fewer parking spaces shall not be located less than fifty (50) feet from a street intersection as measured from the centerline of such driveway to the extension of intersecting curbs.

One-way or two-way driveways which serve more than eight (8) parking spaces shall not be located less than one hundred (100) feet from a street intersection as measured from the centerline of such driveway to the extension of intersecting curbs.

13. Parking spaces may be located in subsurface or elevated garages provided that no parking spaces so located shall be counted toward meeting any of the minimum parking requirements of these regulations except in accordance with the following sentence. Where it is necessary to meet the minimum requirement of these regulations through subsurface or elevated parking structures, then the floor area of each level or part thereof used to meet such minimum requirement shall be considered as impervious surface in determining lot coverage.
14. The Commission may, by way of a special permit in accordance with Article IV, Section 12 of these Regulations, permit the reduction of the length of parking spaces to not less than 18 feet provided such spaces are adjacent to an aisle of not less than 24 feet in width where the stalls are aligned perpendicular to the aisle, or to an aisle of a width approved by the Commission where the stalls are aligned to provide for angled parking.

**B. SCHEDULE OF OFF STREET PARKING STANDARDS**

1. SINGLE FAMILY DETACHED HOME in all zones: Two (2) spaces per home.
2. TWO THROUGH FOUR UNIT HOME: Two (2) spaces per unit.
3. DWELLING UNITS IN THE RDM ZONE: Two and three-tenths (2.3) spaces per unit.
4. HOTEL, MOTEL, ROOMING, LODGING, BOARDING HOUSE, BED AND BREAKFAST: One (1) space for each room for rent to transient guests plus two (2) additional spaces for each permanently occupied living unit, plus one (1) space per employee on the largest shift.
5. MEDICAL OFFICE including CLINIC: One (1) space for each 150 square feet of gross usable floor area or six (6) spaces for each full-time doctor or dentist, whichever is greater. For the purposes of these regulations, several part-time doctors or dentists shall be considered as one or more full-time doctor(s) or dentist(s) when their cumulative office hours equal a 40-hour (or more) workweek.
6. BUSINESS OFFICE, non-medical use: One (1) space for each 225 square feet of gross usable floor area. Gross usable floor area should be assumed as eighty percent (80%) of total floor area for office buildings where no floor plan exists at the time of application.
7. PRIVATE HOSPITAL: One and one-half (1.5) space for each bed.
8. NURSING, SANITARIUM, CONVALESCENT HOME: One (1) space for every three (3) beds.
9. FUNERAL HOME: Forty (40) spaces, plus twenty (20) for each parlor or chapel in excess of one.

10. RETAIL AND PERSONAL SERVICE SHOP and BANK carried on independent of a shopping center: One (1) space for each 150 square feet of sale and customer area plus one (1) space for each 225 square feet of gross usable floor area of office space. Retail uses in a shopping center shall require five and one-half (5.5) spaces for 1,000 square feet of gross usable floor area.
11. RESTAURANT, FAST FOOD, DAIRY BAR, GRILL, COFFEE SHOP: One (1) space for each 50 square feet of seating and customer area or one (1) space for every two (2) seats, whichever is greater, plus one (1) space per employee on the largest shift. Parking spaces must be provided at the above rate for all outdoor seating (seasonal and non-seasonal).
12. RESTAURANT, LOW TURNOVER: One (1) space for each 100 square feet of seating and customer area, or one (1) space for every two (2) seats, whichever is greater, plus one (1) space per employee on the largest shift. Parking spaces must be provided at the above rate for all outdoor seating (seasonal and non-seasonal). Where a low turnover restaurant contains additional facilities or amenities such as a dance floor, lounge, freestanding bar or banquet or conference room without fixed seating the Commission may require the provision of additional parking based upon a rate equal to or less than one (1) space per 30 square feet for each facility.
13. INDUSTRIAL (including MANUFACTURING), WAREHOUSE, PUBLIC UTILITY: One (1) space per employee on the largest shift.
14. PLACE OF ASSEMBLY: (including church, theater, auditorium): One (1) space per every three (3) seats, provided that the Commission may by way of special permit in accordance with Article IV, Section 12 of these Regulations approve a parking plan that provides not less than one onsite parking (1) space per every four (4) seats. If requested by the Commission, the applicant for such a special permit shall submit a parking study demonstrating that the combination of onsite and other available offsite parking is not less than one (1) space for every three (3) seats.
15. Where a use is not specifically listed, the Commission shall determine the required number of spaces.
16. BILLIARD PARLOR: Two (2) spaces for each billiard table in the facility plus one (1) for each employee.
17. When multiple uses are present on the premises, such as in a shopping center, the Commission may consider overlapping use of parking spaces based upon the various hours of operation and peak usage for each use.

#### **Section 8.A. OFF STREET BICYCLE PARKING STANDARDS**

- A. **DEFINITION.** For the purpose of applying the provisions of this section the term below shall be defined as follows:

**BICYCLE PARKING FACILITY** – Devices which support and secure a parked bicycle. Known as rack elements, they may be assembled together to form a complete rack and with proper spacing between racks, a bicycle parking lot.

**B. GENERAL REQUIREMENTS.**

1. The Commission may require the provision of bicycle parking facilities in conjunction with all new construction; special permits for changes in use; and in cases where the number of existing parking spaces is increased by ten percent or more for the following:
  - a. All non-residential uses unless it is determined that such a facility will be unmanned during daylight hours and will not be serving customers onsite.
  - b. All residential complexes which contain one or more community facilities such as a clubhouse, meeting room or common recreation area.

In deciding whether to require such facilities the Commission may consider any resulting loss of parking spaces, negative effects on handicap or pedestrian access as well as any negative impact on the overall design of the site.

2. Bicycle parking facilities should be provided at a minimum having parking for two bikes, with one bicycle parking space provided for every twenty vehicle onsite parking spaces unless otherwise determined by the Commission.
3. Bicycle racks should be arranged so that parking for each bicycle is a minimum of two feet wide and six feet long. Lines of racks should be arranged such that aisle widths of at least four feet are provided between rows of bikes. A minimum of thirty six inches should be provided between rack elements (side to side). Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.
4. Bicycle racks should be securely fixed to the ground surface and resist being cut or detached using common hand tools.
5. Bicycle racks should be located at least three feet from any wall or obstruction. They should be located within view and convenient to the main building entrance. In the case of a multiple building complex (non-residential), bicycle racks should be located for each building. In residential complexes, bicycle racks should be provided in a location convenient for each community facility. Bicycle racks shall not interfere with pedestrian circulation and should be safely separated from vehicle parking and driveways.



6. Bicycle parking facilities may be moved or removed by the owner of any premises between November and April with the consent of the Town Plan and Zoning Commission if, in the owner's opinion, it is necessary to facilitate the removal and/or storage of snow.
7. Bicycle parking facilities may be temporarily moved or removed by the owner of any premises if, in the owner's opinion, it is necessary to facilitate paving or other construction in the vicinity of any such bicycle parking facilities. Any such temporary moving or removing of a bicycle parking facility pursuant to this provision shall be done with the consent of the Town Plan and Zoning Commission.

**Section 9. STORAGE CONTAINERS, DUMPSTERS, TRAILERS, MOBILE HOMES AND RECREATIONAL VEHICLES**

**A. STORAGE CONTAINERS AND DUMPSTERS**

1. One storage container or dumpster may be placed on a parcel of land occupied or to be occupied by a one, two, three or four family home provided it is located in accordance with Article IV. Section 2.A. of these regulations. However a dumpster used in connection with a construction activity may be located within the front yard for a period of time not to exceed 60 days.
2. Storage containers or dumpster located on parcels occupied by any other use, permanent or temporary, must be approved by the Commission. However a storage container or dumpster used in connection with an approved construction activity may be approved by the Zoning Enforcement Officer. Permanent dumpsters shall be screened in a manner as specified and approved by the Commission.

**B. TRAILERS**

1. A total of one open or enclosed utility or recreational trailers, neither to exceed 20 feet in length, may be placed on a parcel of land occupied by a one, two, three or four family home. If the parcel exceeds 15,000 square feet the trailer size may be increased not to exceed 24 feet in length, parcels exceeding 20,000 square feet may have a total of two open or enclosed utility or recreational trailers not to exceed 27 feet in length. Trailers shall be located behind the longest rear wall of the principal building or in the rear half of the lot and at least 10 feet from side and rear lot lines. In the case of a through lot, in the rear yard as measured from the longest rear wall of the principal building, but not beyond the middle third of such lot as measured from the street the principle use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest rear wall with respect to both streets or in the rear half of a lot as measured from both streets. Where a lot is bounded by three or more streets the trailer must be stored to the rear of the home as measured from the longest rear wall with respect to two streets or in the rear half of a lot as measured from two streets. Open or enclosed utility or recreational

trailers located on parcels occupied by any other use, permanent or temporary, shall be approved by the Commission.

The length of a trailer shall be determined by the longest measurement from the first vertical member of the trailer body (not to include the trailer hitch or front frame) to the rear most body member. The measurement shall include all overhangs/cantilevered portions of the trailer. Any appendages permanently affixed to the hitch or front frame shall be included in the overall measurement of the trailer. In the event of a fifth wheel type trailer the forward most portion or first vertical member to the rear most body member shall determine the trailer length. Flat trailer length shall be determined by the length of the frame/body excluding the hitch and or portion of the frame that makes up the hitch.

2. A utility or recreational trailer shall not be occupied for living and/or used for any other use, permanent or temporary, on a parcel of land occupied by a one, two, three or four family home without a special permit issued by the Planning and Zoning Commission and shall be limited in use and duration as deemed appropriate by the Commission. Except that the owner of land a recreational trailer is situated upon may permit its occupancy for living purposes by a guest for a period not exceeding two weeks. The location for such trailer(s) shall conform to paragraph 1.
3. A utility or recreational trailer may be placed (occupied or unoccupied) on a vacant parcel of land zoned residential for more than a two-week period only after receipt of a special permit. The trailer or recreational vehicle must have the ability to contain all waste materials for disposal at an approved location and shall not create a hazard to this property or neighboring properties. See Article IV. Section 12. for application procedures, hearing and notice requirements and site plan information. The location for such trailer(s) shall conform to paragraph 1.
4. Construction trailers used as a business office, sales office, or for storage purposes in connection with an approved construction activity may be permitted by the Zoning Enforcement Officer provided they are located in such a manner as to minimize their visibility and/or impact on neighboring properties, private or public. Construction trailers shall be removed from a site no later than 30 days from the time the construction activity is completed.
5. All trailers on a parcel of land occupied by a one, two, three or four family home must be owned and registered to the occupant of said property with the State of Connecticut Department of Motor Vehicles, taxes paid to the Town of Farmington and must be operational and fit for its intended use.
6. Exceptions: The Commission may issue a special permit for exceptions to one or more of the conditions governing the storage of trailers that cannot be located or stored in compliance with the above standards and/or exceed the size or quantity limitations, subject to the following:
  - a. The Commission may require screening and /or landscaping to soften the effect and/or impact of the storage of trailers on neighboring properties.

- b. The special permit shall be issued to the applicant and specific vehicle and is nontransferable to a new property owner or for a different trailer.
- c. The Commission may impose additional conditions as deemed necessary to minimize the impact to the property and/or neighboring properties.

See Article IV. Section 12 for application procedures, hearing and notice requirements, and site plan information.

### **C. MOBILE HOME AND RECREATIONAL VEHICLES**

1. For the purpose of this regulation a mobile home and/or a recreational vehicle including boats and aircraft shall be treated the same as a trailer and shall be stored in conformance with Article IV. Section 9.B. A mobile home and/or recreational vehicle will be considered as one unit (trailer) and subject to the same limitations on the number of trailers (units) per lot. Mobile homes and recreational vehicles located on parcels occupied by any use other than a one to four family home, permanent or temporary, shall be approved by the Commission. Mobile Homes and Recreational Vehicles including Boats and Aircraft shall be measured from the forward most portion of the vehicle to the rear most portion of the vehicle not to include a trailer hitch or portion of the frame that make up the hitch. A combination of a recreational vehicle and a trailer shall be measured from the forward most vertical member to the rear most member. A recreational vehicle overhanging the front or rear of a trailer shall cause the over hang to be added to the overall length of the trailer.
2. Mobile homes or recreational vehicles (including boats or aircraft) may be placed on a parcel of land occupied by a one, two, three or four family home provided they are owned and registered to the occupant of said property with the State of Connecticut Department of Motor Vehicles, taxes paid to the Town of Farmington, and must be operational and fit for its intended use.
3. A mobile home and/or recreational vehicle shall not be occupied for living and/or used for business on a parcel of land occupied by a one, two, three or four family home without a special permit issued by the Town Plan and Zoning Commission and shall be limited in use and duration as deemed by the Commission. Except that the owner of land a recreational vehicle or mobile home is situated upon may permit its occupancy for living purposes by a guest for a period not exceeding two weeks. The location of such mobile home or vehicle shall conform with paragraph B.1.
4. A mobile home or recreational vehicle may be placed (occupied or unoccupied) on a vacant parcel of land zoned residential for more that a two-week period only after receipt of a special permit. The mobile home and/or recreational vehicle must have the ability to contain all waste materials for disposal at an approved location and shall not create a hazard to this property or neighboring properties. See Article IV. Section 12. for application procedures, hearing and notice requirements and site plan information. The location of such mobile home or vehicle shall conform with paragraph B.1.
5. Exceptions: The Commission may issue a special permit for exceptions to one or more of the conditions governing the storage of mobile homes and/or recreational vehicles that

cannot be located or stored in compliance with the above standards and/or exceed the size or quantity limitations subject to the following:

- a. The Commission may require screening and/or landscaping to soften the effect and/or impact of the mobile home and/or recreational vehicle on neighboring properties.
- b. The special permit shall be issued to the applicant and specific vehicle and is nontransferable to a new property owner or for a different vehicle.
- c. The Commission may impose additional conditions as deemed necessary to minimize the impact to the property and/or neighboring properties.

See Article IV. Section 12 for application procedures, hearing and notice Requirements, and site plan information.

#### Section 10. HORSES AND STABLES

Parcels of 80,000 square feet in all zones not meeting the definition of farm as found in Article I. Section 9. are permitted one horse or pony and stable. Each animal above the minimum requires an additional 80,000 square feet.

Stables shall not be located within any required yard as defined in these regulations, and shall be at least 100 feet from any water supply, and the manure and refuse shall be disposed of according to the State of Connecticut Public Health Code.

#### Section 11. EROSION AND SEDIMENT CONTROL PLAN

No person shall undertake any grading, stripping, excavating or filling of land, where the cumulative disturbed area exceeds one-half acre, before submitting and receiving approval of an erosion and sediment control plan. **The plan must be certified prior to commencing any of the above activities. Certification shall mean a signed written approval by a designee of the Commission or the Zoning Enforcement Officer. Plans shall be submitted to the Commission for approval when such activity is proposed in conjunction with an application for a special permit, subdivision or site plan approval or regulated activity within an inland wetlands or watercourse. In all other cases such erosion and sediment plan shall be submitted to and approved by the Zoning Enforcement Officer.**

Grading, stripping, excavating or filling activities which do not require the submission and approval of an erosion and sediment plan must nonetheless be conducted in strict accordance with the following performance standards:

1. No activity shall interfere with any drainageway or watercourse.
2. No activity shall result in the deposition of debris or sediment off site or into any drainageway, watercourse or inland wetland.
3. No activity shall result in permanent instability of the terrain or for an extended period of time.

In order to be eligible for certification, a soil erosion and sedimentation control plan shall contain provisions to adequately control erosion and sedimentation using best management practices. Such practices shall be consistent with the Connecticut 2002 Guidelines for Soil Erosion and Sedimentation Control.

Each erosion and sedimentation control plan shall be prepared by a registered professional engineer and shall contain a narrative description and site plan with a minimum of the following information:

1. The type and purpose of the development or construction.
2. The schedule for grading and construction activities including:
  - Estimated start and completion dates, which address seasonal concerns;
  - Sequence of grading and construction activities;
  - Sequence of installation and /or application of soil erosion and sediment control measures;
  - Sequence for any temporary removal and re-installation of the soil and sediment control measures;
  - Sequence for final stabilization of the site.
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
5. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
6. A plan drawn at a scale between 1"=10' and 1"=50' showing the following:
  - The boundaries of the property;
  - The existing and proposed topography using one or two foot contours;
  - The location of any area of wetlands and watercourses;
  - The location of soil types and K factor;
  - The proposed area to be altered including grading, clearing, excavation, filling, construction of structures, roads, drainage facilities and other utilities;
  - The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - Phase lines (if necessary) showing the sequence of grading and construction activities.
  - The names of person(s) to be responsible for the installation and maintenance of all control measures with an emergency phone number.

The soil erosion and sediment control plan shall contain any other information deemed necessary and appropriate by the applicant or by the Commission or its designated agent.

Any plan submitted may be referred to the North Central Conservation District Inc. for review and comment.

The Commission may require the posting of a bond to ensure compliance with the certified plan.

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan shall be supplied by the applicant subject to the review and approval of the Town Engineer.

It is the developer's/builder's responsibility to correct erosion and sedimentation problems that occur during construction and take appropriate measures to address such problems. In the event that the erosion and sediment control measures as shown on the certified plan are not functioning properly to prevent erosion and sedimentation either through inadequate design, lack of maintenance, emergency conditions or unforeseen field conditions, the Zoning Enforcement Officer shall direct the developer/builder to have the project engineer revise the plan to correct and/or eliminate any deficiencies in the plan, and to install and maintain new erosion control measures.

The Zoning Enforcement Officer shall have the authority to order and/or approve changes to the certified plan in the event of unforeseen field conditions, which require immediate remedial measures to improve the effectiveness of the plan. Changes proposed by the developer/builder to the plan shall be reviewed and approved by the Zoning Enforcement Officer at his sole discretion.

In the event that the developer/builder fails to perform the work within the time limits specified in the certified plan or fails to install and maintain the controls specified in the certified plan or properly control the release of sediment offsite or into any wetland or watercourse, the Zoning Enforcement Officer shall advise the developer/builder in writing of this fact and direct that any necessary work be completed within a specified time. If the developer/builder does not comply with the directions of the Zoning Enforcement Officer, the Commission may arrange for said work to be done by the Town, or by a private contractor hired by the Town. The cost of this work shall be paid for with bond funds that were deposited by the developer and held by the Town. The Town may also utilize such funds to reimburse the costs incurred by the Town for action taken in the case of an emergency where there is an immediate threat to the public health and safety as a result of the failure of erosion and sedimentation control measures. Should the developer's bond funds be insufficient to cover the cost of work performed by the Town or a private contractor employed by the Town, the developer/builder shall still be obligated to reimburse the Town for the expenses. In such cases the Town may withhold the issuance of a final or partial Certificate of Occupancy until such time the Town is reimbursed for its costs.

The Commission or its designated agent may require the developer/builder to submit progress reports and inspection forms by the project engineer to verify that the soil erosion and sediment control measures have been installed properly and that they are being operated and maintained in accordance with the certified plan.

Prior to the commencement of construction the developer/builder shall enter into a signed agreement with the Town which acknowledges the applicant's responsibility to install and maintain the erosion and sediment control measures, install additional controls if deemed necessary and comply with all conditions of approval of the certified plan subject to enforcement action taken by the Town including the imposition of a fine. This agreement shall also include the name of the person responsible for the installation and maintenance of such controls and the name of the person responsible for the design of the approved plan and any modifications, which may be needed. The document shall also indicate permission for the Town or its agents,

employees or contractors to enter the property to make inspections, emergency repairs, corrections or installations.

**Section 12. SPECIAL PERMITS, SITE PLANS, INTENT AND APPLICATION REQUIREMENTS**

**A. INTENT**

These Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the size and location of structures in relation to the land are substantially uniform. However, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location or relation to the neighborhood so as to promote the public health, safety and welfare. Change of zone and special permit uses shall be subject to the satisfaction of the requirements and standards set forth herein. Zone changes and special permit uses are declared to possess such particular characteristics that each shall be considered as an individual case.

**B. STANDARDS FOR GRANTING OF A CHANGE OF ZONE OR SPECIAL PERMIT**

In considering applications the Commission shall require compliance with the following:

1. That the existing and future character of the neighborhood in which the zone and/or use is to be located will be protected;
2. That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment;
3. That traffic circulation within the site and the amount, location and access to parking is adequate, and adequate sight distance is provided for all proposed and existing driveways;
4. That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increase traffic generated by such use;
5. That the i) basic design of the proposed use(s) or buildings; ii) relationship between the buildings and the land; and iii) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property;
6. That in the case where an application proposes increased building density over that permitted under the existing zone, the topography and other natural features of the property are capable of accommodating such increased development without detrimental impact; and that adequate safeguards have been taken to protect the natural environment;
7. That all required public services will be reasonably available to serve the proposed development.

The Commission may attach conditions to an approval of a special permit or site plan in conjunction with a special permit or zone change to ensure compliance with the above standards.

### C. PROCEDURES

1. Every application for change of zone and special permit shall require a public hearing.
2. Notice of the public hearing by certified mail shall be mailed by the applicant no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property which is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing shall be presented to the Planning Department at or before the public hearing. In addition, the applicant shall post a notification sign provided by the Planning Department on the property at least seven (7) days prior to the date of the public hearing.
3. All applications for a zone change or special permit shall be accompanied by an application for site plan approval unless otherwise waived by the Commission. In addition, an application for site plan approval shall be submitted to the Commission for the development of any varied use and for any site or building modifications to any existing special permit use. Applications for site plan approval shall be accompanied by 8 sets of plans, 24" x 36" in size, at a scale of no less than 1" = 100', and contain all information as listed on the Application Checklist which is included as part of these regulations as Appendix B. The Commission may waive any and all of the information required on a site plan provided enough information is submitted to the Commission to sufficiently determine compliance with these regulations.
4. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval. If the Zoning Enforcement Officer determines such request to have a significant consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.
5. Changes in special permit uses shall require Commission approval. (Changes in tenancy for approved uses shall not require an application to the Commission, nor shall changes within any one of the individual categories of special permit uses listed for each zone.)
6. Applications under Section 7. for sign approval shall not require public hearings.



## Section 13. LANDSCAPE REGULATIONS

### A. PURPOSE

These landscaping regulations are adopted for the purpose of protecting property values by: preserving existing vegetation and planting of new materials; providing privacy from visual intrusion; screening undesirable light, pollutants and noise; preventing the erosion of soil; providing water recharge areas; and improving the environmental quality and aesthetics of the Town of Farmington.

### B. LANDSCAPE REQUIREMENTS

1. Front Yards. The required front yard or side yard along a street of all lots shall be landscaped and surfaced either with lawn, evergreen ground cover or suitable substitute.

This required yard area, with the exception of one family homes, shall contain one tree meeting the requirements of Paragraph 4. below for every 25 feet of frontage.

One or more driveways may run perpendicular - approximations expected - to the required landscaped yard setback, except that the Commission may approve the location of a connecting driveway between separate parcels within this yard. In the case of a single family home a turnaround area, circular driveway or area immediately adjacent to the driveway for no more than three cars may be placed in this required front yard setback. No motor vehicles shall be parked or stored on landscaped surfaces within such yard. No motor vehicles shall be parked or stored in the required front yard on a second driveway of a single-family home.

2. Side and Rear Yards. Any lot developed for business or industrial use shall provide a landscaped area along side and rear lot lines. In the C1, CR, BR, PR and for nonresidential special permit uses in residential zones, and elsewhere when required by the Commission, a landscaped area shall be provided along the side and rear lot lines at least 20 feet in width with two trees meeting the requirements found in Paragraph 4. below for each 50 feet or part thereof of such lines. In the B1 Zone a landscaped area shall be provided along side and rear lot lines at least 15 feet wide with one tree meeting the requirements found in Paragraph 4. for each 50 feet or part thereof of such lines. The Commission may also approve the location of a shared or connecting driveway between separate parcels within these yard areas.
3. Parking Lot Landscaped Area Requirements. Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least 10 percent of the gross parking area. Gross parking area shall include the area of parking stalls, aisle ways and associated landscaping. This landscaped area shall require landscaped end islands and landscaped center islands within the parking area. Intermediate landscaped islands measuring 9 feet wide by 20 feet in length shall be provided in parking rows for every 16 spaces. This island shall measure 8 feet wide by 16 feet in length in a row of compact spaces. One deciduous or evergreen tree, meeting the requirements found in Paragraph 4., shall be planted within the landscaped area for each

10 parking spaces. A deciduous or evergreen tree shall be planted upon each island as required by the Commission.

4. **Landscaped Buffer Requirements.** Landscaped buffers shall be provided where required by this section and shall conform to the standards in the Bufferyards illustrated on Page 122. Seventy-five percent (75%) of all trees in such buffer areas shall be of the evergreen species. Trees and shrubs shall conform to the following standards: i) Deciduous trees shall be planted at 3 inches in caliper with a mature height of at least 35 feet; ii) Fruit trees shall be planted at 2 inches in caliper with a mature height of at least 12 feet; iii) Evergreen trees shall be coniferous species planted at 6 feet in height; and iv) Shrubs shall be either deciduous species planted at 2-1/2 feet in height with a mature height of at least 6 feet or evergreen species planted at 2-1/2 feet in spread.
  - a. **Front Yard Buffer:** A front yard landscaped buffer may be required by the Commission in business or industrial zones and for special permit uses in residential zones except for two, three and four family homes where necessary to preserve and protect the residential character of nearby development. Such buffers shall meet or exceed the requirement of an "A" Bufferyard.
  - b. **Side and Rear Yard Buffer:** A landscaped buffer shall be provided along side and rear yards where business or industrial zones abut residential zones. However a landscaped buffer within a yard along a street shall be provided only at the request of the Commission. This buffer shall meet or exceed the requirements for a "B" Bufferyard along the boundary between a business zone and a residential zone, and meet or exceed the requirements for a "C" Bufferyard along the boundary between an industrial zone and a residential zone. A landscaped side yard and/or rear yard buffer may be required by the Commission between a special permit use in a residential zone, except two, three and four family homes, and adjacent residential zones. Such buffer shall meet or exceed the requirement of a "B" Bufferyard.
5. **Existing Vegetation.** Existing plant material meeting the requirements of Paragraph 4. of this section may be used to meet all or part of these landscape regulations.
6. **Variations to Landscape Requirements.** Additional Landscaping: The Commission may require additional landscaping or more mature plantings when unusual conditions require more extensive screening.

**Reduced Landscaping:** The Commission may reduce up to 25 percent of the landscape requirements including width and number of plant materials and eliminate the installation of any berm or berm wall by a five-sixths vote for excellence in building and parking design. The Commission shall consider, among other features, physical site characteristics, existing vegetation and natural resources, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of proposed landscape materials.

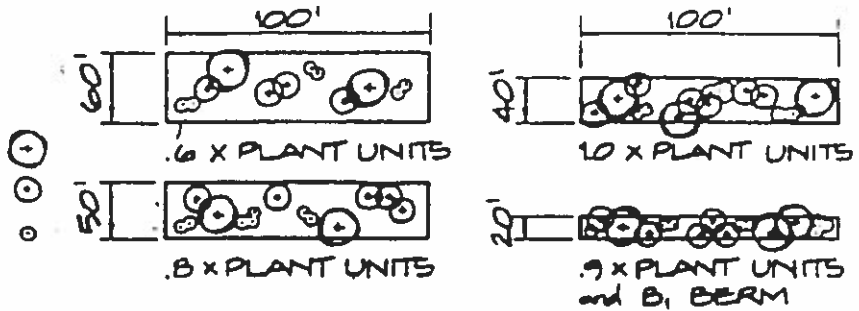
The Commission may waive all or a portion of the landscaped buffer requirements when it has been determined that a proposed use of land is adjacent to a residential zone which contains a non-access highway or non-residential use which is permanent in nature.

7. Landscape Plan Requirements shall conform to the requirement contained in Section 12. Paragraph C.3.
8. Bonding of Landscape Improvements. The Commission may require a bond in an amount to cover the cost of 100 percent of all landscape improvements. These improvements shall include the cost of all plant materials, seed, mulch, topsoil, construction of berms and all labor necessary to implement the landscape plan.
9. Completion of Landscaping. All landscaping shown on the approved plan shall be completed before issuance of a Certificate of Zoning Compliance, or a bond in a form and amount satisfactory to the Zoning Enforcement Officer assuring completion within a specific time (not to exceed one year) shall be filed with the Town. Such bond shall be forfeited if the work shall not have been completed within such time limit.
10. It is the responsibility of the property owner to replace any vegetation required by this regulation, which dies or is lost by theft.
11. The Commission may, by way of special permit in accordance with Article IV, Section 12 of these Regulations, modify all or a portion of the Requirements of this Section 13 where such is necessary to implement an off-street parking plan approved by the Commission pursuant to Article IV, Section 8 of these regulations.

### A Bufferyard

REQUIRED PLANT UNITS / 100'

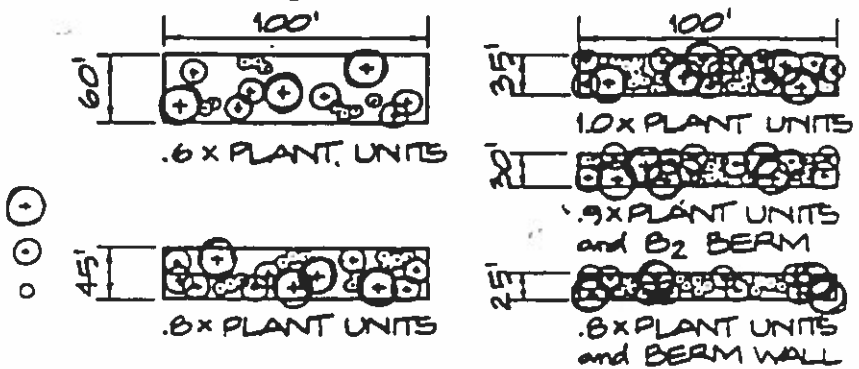
9 TREES  
9 SHRUBS



### B Bufferyard

REQUIRED PLANT UNITS / 100'

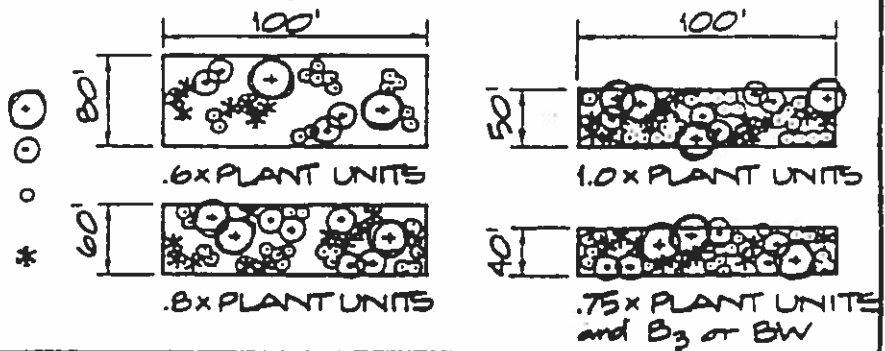
15 TREES  
15 SHRUBS



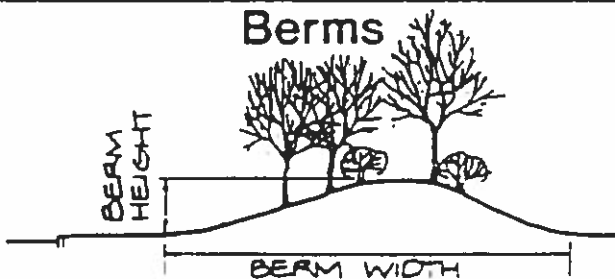
### C Bufferyard

REQUIRED PLANT UNITS / 100'

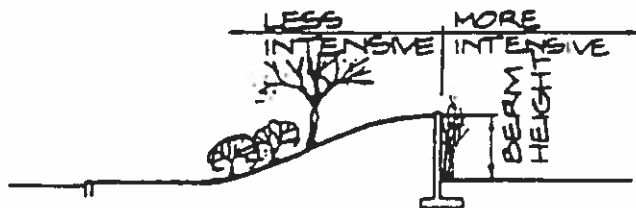
22 TREES  
24 SHRUBS



### Berms



### Berm Wall



SYMBOL	HEIGHT	MATERIAL	MIN. WIDTH
B <sub>1</sub>	4'	EARTH	20'
B <sub>2</sub>	5'	EARTH	30'
B <sub>3</sub>	6'	EARTH	40'

SYMBOL	HEIGHT
BW	4' BERM with 4" WALL

## Section 14. LIGHTING

Any interior or exterior lighting, including signs, shall not be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property.

All lighting fixtures for commercial or industrial uses, which are at a height of ten or more feet from the adjacent ground and mounted on either poles or buildings shall be down lighting only. Pole height shall not exceed 14 feet as measured from the adjacent ground elevation to the top of the pole or fixture whichever is greatest. However, the Commission may approve the use of a pole up to 24 feet in industrial zones and in cases where such poles are installed in parking areas containing 75 or more spaces. The above standards shall not apply to the illumination of sports fields or courts or to lighting required to identify tall structures such as communication towers or antennae.

## Section 15. FIRE PROTECTION

### A. SPRINKLER SYSTEMS

1. With the exception of those buildings listed in Section B. of this regulation all buildings and additions to existing buildings both approved by the Commission and built subsequent to the effective date of this regulation (May 24, 1991) shall be equipped with an automatic sprinkler system. Automatic sprinkler systems shall also be provided in existing buildings when their use is changed from an exempted use to a nonexempted use.
2. Automatic sprinkler systems as required by this regulation shall be installed, inspected and maintained in accordance with the requirements of the National Fire Protection Association Standard for the Installation of Sprinkler Systems 13, 13A, 13R and 13D as amended and as referenced in the Connecticut Fire Safety Code or any succeeding statute as amended and as may be in effect at the time the building is constructed. Their design and installation shall also be approved by the Farmington Fire Marshal and the Farmington Building Official.

### B. EXEMPT BUILDINGS AND BUILDING ADDITIONS

The following classes of buildings and building additions shall be exempt from the requirement of providing automatic sprinkler systems except as otherwise required by the Connecticut Fire Safety Code or the Connecticut State Building Code:

1. Single family and two family dwellings.
2. Conversion of an existing building to a three family dwelling.
3. Buildings included as part of a multiple family development which contain less than three dwelling units.

4. Public or private garages, portable or temporary buildings except where the principal use of such garage or building is the repair or service of automobiles. Buildings which are not enclosed on one or more sides.
5. Nonresidential buildings containing less than four thousand (4,000) square feet in area excluding basement and attic areas. For purposes of this regulation the term basement shall be defined as an area of a building located partially or wholly below grade level and use for a purpose other than the intended principal use of the building.
6. One or more additions to an existing non-sprinklered building not otherwise exempted by this section, provided the area of the addition or cumulative area of such additions is less than 4,000 square feet excluding the area of basements and attics. The required installation of an automatic sprinkler system shall be limited to the area of the nonexempt building addition.
7. Buildings or additions to a non-sprinklered building which require the extension of a water line capable of delivering an adequate volume of water to supply an automatic sprinkler system which is extended exclusively for this purpose a distance beyond 30 feet for each 1,000 square feet of proposed building area excluding basement and attic space. For purposes of calculating the distance set forth in this paragraph such distance shall be measured from the terminus of the existing adequate supply along a route which requires no acquisition of private easements to the location of the proposed building or to the building for which the addition is proposed.

### C. OTHER REQUIREMENTS

1. All buildings, with the exception of single family dwellings, which are exempt from the automatic sprinkler requirements shall comply with the required fire flows as established by the ISO Fire Suppression Rating Schedule-Latest Edition or provide an alternate fire protection system as approved by the Farmington Fire Marshal.

### Section 16. TRAFFIC MANAGEMENT REGULATION

- A. All applications submitted to the Commission subsequent to the effective date of this regulation (May 24, 1991) and proposing at one time or cumulatively the following minimum floor area or number of parking spaces on a parcel of land shall be accompanied by a Traffic Management Plan which complies with the minimum requirements set forth in the section:

Retail Use (including personal services and banking institutions) - 100,000 square feet.

Office Use (including general, business, professional or medical offices and research and development facilities) - 30,000 square feet.

Industrial Use (including manufacturing, warehousing and assembly) - 100 parking spaces.

Where more than one of the above uses are proposed on a single site the following minimum floor area of number of parking spaces shall be used:

Office Use with Industrial Use - 100 parking spaces.

Retail Use with Office Use - 100 parking spaces as determined by the following formula:

$$\frac{\text{Proposed retail area (sq. ft.)}}{1000} + \frac{\text{Proposed office area (sq. ft.)}}{280} = \text{Number of parking spaces}$$

B. The Traffic Management Plan shall provide a description of the programs proposed by the applicant to reduce the number of employees who commute to work in an automobile alone. The Traffic Management Plan shall at a minimum contain the following elements:

1. Operation of a rideshare program. Explicitly, the preparation and maintenance of a list containing the addresses of all employees working on site. This list shall be made available to any employee wishing to establish a car or vanpool.
2. The posting and dissemination of carpooling, vanpooling and transit information to all employees.
3. Provisions in the site plan design for the establishment of and/or access to bus stops (where service is available) and the designation of specific areas for parking for vanpools.

C. MONITORING

The applicant shall submit to the Commission prior to January 31 of each year a report documenting compliance with the approved Traffic Management Plan.

Section 17. SIDEWALKS

In conjunction with an application for special permit or site plan approval the Commission may require the installation of a sidewalk along a public or private road or within a site.

Section 18. OUTDOOR DISPLAY, SALES OR STORAGE OF GOODS OR MATERIALS

A permanent or temporary outdoor display or sales area may only be established by a retail or wholesale business with the approval of the Commission. A manufacturer may only establish a temporary outdoor display or sales area with the approval of the Commission. Permanent outdoor display or sales area shall only be approved where the Commission finds that it is customary to the specific use. In approving outdoor display or sales area the Commission may regulate its particular location on the site, the number and type of items displayed. No outdoor display or sales area, permanent or temporary, shall be approved by the Commission where it finds that a traffic or pedestrian hazard on or off site will result or where such display or sales area will have a blighting effect on neighboring properties. The Commission may specify certain hours of the day for the establishment or operation of any outdoor display or sales area.

Outdoor storage of materials or supplies (including construction equipment) on a parcel of land occupied by a nonresidential use may only be permitted with the approval of the Commission. Unless otherwise approved such storage area shall be enclosed by a fence and located to the rear

of any existing or proposed building(s). These areas shall also comply with any yard requirements applicable to a building as specified by these regulations for the particular zone the storage area is situated in.

Except as located on land occupied by a church or charitable institution, it is prohibited to locate, store or display any cabinet for the purpose of collecting donated used items including clothing, shoes, etc. Such church or charitable institution must approve the placement of such cabinet and shall be responsible for its maintenance. These units shall be situated in locations on the property as approved by the Commission.

#### Section 19. ROOFTOP UTILITIES

The placement of rooftop utilities, mechanical equipment and satellite dishes on nonresidential or multiple family buildings is only permitted with the approval of the Commission. Such approval may only be granted upon a finding that the above facilities could not reasonably be placed in the building or elsewhere on site. The Commission may require that such facilities be fully screened from a roadway, parking area or adjoining property.

#### Section 20. HELIPORTS/LANDING AND TAKE OFF OF AIRCRAFT

- A. The Commission by special permit or in conjunction with an application submitted for a special permit for property located within any commercial or industrial zone may permit the establishment of a heliport and/or the take off and landing of aircraft. Such operation shall be limited to nonrevenue passenger service and shall not include facilities for maintenance or repair.
- B. The take off and landing of aircraft in residential zones may only be permitted by special permit subject to the following restrictions and limitations:
  - 1. The property upon which such aircraft is to take off and land must contain an area of 2.5 or more contiguous acres.
  - 2. All take off and landing operations must be located at least 100 feet inside the boundaries of the parcel of land.
  - 3. Any fuel storage facilities shall comply with the design requirements found in Article II. Section 18.E. of these regulations.
  - 4. Such activity shall be limited to personal, noncommercial use.
- C. In approving a heliport or the take off and landing of aircraft the Commission may regulate the frequency and hours of operation of such facility or activity as well as the type of aircraft used.
  - 1. See Article IV. Section 12. for application procedures, hearing and notice requirements, and site plan information.
- D. Exceptions. The provisions of this section shall not apply to the following:



1. Emergency landings of aircraft.
2. The landing and take off of balloons provided that takeoffs from a particular parcel of land shall be limited to no more than two days within a calendar year.
3. Air medical helicopter landings and takeoffs for the purpose of emergency patient care and training as requested by emergency medical services, police or fire officials.

## Section 21. ACCESSORY APARTMENTS

### A. DEFINITION

ACCESSORY APARTMENT means a second dwelling unit located within a detached single-family dwelling situated on an individual lot. Such dwelling unit shall be subordinate to the principal dwelling in terms of size, location and appearance.

### B. One accessory apartment as herein defined may be established within a new or existing single family dwelling in accordance with the following standards:

1. An accessory apartment shall not have more than one bedroom and living area not to exceed 650 square feet. However the living area of an accessory apartment shall not exceed 30 percent of the living area of the principal dwelling as measured exclusive of the area to be incorporated into the accessory apartment. The living area of the principal dwelling, exclusive of the area to be incorporated into the accessory apartment, shall not be less than that specified for the zone the dwelling is located in as established in Article III. Section 2. of these regulations. The Commission may approve by special permit an accessory apartment with a maximum living area of 900 square feet and/or having two bedrooms. See Article IV. Section 12. for application procedures, hearing and notice requirements, and site plan information.
2. At least one of the dwelling units shall be occupied by one owner of record of the property who possesses an estate for life or a minimum 50 percent fee simple ownership interest. Occupancy shall be defined as physically living in the dwelling unit for at least six (6) months of the calendar year. The occupant(s) of the unit not inhabited by the owner of the property as herein defined shall be related to an owner of the property by blood, marriage or adoption or shall be employed by the owner for domestic services.
3. The principal dwelling and accessory apartment shall remain under common ownership.
4. An accessory apartment may only be established within a single-family dwelling located on a lot having an area of at least 5,000 square feet. No accessory apartment having more than one bedroom or more than 650 square feet of living area shall be established within a single family dwelling located on a lot less than 12,000 square feet in area.
5. Original construction or modifications made to a dwelling in conjunction with the establishment of an accessory apartment shall be designed and undertaken in such a manner as to maintain the appearance of a single-family residence. The outside entrance

to an accessory apartment shall be provided along a building wall which does not face a road unless otherwise approved by the Commission. Plans for building additions or external stairways proposed in conjunction with the development of an accessory apartment must be reviewed and approved by the Commission to ensure conformance with the above standard. The Commission may require the provision of fencing or landscaping to minimize the visual impact of exterior stairs or other external changes.

6. The design of the accessory apartment shall be such that conversion back to a single-family dwelling may be readily accomplished. The residence shall be converted back to a single family dwelling within six (6) months such accessory unit is no longer occupied. This time period may be extended by the Commission.
7. An area adequate to park two additional cars shall be provided on site in conjunction with an accessory apartment having two bedrooms. No additional driveway shall be established for an accessory apartment unless otherwise approved by the Commission.
8. Accessory apartments shall comply with all building code requirements as well as the Farmington Housing Code.
9. An application to establish an accessory apartment must be submitted to the health authority for the Town of Farmington for review and approval when the premises is sewerred by an on site sewerage disposal system or a private water system.
10. Accessory apartments may only be permitted in a single family home concurrent with a home business or the leasing of rooms by the grant of a special permit.
11. No accessory apartment may be established until a Zoning Permit and Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer. Such Certificate of Zoning Compliance must be renewed every two years from the date of issuance. The property owner shall submit information to indicate compliance with the provisions of this regulation on forms provided by the Zoning Enforcement Officer.

## Section 22. AFFORDABLE HOUSING

An application for affordable housing submitted to the Commission pursuant to the provisions of Section 8-30g. of the Connecticut General Statutes, and not submitted under Article II. Section 25. of these regulations, shall conform with subsections F.1. through F.4. and F.8. of Article II. Section 25. of these regulations with the following exceptions:

- A. An affordable housing unit shall be defined as in Section 8-39a. of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income.
- B. Restrictions or covenants requiring that dwelling units be sold or rented at or below prices which will preserve the units as affordable housing shall only apply for a period of twenty years from the initial occupation of such dwelling units.

In addition the approval of such an application for affordable housing as defined above shall not

legally take effect until the housing developer has entered into a contract with the Town of Farmington as specified in Article II. Section 25.D. of these regulations.

**Section 23. COMMERCIAL WIRELESS TELECOMMUNICATION SITES**

**A. DEFINITIONS.** For the purpose of applying the provisions of this section the terms below shall be defined as follows:

**ANTENNA** means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

**CAMOUFLAGED** means a commercial wireless telecommunication site that may be disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.

**CARRIER** means a company that provides wireless telecommunication services.

**CO-LOCATION** means locating wireless communication facilities from more than one provider on a single structure or tower. Co-location can also refer to the provision of more than one service on a single structure or tower by one or more carriers.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES** means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**COMMERCIAL WIRELESS TELECOMMUNICATION SITE** means a facility operated by a licensed commercial wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

**HEIGHT OF TOWER** means a distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances. The total elevation of the tower is the height of the tower plus the ground elevation expressed as above mean sea level.

**RADIOFREQUENCY (RF) ENGINEER** means an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**TOWER** means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include a) self supporting lattice, b) guyed and c) monopole.

**B. LOCATION PREFERENCES.** The locations for siting commercial wireless telecommunication sites are listed in lines 1 through 10 below, in order of preference.

1. Camouflaged within an existing building, flagpole, tower or similar structure.

2. Mounted and camouflaged on an existing building or structure.
3. Mounted on existing buildings and structures in commercial and industrial zones.
4. Mounted on an existing or previously approved tower without increasing the height of the tower.
5. Mounted on existing buildings and structures in residential zones.
6. Mounted on an existing or previously approved tower resulting in an increase in tower height.
7. Mounted on new towers at or less than 75 feet in height located in commercial or industrial zones.
8. Mounted on new towers more than 75 feet in height located in commercial or industrial zones.
9. Mounted on new towers at or less than 75 feet in height located in residential zones.
10. Mounted on new towers more than 75 feet in height located in residential zones.

C. PERMITTED USES. The following uses which generally pose minimum adverse visual effects subject to the standards in Subsection G.

1. Commercial wireless telecommunication sites which are camouflaged and located inside nonresidential buildings or structures. No changes shall be made to the exterior of such structure.
2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other similar structures which are not classified as buildings provided the following standards are met:
  - a. No changes are made to the height of the structure. However the antenna may extend up to 15 feet above the original height of the structure.
  - b. No panel antenna shall exceed 60 inches in height and 24 inches in width.
  - c. No dish antenna shall exceed 3 feet in diameter.
  - d. All related equipment buildings and boxes shall be screened and fenced as required by the Zoning Enforcement Officer.
  - e. Such towers, poles, light standards, bridges or similar structures shall be located within non-residential zones.

D. USES ALLOWED ONLY BY SPECIAL PERMIT. In addition to specific requirements listed in Subsections G. and H., the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for

application procedures, hearing and notice requirements. A licensed carrier shall be either the applicant or co-applicant.

1. In all zoning districts, commercial wireless telecommunication sites not otherwise permitted in Subsection C.

E. SITE PLAN REQUIREMENTS. All proposals to develop a commercial wireless communication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Article IV. Section 12. of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use:

- a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- b. Details of all proposed antenna and mounting equipment including size and color.
- c. Elevations of all proposed shielding and details of materials including color.
- d. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
- e. A report from a licensed RF engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection G. of this regulation. The report shall include ambient RFR measurements and the maximum estimate of RFR from the proposed wireless telecommunication site(s) plus the existing RFR environment. Such report shall also certify that the installation of such site will not interfere with public safety.

2. Special Permit Use:

- a. A map depicting the extent of the carrier's current and planned coverage within the Town of Farmington and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site.
- b. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
- c. Upon request of the Commission, the applicant shall provide complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower.
- d. Upon request of the Commission, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. This

demonstration shall remain in place for a minimum of 36 hours.

- e. Upon request of the Commission, the applicant shall provide a sight line study indicating how the facility would appear from various directions and distances prescribed by the Commission. This could include photographs depicting sight lines before and after installation.
- f. All of the plans and information required for Permitted Uses in the previous section.

#### F. HEIGHT AND AREA REQUIREMENTS.

- 1. **Lot Size.** Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
- 2. **Height.** The maximum height of a tower proposed under this regulation shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances. The maximum height of any roof top mounted wireless telecommunication site shall be 15 feet unless otherwise approved by the Commission.

#### 3. **Yards.**

- a. All towers shall comply with the following minimum property line setbacks and fall zone requirements: (For purposes of applying the provisions of this paragraph the height of a tower mounted on a building shall be measured from the elevation of the roof at the base of the tower to the tallest point on the tower including the antenna and all appurtenances)

**Fall Zone** – The base of a tower shall be located a minimum distance from a property line equal to the height of the tower. This fall zone area shall not contain any buildings unrelated to the commercial wireless telecommunication site unless otherwise approved by the Commission after the applicant has shown that based upon substantial evidence submitted that the tower is so designed and located as to collapse in a manner which would not result in a threat to buildings or other structures intended for occupancy by persons.

**Front Yard or Side Yard Along a Street** - A minimum distance equal to the height of the tower or the setback required for the underlying zone, whichever is greater.

**Side or Rear Yards.** - In residential zones, a minimum distance of 75 feet for towers equal to or less than 75 feet in height and for towers in excess of 75 feet a minimum distance equal to  $\frac{3}{4}$  the height of the tower.

In non-residential zones, a minimum distance equal to  $\frac{1}{2}$  the height of the tower or the setback required for the underlying zone, whichever is greater.

However where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.

- b. All equipment buildings/boxes and or equipment areas which are 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

All equipment buildings/boxes and or equipment areas which are less than 50 square feet in area shall comply with the following minimum property line setbacks:

Front Yard of Side Yard Along a Street - Same as for a principal building in the underlying zone.

Rear and Side Yards - 20 feet.

- c. Applications proposed for the Flood Protection Zone shall comply with the lot and yard requirements of the R40 zone.

#### G. GENERAL REQUIREMENTS.

1. No commercial wireless telecommunication site shall be located within 500 feet of a parcel containing a playground or school which is primarily attended by persons under 18 years of age. The Commission may, in its discretion and by a vote of 5 of 6 of its members, waive this requirement for an area designated as the playground, when the limits of the playground area within the parcel are located more than 500 feet from the commercial wireless telecommunications site. When considering such waiver requests, the Commission may consider future playground development proposals for any portion of the parcel if a formal development plan is on file with or pending before, or was previously approved by the Commission or the Director of Parks and Recreation.
2. No commercial wireless telecommunication site shall be located within 200 feet of a residential dwelling.
3. No tower shall be located within 1,000 feet of the boundary of a local historic district.
4. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
5. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray or other neutral color as determined by the Commission.
6. No tower shall be located on municipally owned land designated as open space or for recreation use unless approved by the Farmington Conservation Commission.
7. All towers shall be either a monopole or lattice design at the discretion of the Commission. A monopole tower shall be designed to collapse upon itself.
8. The Commission may require that monopoles be of such design and treated with an architectural material so that it is made to resemble a man-made or natural object such as

but not limited to a flagpole or tree.

9. The Commission may require that any proposed tower be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is 100 feet or greater in height or for at least one additional comparable antenna if the tower is between 50 and 99.9 feet in height. The Commission may require the tower to be of such height and structural design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
10. Each tower site must be served by a driveway with parking for at least one vehicle. All provisions of these regulations concerning the design and location of driveways shall apply.
11. Antennas or unshielded equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building. The Commission may require that building mounted facilities be camouflaged or shielded.
12. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.
13. Dish antennas shall not exceed 6 feet in diameter. Panel antennas shall not exceed 5 feet in height.
14. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
15. All applications for commercial wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Article II Section 16 of these regulations.
16. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. When there is more than one existing or proposed source of electromagnetic emissions at a site or adjacent thereto the design shall consider the cumulative emissions from all sources.
17. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
18. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all state and local noise ordinances. In addition the Commission may require that generators be screened including the use of panels lined with sound deadening material.
19. All applications for commercial wireless telecommunication towers 50 feet or greater in height shall be accompanied by a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees to meet reasonable terms and conditions for shared use.



20. The Commission under Chapter 98 of the Town of Farmington Code may engage outside consultation to assist in the review of engineering plans and specifications relating to commercial wireless telecommunication sites.

**H. FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED.**

In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Article IV. Section 12., shall also find:

1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the State or National Historic Register or within an approved historic district, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
2. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 through 6 location, the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not feasible. In the case where the higher preference location is not technologically feasible, the applicant shall supply documentation of the following factors:
  - a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved structure as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated with reasonable means.
  - b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated with reasonable means.
  - c. The planned equipment cannot be accommodated on an existing building or structure due to the inability to adequately receive or transmit the desired signal and that such deficiencies cannot be eliminated with reasonable means.
  - d. The existing or planned equipment on an existing or approved structure would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated with reasonable means.
  - e. Any restriction or limitation imposed by the FCC.
  - f. In the case where an application is filed for a preference 9 or 10 location, the applicant, in addition to conforming with paragraph 2. of this section, has adequately described the efforts and measures taken to pursue preference 7 and 8 locations and why such locations were not technologically or legally feasible.
- I. **MONITORING.** Subsequent to the initial operation of a commercial wireless telecommunication site, the owner of such facility shall conduct an actual measurement of

the electromagnetic emissions and submit a report prepared by a licensed RF engineer to the Commission. This report shall be submitted between three months and six months after initial operation has commenced. In the case where a commercial wireless telecommunication site is located in or within 1000 feet of a residential zone the Commission may require that such report be prepared and submitted on a frequent basis not to exceed one per each calendar year. When there is more than one source of electromagnetic emissions at a site the above mentioned report should measure the cumulative emissions from all sources.

- J. ABANDONMENT. A commercial wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area. The Commission may require a performance bond to ensure the removal of a site and restoration of the subject area.
- K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date of the approval granted by the Commission. For purposes of this regulation the term construction shall be defined as the installation of a permanent foundation. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. In reviewing a request for an extension of the special permit the Commission may give due consideration to the use of alternative technologies.

#### Section 24. ADULT-ORIENTED ESTABLISHMENTS

##### A. Declaration of article policy; findings; purpose and intent.

The Planning and Zoning Commission of the Town of Farmington finds as follows:

(1) The operation of sexually oriented businesses in the town requires special regulation by the town to protect, preserve and promote the health, safety and welfare of the potential patrons of such businesses, as well as the health, safety and welfare of the town's residents. Further, protecting order and morality, preserving the character and preventing the deterioration of the town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

(2) The Planning and Zoning Commission has reviewed the following materials and information regarding sexually oriented business:

- a. *Virginia Adult Use Study dated March 1996, published by the Newport News Department of Planning and Development in the Newport News, Virginia;*

- b. A study called the "Adult Entertainment Businesses in Indianapolis" dated February 1984 which was conducted by the Department of Metropolitan Development, Division of Planning;
- c. A study called the "Adult Entertainment Businesses in Oklahoma City: A survey of Real Estate Appraisers" dated March 3, 1986 which was conducted by the City of Oklahoma City Community Development Department;
- d. City of Renton v. Playtime Theatres, Inc., et.al., 475 US 41, 106 S.Ct. 925 (1986);
- e. Police Records from the Orange Police Department relating to calls to the VIP store in Orange, Connecticut in 2003 and 2006;
- f. Police records from the Hartford Police Department relating to calls to the VIP store in Hartford, Connecticut in 2003, 2004, 2005, 2006 and 2007;
- g. Expert Opinion Testimony as set forth in the Expert Witness Disclosures in the case of Ten's Cabaret, Ltd. V. City of New York, et. al., Index No. 121197/02, Supreme Court of the State of New York, County of New York, dated March, 2008.
- h. "Men's Behavior Toward women After Viewing Sexually-Explicit Films: Degradation Makes a Difference," Mulac, Jansma and Linz; Communication Monographs, Vol. 69, No. 4, December 2002, pp.311-328;
- i. "Crime Risk in the Vicinity of a Sexually Oriented Business: A Report to the Centralia City Attorney's Office" by Richard McCleary, P.h.D. dated February 28, 2004;
- j. "Do 'Off Site' Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence," McCleary and Weinstein, November 14, 2007;
- k. "Men's Interaction with Woman After Viewing Sexually Explicit Films: Does Degradation Make a Difference?" Jansma, Linz, Mulac and Imrich, Communication Monographs, Volume 64, March 1997;
- l. City of Milford Adult Use Ordinance.

(3) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

- a. Large numbers of persons, primarily male, frequent such sexually oriented businesses, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures, videotapes or live entertainment.
- b. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such sexually oriented businesses for the purpose of engaging in specified sexual activities.
- c. Male and female prostitutes have been known to frequent such businesses in order to provide sex for hire to the patrons, clients or customers of such businesses within such booths, cubicles, studios and rooms.
- d. Doors, curtains, blinds and other closures installed in or on the entrances and exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes, other persons or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

- e. Booths, cubicles, studios and rooms that are closed while they are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth, cubicle, studio or room to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle studio or room. These holes promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus, Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms at sexually oriented businesses provides an increased risk that blood, semen, urine or other bodily secretion will be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.
  - f. Specified sexual activities often occur at unregulated sexually oriented businesses that provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of sexually oriented businesses and specifically include "lap dancing" or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases, which would be detrimental to the health of the patrons and employees of such sexually oriented businesses.
  - g. The unregulated operation of sexually oriented businesses, including off-site adult businesses like adult bookstores, adult video stores and adult novelty stores, is associated with an increase in the incidence of sex-related crimes and other crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places, as well as causing a deleterious effect on surrounding businesses and decrease in the value of surrounding property.
  - h. Sexually oriented businesses that operate in close proximity to each other further contribute to an increase in crime, lower property values, blight and the downgrading of the quality of life and value of property in the adjacent area, and sexually oriented businesses that operate within a short distance of schools, churches, parks, libraries and other public facilities negatively impact such places and have an adverse effect upon persons, particularly children, walking to and from such places.
  - i. The reasonable regulation and supervision of such sexually oriented businesses tends to discourage prostitution, other sex-related crimes, anonymous and high-risk sexual contact and unsanitary sexual activity, excessive noise and property devaluation, thereby decreasing the incidences of communicable diseases and sex-related crimes, all thereby promoting and protecting the health, safety and welfare of the employees and the members of the public who patronize such businesses and protecting the health, safety and property interests of a town and its residents.
- (4) The unregulated operation of such sexually oriented businesses is and would be detrimental to the health, safety and general welfare of the residents of the town.
- (5) The constitution and laws of the state grant to the town powers, especially the police power, to enact reasonable legislation and measures to regulate sexually oriented businesses in order to protect the public health, safety and welfare.

- (6) It is the purpose and intent of the Planning and Zoning Commission, in enacting this article, to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such sexually oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.
- (7) It is not the intent of the Planning and Zoning Commission, in enacting this article, to deny to any person rights to speech protected by the United States or state constitutions, nor is it the intent of the commission to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, videotapes, books or other materials. Further, by enacting this article, the council does not intend to deny or restrict the constitutionally protected rights of any adult to obtain or view any sexually oriented materials under the United States or state constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

B. Definitions. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult Oriented Establishment* - An adult-oriented establishment is any business or operation that conforms to one or more of the following descriptions:

*Adult arcade* means any establishment where one or more still or motion picture projectors, slide projectors, computers or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, live webcasts, slides or other live or photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

*Adult cabaret* means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- (1) Persons who appear nude or seminude;
- (2) Live performances that are characterized by the exposure of specified anatomical areas; or
- (3) Films, motion pictures, videocassettes, web casts, material over the internet, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

*Adult Books* means any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.

*Adult entertainment* means:

- (1) Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; and
- (2) Any amusement machine or computer that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

*Adult mini-motion picture theater* means any enclosed building with a capacity of 50 or less persons regularly used for showing films, motion pictures, videocassettes, slides, internet sites, webcasts or other photographic reproductions or live videos that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

*Adult Model Studio* - any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. Excluded from this definition are any licensed educational institutions where the exposure of specified areas is associated with a curriculum or program.

*Adult Motel* - a commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activity or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.

*Adult motion picture theater* means any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, webcasts, internet based material, slides or other live or photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

*Adult Novelties* means: (a) instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use; (b) instruments, devices, gag gifts, toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; and (c) oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities.

*Adult Oriented Store* means any establishment having:

- (1) greater than five (5%) of its gross floor is devoted to the display of Adult Books, Adult Paraphernalia, Adult Videos or Adult Novelties or any combination thereof;
- (2) any portion of its stock in trade in Adult Books, Adult Videos or Adult Novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

*Adult Paraphernalia* - devices or equipment or materials characterized by an emphasis on depicting or describing specified sexual activity or used in connection with specified sexual activity; or defines itself as such by advertising as an adult oriented business to the general public.

*Adult theater* means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in performances, whether live or via the internet, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

*Adult Videos* means films, motion pictures, videocassettes, webcasts, internet sites, DVDs, software, slides or other photographic reproductions or live video that depict, display or describe specified anatomical areas or specified sexual activities.

*Church* means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

*Employee* means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

*Entertainer* means any person who provides adult entertainment, whether live or via the internet, within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

*Escort* means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

*Escort agency* means any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

*Live adult entertainment* means any live performance by a person who appears, or appears live via the internet, nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

*Massage parlor* means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations

commonly used in this practice. The definition of massage parlor shall not include the practice of massage:

- (1) In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
- (2) By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
- (3) By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;
- (4) By trainers for any amateur or professional athlete or athletic team or school athletic program; or
- (5) By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

*Masseur* means any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.

*Minor* means any person under the age of 18 years.

*Nude model studio* means any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

*Nudity* means:

- (1) The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
- (2) A state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.

*Operator* means any person operating, owning, managing, conducting or maintaining a sexually oriented business.

*Public building* means any building owned, leased or otherwise held by the United States, the state, the town, any other town or town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

*Public park and recreation area* means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town or town, or the state.

*School* means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle



schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

*Seminude* means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

*Sexual activities* is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications that devote at least 25 percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi nudity is indigenous to the population.

*Sexual encounter establishment* means a business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

*Sexually oriented business* means:

- (1) An adult arcade, adult oriented store, adult cabaret, adult mini-motion picture theater, adult motion picture theatre, adult theatre, escort agency, massage parlor, nude model studio or sexual encounter establishment;
- (2) Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
- (3) Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

*Specified anatomical areas* means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

*Specified sexual activities* means:

- (1) Showing of human genitals in a state of sexual stimulation or arousal;

- (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- (3) Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
- (4) Lap dancing; or
- (5) Excretory functions as part of or in connection with any of such activities.

**C. Establishment of an Adult Oriented Establishment**

Adult Oriented-Establishments are permitted within the C1 and CR Zones upon the approval of the Commission of an application for special permit as submitted by the owners of the land such use is to be situated. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements.

No building or use of land for the establishment of an adult-oriented establishment shall be approved in the Town of Farmington unless the following requirements are met:

- a. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for a public or private school primarily attended by persons 18 years of age and younger, playground, church or library.
- b. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for an adult-oriented establishment.
- c. No adult-oriented establishment shall be established on the same lot that is used or approved to be used for an adult-oriented establishment.
- d. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within a 250 ft. radius of any lot located in a residential zoning district.
- e. No sexually oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes.
- f. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.
- g. No alcoholic beverages shall be sold or consumed within adult-oriented establishments.
- h. Adult-oriented establishments shall be so designed as to not permit the view of any sexual aids or paraphernalia; films, books, tapes, periodicals, CDs, drawings or advertisements depicting specified anatomical areas or specified sexual activity from a sidewalk, street, driveway or parking area.

i. Any signs located inside or outside an adult-oriented establishment visible from a sidewalk, street, driveway or parking area shall not visually depict, describe or name any specified anatomical area or specified sexual activity.

D. HOURS OF OPERATION. At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed.

E. The approval of a special permit application for adult-oriented establishments shall be void and of no effect unless construction and or operation commences within one year from the date the approval is granted by the Commission.

#### Section 25. STORMWATER SYSTEMS

A. Stormwater systems designed and installed in conjunction with the development of land must receive the approval of the Commission in consultation with the Town Engineer.

B. Stormwater systems shall be designed for the following objectives:

1. Prevent flooding of onsite or offsite property.
2. Feed and recharge inland wetlands, surface and subsurface waters.
3. Minimize pollutant loads in stormwater runoff into inland wetlands, surface and subsurface waters.
4. Maintain the hydrology of existing sub watersheds including wetlands and watercourses.

C. The Commission may withhold the approval of a storm water system design if it fails to meet the above objectives.

D. The maintenance of a private storm water system is the responsibility of the property owner. The Commission may require that a maintenance program be developed and submitted to them for approval. The Commission may require that a bond be posted and/or that periodic reports be filed with the Town to ensure that the required maintenance has been performed.

#### Section 26. CONSERVATION EASEMENTS

When a conservation easement is offered or required in conjunction with any approval granted by the Commission, such easement area shall be located on the property by affixing a marker provided by the Town to a tree or a 4" x 4" cedar or pressure treated post, a maximum of 48" high. Such markers shall be spaced at each change of direction of the easement line or a maximum of 50 feet apart. The actual layout of posts and markers shall be approved by the Planning Department staff and must be installed prior to any construction activity unless otherwise approved.

#### Section 27. REGULATION OF INTENSIVE CONSTRUCTION ACTIVITIES

A. PURPOSE. Vibration, noise and dewatering associated with various construction activities

which are deemed intensive including but not limited to pile driving, blasting, mass excavation or compaction and rock crushing may have physical and psychological impact upon neighboring structures and occupants. These impacts could include damage to real property, a reduction of quantity or quality of water from drinking water wells and a diminution in quality of life from various deleterious effects. The following set of regulations has been developed to prevent or diminish such effects.

B. **GENERAL REQUIREMENTS.** Construction activities such as blasting, pile driving, mass excavation or compaction and rock crushing shall be undertaken in a manner, which avoids or minimizes impacts on surrounding properties and persons. This shall include but not be limited to the following provisions:

1. Activity such as blasting, pile driving, rock crushing, mass excavation or compaction shall be limited to weekdays only and solely between the hours of 8 a.m. to 2 p.m. unless otherwise directed or approved by the Commission or its designated agent. The Commission may limit the number of events on a daily or weekly basis.
2. Contractors and owners shall utilize appropriate safeguards as directed by recognized industry codes and standards, the Commission or Farmington Town Officials relating to such items as blasting mats to reduce impacts.
3. Utilizing devices, which measure noise and vibration to monitor activities and ensure that they do not exceed the performance criteria established by this and other regulations.

This regulation is not intended to abrogate or interfere with any state or federal law or regulation which addresses any matter covered by this regulation.

C. **PROCEDURE.** Construction activities such as blasting, pile driving, mass excavation or compaction and rock crushing shall not occur within the Town of Farmington unless a special permit has been issued by the Town Plan and Zoning Commission. In addition to ensuring that an application complies with the relevant standards found in Article IV Section 12 of these regulations the Commission shall also consider the following:

1. Whether there is a feasible and prudent alternative to the activity applied for.
2. The proximity of residences to the location of such activity. In particular the number of residences located within 1,000 feet of the activity.
3. The presence and proximity of water supply wells to such activity.
4. The likelihood of physical damage to the properties.
5. The presence and proximity of any material waste product or gaseous byproducts which (a) poses a present or potential hazard to human health or the environment; or (b) is highly flammable or which may react to cause fires or explosion or (c) create or augment a fire or explosion hazard.

At the request of the Commission the application shall be accompanied by a report

prepared by a professional having experience in this field such as a geologist or licensed engineer which shall include a subsurface investigatory analysis including test pits and/or borings in quantity sufficient to determine the impact of intensive activities. Such report shall provide information on the earth material present on the property, the activity to be undertaken, impacts of such activity on real property and wells and a list of recommended measures to be implemented which will ameliorate or eliminate such impacts including blasting charge design. The report shall also state that the proposed activities will not cause results to exceed those of the performance standards in section D.

The Commission may engage, at a cost to the applicant, a third party review of the above-mentioned reports and submitted evidence.

The Commission may attach conditions to their approval, which would accomplish the objectives of this regulation.

**D. PERFORMANCE STANDARDS:** The following standards and safeguards have been developed with the goal of preventing or minimizing impacts to or upon persons or property within proximity of the subject activity. Adherence to these standards is no guarantee against damage to property or claims of nuisance by persons in the area. Nor does compliance with these standards insulate any contractor, operator, owner or developer from any such claims.

1. Air Overpressure – No activity shall produce at the location closest to a habitable building which is most immediately situated to the activity more than 105 db as measured at the C-weighted scale.
2. Ground Motion (vibration) – No activity shall produce at the location closest to a habitable building which is most immediately situated to the activity a particle velocity in excess of 1.5 inches/second at 40 Hz. or more, 1.0 inches/second between 30 and 39 Hz. and 0.5 inches/second at less than 30 Hz.
3. Flyrock – Blasting activities shall not produce flyrock beyond the property lines of the subject site.

**E. MONITORING AND REPORTING:**

1. Compliance with the standards found in Section D of this regulation shall be confirmed by a comprehensive and continuous seismic monitoring program, which shall be undertaken by the applicant subject to the oversight of the Fire Marshall.
2. All seismographs used to demonstrate compliance with this regulation shall be calibrated to the following minimum specifications:
  - a) Seismic Frequency Range: 2 to 200 Hz. (+3 Hz.)
  - b) Acoustic Frequency Range: 2 to 200 Hz. (+1 db)
  - c) Velocity Range: 0.02 to 4.0 inches/second

- d) Sound Range: 110 to 140 db linear
  - e) Transducers: three mutually perpendicular axes
  - f) Recording: provide time history of wave form
3. All seismographs shall be calibrated as often as necessary but at least once every 12 months and in accordance with the manufacturer's recommendations.
  4. The placement of all measuring instruments and components shall conform to industry standards.
  5. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions.
  6. Seismograph records are to be supported by written records containing the following information:
    - a) Name of operator.
    - b) Location, date and time of the activity.
    - c) Identification of nearest habitable building, direction and distance to the activity. Location of monitoring instruments.
    - d) Weather conditions.
    - e) Type of earth material encountered.
    - f) Record of any explosives used. Sketches of blast pattern including number of holes, burden, spacing decks and delay patterns.
  7. All information collected by seismic monitoring shall be placed on file with the Fire Marshall's office.
  8. The Fire Marshall may require that a representative of his or her office be present for any operation or activity covered by this regulation. The applicant shall pay the cost for any person representing the Fire Marshall.
  9. The Town of Farmington may require an independent third party analysis to be paid for by the applicant. This analysis may include an examination of the seismic recordings, recording procedures, and instrument operation.
- F. NOTIFICATION/REAL PROPERTY AND WELL SURVEYS. Prior to the commencement of any activity approved pursuant to this regulation the applicant shall:
1. Post signs, a minimum of 20 square feet in area, announcing any blasting and posted in all locations as directed by the Fire Marshall.

2. In the case of blasting, send a notice at least 15 days prior to the activity to all owners of property located within 500 feet of the subject property.
3. Conduct a survey of all structures which are located a minimum of 250 feet from such activity or a distance expressed as  $D = 65 \times \sqrt{W}$ , whichever is greater, where D equals the distance from the activity and W equals the maximum charge weight per 8 ms delay. This radius may be extended by the Town Plan and Zoning Commission.

Surveys shall contain the following information:

- a) Name of property owner, location of property, date and time of survey
  - b) Name of person making the survey and the operator
  - c) Condition of the structure, documentation of any pre-existing defects and relation of any photographic or tape records to the body of the report
  - d) Identification numbers for all photographs
  - e) Identification of particularly historic or fragile buildings or valuable or fragile contents, which may be particularly vulnerable to blast vibrations.
4. Conduct a survey of all drinking water wells located within a minimum of 250 feet from such activity or a distance expressed as  $D = 65 \times \sqrt{W}$ , whichever is greater, where D equals distance from the activity and W equals the maximum charge weight per 8 ms delay. The Town Plan and Zoning Commission may extend this radius. The survey shall include a test of water quality and quantity.
  5. A copy of the surveys required under this section shall be submitted to the Commission and the property owner. If the property owner disagrees with the content of the survey, a detailed description of the areas of disagreement shall be filed with the Commission. When access to the property for a survey is denied by the property owner such information shall be transmitted to the Commission including the date such request was denied with a notation as to whether such denial was verbal or in writing.

## Section 28. STANDARDS FOR ACCESSIBLE AND UNIVERSAL DESIGN

### A. PURPOSE

The Town of Farmington recognizes the need of its disabled and elderly citizens to have the greatest access possible to buildings and facilities, which are available to the public and thereby promoting the independence, safety and dignity of this sizable population. The Town Plan and Zoning Commission has found that current state and federal codes fail to attain best practices in accessible and universal design. The standards and guidelines found in this section, while exceeding in some instances current code requirements, have been developed to promote optimum accessibility and shall apply to all new construction,

expansion, redevelopment and reuse of property as specified in this regulation.

#### **B. SITE PLAN ELEMENTS.**

All site plans submitted to the Commission for new construction, additions or substantial redevelopment for commercial, industrial or institutional uses under Section Article IV Section 12 of these regulations shall be subject to the following standards.

1. Sidewalks providing access to or on a site for the public shall have a minimum width of six feet. Such walks shall be widened to as much as eight feet as directed by the Commission where such walk serves a development (retail, personal service, office or institutional use) in excess of 20,000 square feet or is located within the UC zone.
2. Parking areas containing 75 or more spaces shall contain a sidewalk system and be connected by a raised walkway and crosswalk to all buildings located on the premises.
3. Objects protruding into or over the footprint of the walk shall be cane detectable at 24 inches.
4. Sidewalks constructed of pavers, brick or other non-uniform surface material shall have a well-compacted sub-surface to ensure the most even surface as practicable. Loose or uneven pavers, bricks etc. shall be immediately adjusted.
5. Trees, light posts, street furniture or other structures located within a sidewalk shall be positioned in such a manner as to maintain a straight, unimpeded path of travel for pedestrians including those in wheelchairs.
6. Railings used along sidewalks shall contain thin vertical posts between 30 and 48 inches high. Such posts should be spaced as far apart as possible consistent with the State Building Code.
7. Curb cuts and curb ramps shall be painted caution yellow to provide a visual warning.
8. Handicapped accessible parking spaces shall be located wherever possible adjacent to the building so to avoid crossing lanes of traffic. Unless otherwise approved by the Commission, no accessible parking space shall be located more than 100 feet from an exterior entrance to the building it is intended to serve and shall be connected to such building with a walk containing a slope of 1:20 or less.
9. Handicapped parking spaces shall be distributed and located in such a manner where they are not likely to be used for stockpiling of snow.
10. Vehicles shall be deterred from parking within the access aisles attached to handicapped accessible spaces. This may include the use of signage.
11. Developments containing multiple buildings shall provide benches or other seating areas to function as rest areas as directed by the Commission. Benches shall have seat heights 17 to 18 inches; graspable armrests and an ergonomic shape for lumbar support and seat contour. Maneuver space shall be provided to enable chair and scooter riders to transfer to the bench.
12. Directional and informational signs shall be installed at the request of the Commission. Such signs shall light colored letters against dark background.

#### **C. BUILDING ACCESS**

For all new commercial, industrial and institutional building construction, additions, installation of handicapped ramps and as directed by this subsection for commercial,



industrial and institutional uses, the following standards shall apply.

1. Building entrances shall be designed so that approaches to level areas at entry doors located within 200 feet of any handicapped parking space are sloped at 1:20 or less.
2. Ramps and stair handrails shall be round or oval in shape and constructed of a material that offers a gripping surface that is non-slip and easy to grasp securely.
3. Ramp handrails should be constructed with a clear space of 42 inches from handrail to handrail.
4. Handrails shall be installed on both sides of stairs or ramps with runs continuous over the full length of the stairway or ramp and shall terminate with a horizontal extension on level landings at top and bottom.
5. In the case of new construction, additions and for buildings undergoing redevelopment the Commission shall require the installation of automatic door openers on all exterior entrances located within 200 feet of any handicapped parking space and for any door (exterior or interior) providing the main entrance to an individual business. Such doors shall also have 34-inch wide clear openings.
6. Kick plates from the bottom edge to a height of 16 inches shall be provided and installed on the push side of all exterior doors located within 200 feet of any handicapped parking space and for any door (exterior or interior) providing the main entrance to an individual business. This shall not apply to power doors containing a sensor for automatic operation. In the case of doors to be opened by hand, loop or staple type hardware shall be installed.

#### **D. BUILDING FACILITIES AND DESIGN**

For all new commercial, industrial and institutional building construction, additions and elsewhere as directed by this subsection for commercial, industrial and institutional uses the following standards shall apply.

1. For businesses such as retail uses, restaurants and banks that have a counter where business is conducted, such counter shall have a 36-inch wide section where the height is not greater than 34 inches. If customers use such counter for writing, clear knee space below the 36-inch wide section at a minimum height of 27 inches and a minimum depth of 18 inches shall be provided. In cases where providing this clear knee space is not feasible, the Commission may approve the provision of a pullout or fold down writing shelf.
2. The Commission may require that up to 10% of all dining tables within a restaurant be accessible to patrons using wheelchairs. This percentage may be increased to 20% within restaurants located in the UC zone. This shall include the design of tables which do not contain pedestals which impede foot pedals, foot chair or scooter wheels. One half of all accessible tables shall contain more than one accessible space for diners.
3. Handicapped accessible restrooms shall be provided as required by state and federal regulation. In addition, for new building construction, additions and substantial reconstruction and in cases where a new restroom is added, the following shall apply.
  - a. Single sex restrooms shall have an accessible stall with minimum dimensions of 5 feet by 6 feet.
  - b. In bathrooms containing more than one toilet stall, in addition to a fully accessible stall, at least one other stall shall be 3 foot wide with 42 inch grab bars mounted on

- both sides.
- c. In addition to single sex restrooms, the Commission may require the provision of a companion restroom for those requiring assistance.
  - d. Locks and latches used in restrooms shall be operational without pinch, grasp or twist of the wrist.
  - e. Restroom doors shall contain hinge mounted door closers unless equipped with automatic closers.
  - f. Toilets shall have elongated bowls with seat heights of 17 to 18 inches. Flush controls shall be positioned on the open side of the toilet.
  - g. Fold down grab bars shall be secured in a vertical position by a holder with an easy release mechanism.
  - h. Toilet paper dispensers must be easily usable by persons with limited manual dexterity and be installed in a location, which does not intrude on knee space between the toilet edge and sidewall.
  - i. All items within the restroom such as trash receptacles, benches etc. shall be located as to not intrude into maneuver space.

#### **E. ACCESS WITHIN MULTIPLE STORY BUILDINGS**

For all new commercial, industrial and institutional buildings containing multiple stories, an elevator or lift shall be constructed to provide handicapped access to all floors above grade. The Commission may require the provision of an elevator or lift for a multiple story addition constructed onto such commercial, industrial or institutional building.

Where an application for change of use is submitted to the Commission for building space located on a floor above grade of an existing commercial, industrial or institutional building, the Commission may withhold the approval of such application upon a finding that such space is not handicapped accessible. In making such a decision the Commission shall take into consideration the nature of such use and the need for accessibility by customers or employees as well as other arrangements, which maybe proposed to provide handicapped access to such use or portion thereof in another portion of the building.

As amended effective May 2, 2008.

#### **Section 29. NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS**

- A. **PURPOSE.** The Town of Farmington recognizes that non-commercial wind energy systems may be beneficial to its residents and businesses by providing an alternative source of clean energy. However the unregulated design and placement of these systems may result in incompatible land uses, a threat to property values and the health, safety and welfare of Town residents.
- B. **DEFINITIONS.** For the purpose of applying the provisions of this section the terms below shall be defined as follows:

**METEOROLOGICAL TOWER** – a facility consisting of a tower and related wind measuring devices, which is used solely to measure winds preliminary to construction of a non-commercial wind energy conversion system.

**NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM** – a facility consisting of some or all of the following: a tower, wind turbine generator with blades, guy wires and anchors, and associated control conversion electronic equipment to convert wind movement into electricity, and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a non-commercial wind energy conversion system only if it supplies electrical power solely for on-site use. However, when a parcel on which a non-commercial wind energy conversion system is installed also receives electrical power supplied by a utility company, any excess electrical power generated by the non-commercial wind energy conversion system, and not then needed for on-site use, may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use. No net revenue to the owners shall be produced by such excess electrical power generation.

**C. GENERAL REQUIREMENTS AND STANDARDS.** All non-commercial wind energy conversion systems shall conform to the following design and locational standards and may be installed in any zoning district following receipt of a special permit. In addition to the specific requirements listed in this section, the Commission must find that the application complies with the standards found in Article IV Section 12. See Article IV Section 12 also for application procedures, hearing and notice requirements.

1. Properties located in a residential zone may be permitted only one non-commercial wind energy conversion system.
2. No horizontal axis wind energy conversion system shall be permitted on a lot containing less than 40,000 square feet of land area. Vertical axis wind energy conversion systems may be located on a lot containing a minimum of 15,000 square feet of land area.
3. Horizontal axis wind energy conversion systems may not be mounted on a building. These systems shall be mounted on a monopole tower. However by a 5/6 vote of the full Commission, horizontal axis wind energy conversion systems may be mounted on a lattice or guyed tower providing that the lot contains at least 80,000 square feet of land area.
4. The maximum height of a tower containing any type of wind energy conversion system shall be 65 feet, where such lot is located in a residential zone and contains less than three acres. The maximum height of a tower located in either a non-residential zone or within a residential zone on a lot containing three acres or more in land area shall be 100 feet. The height of the tower shall be defined as the vertical distance from the average finished grade along the base of the tower to the highest point excluding any rotor blade or lightning rod but including the turbine.
5. Towers must be set back from all property lines, overhead utility lines, dwellings or other habitable structures a minimum of ten feet plus the height of the tower including the top of the rotor blade. In the case of a guyed tower, no guy wires shall be permitted within 20 feet of any property line. By a 5/6 vote of the full Commission, towers may be located closer to a property line where the tower owner has entered into an agreement to establish a fall zone easement on the adjoining property. Such easement shall be large enough to

contain that portion of the tower height, including all rotor blades, beyond the distance of the tower base to the property line. This easement shall be kept free of all buildings and structures as long as it remains in effect.

6. Towers located in residential zones shall be located behind the longest rear wall of the principal building or in the rear half of a lot containing frontage on one street. In the rear yard as measured from the longest rear wall of the principal building but not beyond the middle third of a through lot as measured from the street the principal use is closest to. In the case of a corner lot, to the rear of the home as measured from the longest wall with respect to both streets or in the rear half of a lot as measured from both streets or a combination thereof. To the rear of the home as measured from the longest wall with respect to two streets or in the rear half of the lot as measured from two streets or combination thereof where a lot is bounded by three or more streets. No tower located in any zoning district shall be situated in a required building setback line unless otherwise approved by the Commission.
7. Non-commercial wind energy conversion systems shall conform to the provisions of the Town of Farmington noise ordinance.
8. Non-commercial wind energy conversion systems shall not be illuminated or contain any lighting fixtures, antennas or other signal transmission device.
9. The construction and operation of non-commercial wind energy conversion systems shall comply with all applicable local, state and federal requirements including but not limited to, all applicable safety, construction, environmental, electrical and aviation requirements.
10. The operation of a non-commercial wind energy conversion system shall not cause interference with any electronic signal such as radio or television reception, telephone or microwave transmissions.
11. No rotor blade from a horizontal axis wind energy conversion system shall extend closer than fifteen (15) feet to the ground surface.
12. All wiring of any non-commercial wind energy conversion system shall be installed by an electrician licensed in the State of Connecticut.
13. All horizontal axis wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the system as set by the manufacturer.
14. Tower climbing apparatus shall be located no closer than twelve (12) feet from the ground. The Commission may require that a tower be enclosed by a locked protective fence at least six feet in height.
15. No signs may be affixed to or displayed in conjunction with a non-commercial wind energy conversion system except for a safety sign warning of electrical shock or high voltage and/or a sign displaying the name and location of the system's manufacturer. Such signs shall be limited to two square feet each unless otherwise prescribed by law.

16. If a non-commercial wind energy conversion system is not maintained in operational condition or fails to be operated for a period of twelve (12) consecutive months, the system shall be deemed to be abandoned and shall be removed in accordance with subsection G.
17. All power transmission lines connecting a freestanding non-commercial wind energy conversion system to any building or other structure shall be located underground unless otherwise waived by the Commission.
18. Non-commercial wind energy conversion systems shall be sited on the property in a manner that does not result in significant shadowing or flicker impacts upon or affecting neighboring properties.
19. Non-commercial wind energy conversion system components such as transformers shall have their visual impact minimized by use of alternative locations or landscaping. All components of the system including the tower shall be a plain non-reflective muted color without graphics or other decoration.

**D. FACTORS UPON WHICH SPECIAL PERMIT DECISIONS OF THE COMMISSION SHALL BE BASED**

In passing upon applications for non-commercial wind energy conversion systems, the Commission, in addition to the standards found in Article IV Section 12, shall consider the following:

1. The height of the proposed facility and its proportionality to and compatibility with existing surrounding structures and tree line. The distance of the facility to such structures shall be factored in as part of this consideration.
2. The availability and suitability of alternate sites, which are available to the applicant as well as efforts to mitigate any negative visual impact from the system.
3. The appearance of the system within cultural, scenic or historic view sheds.
4. The impact of the facility on historic districts, historic structures and ridgelines.

**E. APPLICATION SUBMISSION REQUIREMENTS.** An application for special permit shall be accompanied by the following information and documents.

1. An A-2 survey of the lot the facility is proposed to be established upon. This requirement may be waived by the Commission in the case where a vertical axis non-commercial wind energy conversion system is proposed to be mounted on an existing building or where the Commission finds that the use of a different map will be adequate to present all the information required by this regulation. Any proposed tower structure shall be accurately depicted upon the survey map. This shall also include any land clearing, grading and landscaping.
2. An elevation drawing depicting any proposed tower structure.

3. A plan showing the location of any structures and property lines within two hundred and fifty (250) feet of the proposed facility.
  4. In the case where it is proposed to connect the facility to the electrical grid, a copy of a letter to the appropriate utility company notifying them of this proposal.
  5. A document listing all safety equipment and maintenance plan for the proposed facility.
  6. If required by the Commission, the applicant shall arrange for a balloon or crane test to illustrate the height and location of a proposed tower. The test shall be conducted for at least two days; one of which is a Saturday or Sunday. The applicant at the request of the Commission, shall provide photographs showing the tower imposed on the photographs. The photographs shall represent up to four view prospective as chosen by the Commission. Each photograph shall include a description of the technical procedures followed (distances, angles, camera lens, etc.).
- F. OPERATION, MONITORING AND MAINTENANCE. The applicant/owner shall maintain the non-commercial wind energy conversion system in a good and safe condition. Maintenance shall include, but not be limited to, painting, structural repairs, and the integrity of safety and security measures. Access to the site shall be maintained to the satisfaction of Town emergency personnel.
- G. ABANDONMENT. Any non-commercial wind energy conversion system that has reached the end of its useful life, or has been abandoned, shall be removed. When the facility is scheduled to be decommissioned, the applicant shall notify the Town by certified mail, including the proposed date of discontinued operations and the plans for removal. The applicant/owner shall physically remove the facility no more than 150 days after the date the facility is discontinued or abandoned. The decommissioning of the facility shall consist of the removal off the premises of all wind turbines, structures, equipment, security barriers and transmission lines. In addition the site shall be stabilized so not to result in erosion. Solid and hazardous wastes shall be disposed of in accordance with local and state waste disposal regulations.
- H. METEOROLOGICAL TOWER. The owner of a parcel of land who is contemplating the installation of a non-commercial wind energy conversion system may obtain a zoning and building permit to erect a meteorological tower. The tower shall meet the locational requirements found in subsection C.6 of this regulation and be set back from all property lines a minimum distance equal to the height of the tower. The maximum height of a meteorological tower shall be 100 feet. No tower shall be located on a site for more than six months. The application for a zoning permit shall be made on a form prescribed by the Zoning Enforcement Officer.
- I. FINANCIAL SURETY. The Commission may require the applicant for a non-commercial wind energy conversion system to provide a form of surety to cover the cost of removal of the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal. The Commission may add a factor for inflation to the cost estimate.

J. CONDITIONS ATTACHED TO SPECIAL PERMIT. In conjunction with the approval of a special permit for a non-commercial wind energy conversion system, the Commission may impose the following conditions:

1. Limit the permit to a particular owner or operator of the facility.
2. Limit the amount of time the permit shall be in effect.
3. Require particular grading or landscaping to shield various components of the facility.
4. Limit the height of any vertical axis wind energy conversion system as it is affixed to any building or structure.
5. Impose any other condition directly related to the criteria and standards for the establishment of a non-commercial wind energy conversion system.

K. EXPIRATION OF PERMIT. The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year from the date the approval is granted by the Commission. For purposes of this regulation the term construction shall be defined as any work conducted as authorized by a building permit. The Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall withhold approval of any or all extensions unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and if the applicant fails to provide adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inlands wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal.

Effective date of Section 29. is December 13, 2008.

### Section 30. NEW OR EXPANDED HOMES WITHIN EXISTING NEIGHBORHOODS

#### A. PURPOSE

The construction of new or expanded homes as well as accessory buildings inclusive of garages within Farmington's existing neighborhoods may have a negative impact on the character of such residential areas. Oversized homes may dwarf older smaller houses which may have been constructed decades ago. Conventional looks like building setback regulations do not satisfactorily ensure compatibility between new and older construction. Left uncontrolled, the development of larger out of scale houses and accessory buildings in these areas will seriously affect or destroy the sense of place of an established neighborhood. This regulation seeks to control the size, spacing and height of principle and accessory structures in residential zones within existing zoning building lines so as to preserve some level of uniformity and architectural compatibility.

#### B. GENERAL REQUIREMENTS AND APPLICABILITY OF THIS REGULATION

This regulation shall apply within all single family zoning districts within the Town of Farmington with the exception of the R-80 zone unless a lot within the R-80 zone contains less than 60,000 square feet in area. In addition, this regulation shall apply to any lot approved for single family use in the RDM and AH zones. However, this regulation shall not apply to vacant lots referenced in Connecticut General Statutes 8-26a.(b)(2)(A) nor to lots located within any subdivision approved after the effective date of this regulation (May 4, 2013) containing more than five lots on a new street.

Following the effective date of this regulation (May 4, 2013) the area of a single family home or accessory building existing as of such date shall not be expanded, cumulatively, by more than thirty percent of the area of the principle residential building without a special permit issued by the Commission unless the area of the home plus accessory building(s) including the addition is less than the area specified below for new construction. In addition, no new accessory building shall be constructed which has an area greater than thirty percent of the area of the principle residential building without a special permit. For the purpose of applying this regulation the area of a home shall exclude basement space or unfinished attic space but include any attached garage or other attached unfinished space and shall be measured from exterior walls. Following the effective date of this regulation (May 4, 2013) no new single family home shall be constructed on a lot regulated by this section, with the following exceptions, unless a special permit has been issued by the Commission.

1. A home containing no more than 1,600 square feet of finished living area and no more than 2,200 square feet of total area and having a height of 24 feet as measured per Article 1 Section 9 of these regulations and located in either the R9, R12 and AH zones.
2. A home containing no more than 2,400 square feet of finished living area and no more than 3,200 square feet of total area and having a height of 24 feet as measured per Article 1, Section 9 of these regulations and located in either the R20, R30 or R40 cluster zones.
3. A home containing no more than 4,000 square feet of finished living area and no more than 5,000 square feet of total area and located within the R40 and on lots containing less than 60,000 square feet in the R80 zones.

Additions to homes or accessory buildings for which a special permit has already been approved under this section must be approved by the Commission. The Commission shall decide whether such addition is significant or not. Significant additions shall require a public hearing.

### **C. APPLICATION REQUIREMENTS**

An application for special permit shall be accompanied by plans including elevations drawn to a scale of one quarter inch equals a foot as well as a plot plan accurately showing the footprint of the home (and any addition) as proposed and its relationship of the house to the property lines. The Commission may also ask the applicant to submit information confirming the distance between the home and structures on adjoining properties, a grading plan as well as photographs of the subject site and structures located within 1,000 feet of the property for which approval is sought.



**D. STANDARDS FOR GRANTING A SPECIAL PERMIT PERTAINING TO THIS SECTION ONLY**

In lieu of the standards found in Article IV Section 12 the Commission shall require that an application filed under this section satisfy the following criteria:

1. That the proposed home, accessory building or home or accessory building with addition is of a size and height that is in keeping with the scale including but not limited to relative footprint, mass and distance from grade to peak of roof of residences in the general vicinity, which shall be defined as within 1,000 feet of the subject property. Homes or accessory buildings that are significantly larger than those within 1,000 feet of the property may be approved where the Commission finds that such building is located on a lot significantly larger than the minimum required by the zoning regulations and that the location of the building on such lot will not be visible from the street or neighboring properties.
  
1. That notwithstanding the standard setback requirements found in these regulations for a particular zoning district, the proposed building or building with addition results in a massing on the property and offsets from the property line as well as neighboring structures on adjoining sites that are consistent with residences in the general vicinity as defined above.

Effective May 4, 2013.

**Section 31. Moratorium on Medical Marijuana Production and Dispensary**

Palliative marijuana production and/or dispensary facilities shall not be permitted in any zone until the Town Plan and Zoning Commission adopts regulations governing such facilities or for six months following the effective date of this moratorium, whichever is sooner.

**A. DEFINITIONS**

**DISPENSARY FACILITY:** As defined in Section 21a-408 of the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana.

**PRODUCTION FACILITY:** As defined in Section 21a-408 of the State of Connecticut Regulation of the Department of Consumer Protection Concerning Palliative Use of Marijuana.

Effective October 31, 2013.

## ARTICLE V. ADMINISTRATION AND ENFORCEMENT

### Section 1. INTERPRETATION

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of land, buildings or require larger yards, or other open spaces or impose other higher standards than are imposed by the provisions of any law, ordinance, regulations or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restrictions shall not be affected by these regulations.

### Section 2. ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

- A. No land shall be used or activity conducted thereupon and no building or structure shall be used, erected, moved, enlarged or structurally altered and no Building Permit shall be issued until the Zoning Enforcement Officer either issues a Zoning Permit for such use or work or certifies in writing that such use or work is in conformity with the Zoning Regulations. A Zoning Permit is a document issued and certified by the Zoning Enforcement Officer that the proposed use and constructions is in conformance with the Zoning Regulations. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not alter the facade of such building, change the floor area or height of such building or structure and does not change the use thereof. A Zoning Permit shall also be required for signs (See Article IV. Section 7.).

An application for a permit shall be filed with the Zoning Enforcement Officer on a form to be provided by the Planning Department. For new buildings or structures or changes increasing the floor area of an existing building or structure, an applicant shall present a site plan which is adequate to demonstrate compliance with the Zoning Regulations.

- B. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval. If the Zoning Enforcement Officer determines such request to have a significant consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.

Small additions to nonresidential structures or buildings not previously approved by the Commission and changes in use shall be brought to the attention of the Zoning Enforcement Officer. When determined by the Zoning Enforcement Officer that such proposal does not require a special permit or site plan approval, a Zoning Permit may be issued.

- C. After a building or structure is completed, and prior to the occupancy of such building or

structure, an applicant shall apply for a Certificate of Zoning Compliance from the Zoning Enforcement Officer. This certificate shall state that such building, use or structure is in conformance with all zoning regulations or is a valid nonconforming use under such regulations. The Zoning Enforcement Officer may require that an applicant prepare and submit an as built site plan in order to determine compliance with the Zoning Regulations.

### Section 3. ENFORCEMENT

These regulations shall be enforced by the Planning Director or his agent acting as the Zoning Enforcement Officer who is hereby authorized to cause any building, place, premises or use to be inspected, and to order in writing the remedying of any condition found to exist in violation of these regulations.

The Commission, the Zoning Enforcement Officer or any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, reconstruction, maintenance or use of any building or to correct or abate any unlawful act or to prevent the illegal occupation of buildings or land or to prevent any illegal act in or about such premises.

The penalties for such illegal acts shall be as provided in the General Statutes and the Town Code of Ordinances.

### Section 4. ZONING BOARD OF APPEALS

#### A. POWERS AND DUTIES

The Zoning Board of Appeals shall be empowered to act on the following types of applications:

1. Hear and decide appeals where it is alleged that there is error in any order or decision made by the Zoning Enforcement Officer.
2. Decide requests for special exceptions in the following cases:
  - a. Where a zone boundary line divides a lot in one ownership, a permit may be issued for a use allowed on either side of the boundary line, but such specially allowed use shall not extend more than 30 feet into the zone in which it is not permitted by these regulations.
  - b. Extension of a nonconforming use or building.
3. Authorize upon appeal in specific cases variances from the terms of these regulations where by reason of exceptional shape, size or topography of the lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to the owners of said property from a strict enforcement of the regulations. Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case,

- a. That special circumstances, described in detail, attach to the property which do not generally apply to other property in the neighborhood and constitute the hardship.
- b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.

Pursuant to the authority under CGS § 8-6, these Regulations do not permit the ZBA to grant use variances as specified below:

- i. The use of any residentially zoned premises for uses other than for residential purposes;
- ii. The use of a premises within the UC/UV, FC/FV and AP zone for any purpose not specifically permitted by the Zoning Regulations governing said districts; and
- iii. The use of premises within single-family residential districts for other than single family residential purposes.

## B. PROCEDURE

1. The Board shall hold public hearings on all applications and appeals, and shall publish a notice of said hearing in a newspaper of substantial circulation within the Town in accordance with the General Statutes. In applications for all variances except use variances and special exceptions the Planning Department shall mail notice of the public hearing no later than 10 days before such hearing to all owners of property which are abutting to or directly across from any boundary of the property which is the subject of the application. In applications for variances involving the Use Regulations the applicant shall mail notice of the public hearing no later than 10 days before such hearing to all owners of property within 200 feet from any boundary of the property which is the subject of the application. In addition, the applicant shall post a notification sign provided by the Planning Department on the property at least seven (7) days prior to the date of the public hearing. Evidence of such mailing shall be presented to the Planning Department at or before the public hearing. The names and addresses used shall be those as recorded in the office of the Town Assessor on the date the application is filed. In the case where a property requiring notice has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and in the case of a use variance to all owners of buildings or dwellings located within 200 feet of the boundaries of the parcel which is the subject of such application.
2. Every application for variance from the Use Regulations, as distinguished from the Height and Area Regulations, shall be immediately transmitted to the Town Plan and Zoning Commission, and on or before the public hearing held by the Board on such application for variance, the Commission shall make a report with recommendations thereon.
3. All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations and in harmony with the purpose and intent expressed in Article I. Section 1. thereof. In addition to this general rule of guidance, and to particular requirements hereinbefore specified in these regulations (see Article IV. Section 12.), no permit for special exception shall be issued by the Board unless it finds

in each case that the proposed building or structure or the proposed use of land,

- a. Will not aggravate a traffic hazard, fire hazard or panic hazard.
  - b. Will not block or hamper the Town pattern of highway circulation.
  - c. Will not affect adversely the Town's income from taxation by removing considerable real property from the grand list.
  - d. Will not tend to depreciate the value of property in the neighborhood, or be otherwise detrimental to the neighborhood or its residents, or alter the neighborhood's essential characteristics.
4. All appeals to the Zoning Board of Appeals from the orders or decisions of the Zoning Enforcement Officer shall be made within ten days from the date on which the order, decision or requirement was rendered.

## ARTICLE VI. AMENDMENTS, VALIDITY

Section 1. These regulations may be amended, changed or repealed as provided in the zoning law of the State.

Section 2. The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

PLAN OF  
CONSERVATION  
AND  
DEVELOPMENT  
  
UPDATE 2007

ADOPTED FEBRUARY 22, 2008

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## INTRODUCTION

This report updates Farmington's Plan of Conservation and Development, which was last revised in 1995. Over this period, Farmington continued to experience a significant expansion of its population, employment base, housing stock and grand list. Change has also begun to influence the character of the Town's population, jobs, and housing.

The Plan of Conservation and Development as defined in Section 8-23 of the Connecticut General Statutes is a blueprint for the physical and economic development of our community. Planning officials have long recognized that these physical plans directly influence and shape the social and economic composition of a community's population, which in turn affects the types and levels of services provided by local government.

In 1991 and 1992 the Connecticut General Statutes was amended to change the status of the Plan from purely an advisory document. Zoning commissions must consider the recommendations and policies found in this document when adopting or revising zoning regulations and boundaries. The role of the Plan was expanded when in 19 legislation was passed requiring the legislative body of a municipality to participate in the adoption process. This should create a greater bond between the local planning commissions and officials charged with developing a budget and prioritizing the expenditure of funds, increasing the importance of planning in all facets of local decision making. Unfortunately, the limitations of the planning process in Connecticut identified in the 1995 Plan have not been addressed by our state government. Towns and cities cannot properly sequence growth and development. So employing growth management strategies such as building permit caps and tying new development to the installation of capital improvements are still prohibited. We must acknowledge that a process to develop one geographical area of a community before another or over a larger period of time remains legally unavailable. Growth will continue to leapfrog over more urbanized areas in our towns and regions which local and state governments will scramble to fund infrastructure to accommodate this growth on a reactive basis.

The firm of Greenwoods Associates recently analyzed the performance of the 1995 Plan. They found that of all the recommendations stated in the Plan, percent were fully or partially implemented. Actual successes and failures of

the previous plan will be examined specifically in each chapter on a particular subject category.

Prior to the writing of this document the Capitol Region and the State of Connecticut completed updates of their comprehensive plans. Policies and recommendations found in those reports have been reviewed and incorporated into Farmington's plan as deemed appropriate.

This Plan has been developed upon a foundation built from the following four premises. An analysis of current demographic statistics and trends, an inventory of Farmington's natural resources, an identification of properties where development is not favored and the planning policies expressed by the citizens of Farmington.

Policies and recommendations proposed in this plan will be presented as precisely as possible in a schedule with implementation assigned to one or more authorities. It continues to be important for the planning process to remain flexible in order to respond to conditions and events, which either has not been anticipated or which are not within the control of the Town.

The Plan of Conservation and Development is presented in two distinct parts. The first section details the present status and trend lines for a number of subjects accompanied by general goal statements. The second part contains proposals for all of Farmington's neighborhoods in conjunction with the Town's Future Land Use Plan.

## I. HISTORY OF FARMINGTON

In 1640 families from Hartford, Windsor and Wethersfield established the settlement known as the Plantation of Tunxis on the east side of the Farmington River. This area was incorporated as the Town of Farmington in 1645.

Farmington's original geographic area was 225 square miles. Prior to the secession of the first of its districts in early 1700 the population was estimated at 750 residents.

While Farmington served as a significant trading center prior to the Revolutionary War, the Town's economy was substantially tied to agriculture.

After the last area of land was set off in the late 1700's the population of Farmington stood at 2,700.

A number of turnpike roads were constructed through Farmington after 1790 linking the Town with Hartford, Bristol Middletown and Danbury. These roads extended further beyond the State border to Albany, Boston and Philadelphia.

The decline of Farmington's agricultural economy, with the settlement of the Ohio valley, and the creation of the Farmington Canal in 1822 prompted the growth of commerce and industry within the Town. A number of industrial enterprises were established in Unionville, using power derived from a system of canals. The Farmington Canal was abandoned in 1846.

Miss Porter's School, which was founded in 1844, shaped the physical character and demographic composition of the Borough of Farmington. The school preserved many of the area's buildings, which were eventually incorporated into the Town's historic district.

The population of Farmington by the beginning of the Civil War rose to 3,000 residents.

The extension of a trolley line from Hartford to Farmington in 1894 established a firm link with the central city. Farmington was transformed from a somewhat isolated village to a second ring suburb. This transportation improvement directly affected land use and settlement patterns within the Town. Amusement areas were developed along Farmington Avenue both in Unionville and in the vicinity of the West Hartford town line. The creation of the Oakland Gardens subdivision was directly influenced by the operation of the trolley as well.

Zoning regulations were adopted within the Borough of Farmington in 1927 and in the Town of Farmington and Borough of Unionville in 1934 and 1946 respectively. With the consolidation of the Town and two boroughs in 1947 a new set

of regulations were adopted in 1950.

Farmington's population, which was 5,300 residents in 1940, grew to 10,800 in 1960. This population change was accompanied by a similar percentage increase in the number of school age children, resulting in the construction of three new school buildings between the years 1950 and 1960.

The flood of 1955 altered the use of land within the Town's floodplain and was the impetus for redevelopment efforts in Unionville. The Town's first plan of development was initiated shortly after this event but never adopted. This effort was followed by the composition and adoption of a subsequent plan in 1964.

A trend to decentralize commerce and industry was evidenced in 1961 with the development of the Farmington Industrial Park and later in 1974 with the opening of Westfarms Mall. In 1967 the University of Connecticut Health Center was located on Farmington Avenue paving the way for future commercial development along this segment of road.

The completion of I-84 in 1970 resulted in a significant expansion of commercial growth within the Town. A number of developments including the Farm Springs complex were built along its corridor.

Between the end of World War II and 1970 a number of large single-family subdivisions were constructed in Farmington. The Town's housing supply became more diversified in the 1960's and 1970's with the development of new rental and condominium housing. Residential building activity peaked in the mid 1980's with as many as 456 building permits issued in one year. Between 1960 and 1990 the Town's population nearly doubled, from 10,813 to 20,608.

In 1991 a committee of Farmington residents and public officials organized as "Farmington's Future" for the purpose of initiating a community dialogue on the future growth and development of the Town. The citizens of Farmington continued this process of public participation with the process entitled "Looking Forward". In 2003 members of a steering committee, Town Plan and Zoning Commissioners and the planning staff with the assistance of Greenwoods Associates held numerous town wide and neighborhood workshops for the purpose of collecting community input on a number of planning topics such as housing, transportation, open space and economic development. Many of the recommendations received in that report have been incorporated into this Plan of Conservation and Development.

## II. POPULATION STATISTICS AND CHARACTERISTICS

The Town of Farmington's population grew by 14.7 percent between the years 1990 and 2000, from 20,608 to 23,641 persons. This figure represents the highest rate of growth within the Capitol Region, behind the towns of Andover, Ellington, Hebron, Suffield and Tolland. On the other hand the population of the Capitol Region as a whole increased by only 1.7 percent during this same period and the State of Connecticut by 3.6 percent.

Locally, as illustrated in the following table, Farmington had the second greatest percentage increase in population of all the communities lying adjacent to its borders.

Town	Percentage Change in Population 1990-2000
Farmington	+ 14.70
Avon	+ 13.60
Burlington	+ 16.57
Plainville	+ 0.35
Bristol	+ 0.96
New Britain	- 5.20
Newington	+ 0.30
West Hartford	+ 1.60

Farmington's continued rate of growth during the 1990's may in part be attributed to Farmington's local employment growth and its well regarded school system coupled with Farmington's ample supply of vacant land, an adequate infrastructure system and the Town's attractive location with respect to the region's highway network and employment centers.

While future population changes will continue to be affected by economic growth in the region the following projections prepared by the Farmington Planning Department reflect a reduction in developable land and a decrease in the formation of new households and reduction of household size.

### Population Projections, Town of Farmington 2000-2020

From:	2000	2005*	2010	2015	2020
Farmington Planning Department	23,641 (census)	25,639	26,464	27,048	27,909

\* US Census Bureau Estimate

## Household Composition

The Census Bureau reported that Farmington's 2000 population was composed of 9,496 households. As previously projected, the numbers of persons per household has now effectively stabilized, dropping from 2.47 in 1990 to 2.46 today. This ratio is one of the lowest for a community in the Capitol Region, reflecting an increase in construction of multiple family housing including age restricted housing as well as the overall maturation of Farmington's population.

The rise in Farmington's number of single person households continues to parallel the national trend. In 1990 these households comprised 25 percent of the Town's total number of households. This figure rose to 27.4 percent in 2000. This change is further indicative of an aging population, an increase in the supply of one and two bedroom dwellings in Farmington as well as social changes taking place nationwide.

Households, which contain at least one member 65 or more years of age accounted for 26 percent of all Farmington households, up from 22 percent in 1980.

## Age Composition

As in the case of most communities, Farmington's population became collectively older between 1990 and 2000. The median age of a Town resident increased from 37.2 years in 1990 to 40.4 years in 2000.

Fifteen and a half percent of the Town's population is now 65 years of age or older. This is a relatively small increase from the fifteen percent tabulated in 1990. The greatest change in the town's age cohort was in the 45-54 range.

The following table indicates the change in Farmington's age cohorts between 1990 and 2000.

	<u>Age Categories</u>							
	<u>0-4</u>	<u>5-14</u>	<u>15-24</u>	<u>25-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65+</u>
1990	1,378	2,339	2,105	3,625	3,697	2,316	2,011	3,137
2000	1,348	3,457	2,075	2,740	4,273	3,874	2,200	3,674
Percent Change	- 2	+ 48	- 1	- 24	+ 15	+ 67	+ 9	+ 17

This picture of Farmington's population is reflected in the slowdown in the rate of growth in the public school system and the increase in the housing stock targeted to older residents. One important question will be whether the Town retains the large population in the 45-54 bracket. This group of residents may elect to seek alternative housing opportunities in other areas.

### Racial Composition

The 2000 Census reported that 92.9 percent of Farmington's population was classified as White, 1.5 percent Black, 3.7 percent Asian and 1.9 percent other. In 1990 a slightly higher proportion of the population, at 96 percent, was categorized as White while Blacks, Asians and Other racial groups comprised 1.3 percent, 2.1 percent and .4 percent respectively. Individuals of Hispanic origin who are permitted to classify themselves under any one of the preceding racial categories represented 1.2 percent of the population in 1990 and 2.2 percent in 2000.

### Income

According to the 2000 Census report Farmington's median household income was \$67,083. This figure represents slightly more than a 26 percent increase over those incomes reported in the 1990 Census. Farmington's median household income ranked twelfth in the Capitol Region.

The percentage of persons in Farmington whose income falls below the poverty level rose significantly from 2.6 percent in 1990 to 4.5 percent in 2000. This was a reverse in trend, which had been on the decline for the past several decades. However this figure is about half of the poverty rate reported for the Capitol Region.

### III. AGRICULTURAL RESOURCES

Agriculture has played a prominent role in the history of Farmington, not to mention serving as the basis for the Town's name itself. In the latter part of the 18th century and into the 19th century agriculture was the predominant occupation and land use in Town. Farms located along the valley floor produced hay and food crops while the hillsides were set aside for orchards and pastureland. Although the growth of manufacturing in Unionville provided substantial demand for farm products, by the mid 1800's agricultural production had begun to decline and persons employed in farming had dropped to less than 15 percent of Farmington's population. During the late 1800's local farmers began to phase out many crops, limiting farm production to primarily dairy products, vegetables, poultry and fruit.

This trend continued into the 20th century and today there are a total of 761 acres of land within the Town of Farmington used in agricultural operations or preserved for future use. This figure represents a reduction of 195 acres from the total reported in the 1995 Plan of Development. This change since 1995 is primarily due the loss of approximately 143 acres of farmland to development, as well as a conversion of 139 acres of farmland to non-agricultural open space.

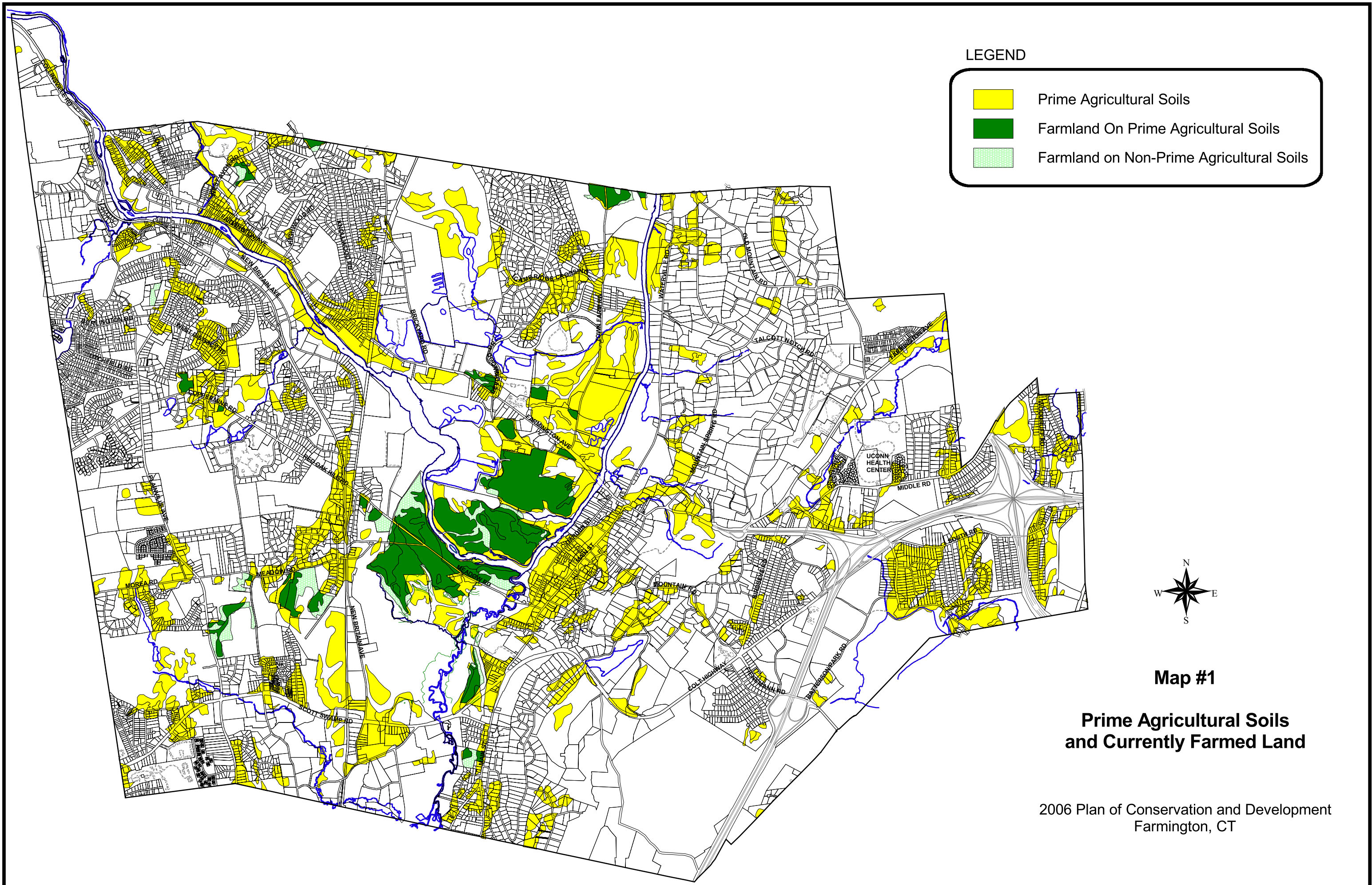
Additionally, through the use of aerial photography, we have further refined the agricultural land total to identify the acres of land that are actively being farmed. This analysis reveals that currently 639 acres of the 761 acres of total farmland are actively being farmed. Of these 639 acres, 119 acres comprise 17 privately owned farms, while 503 acres are leased from the Town of Farmington, and 17 acres are leased from the State of Connecticut. The current agricultural land is shown on Map #1. Most of the Town's farmland is concentrated in the Floodway and Southwest neighborhoods. With the exception of the one dairy farm located on Town Farm Road and two tree farms, agricultural products produced in the Town are generally limited to hay and vegetables.

The local agricultural economy has historically benefited from an abundant supply of favorable soils. In 1980 the Soils Conservation Service produced a list of soil types recognized as prime agricultural soils. These are soils that are permeable to water and air, nearly level in grade and not highly erosive. They are neither too acid nor alkaline, wet enough for crops but not subject to frequent flooding during the season of use and are not so stony that it interferes with cultivation by machinery.

According to the Hartford County Soil Survey of 1962 approximately 22 percent of the land area within Farmington formerly contained prime agricultural soils. These soils are illustrated on Map 1. Development over the years has reduced the acreage of prime agricultural soils available for agricultural activities. Five hundred and five (505) acres, or

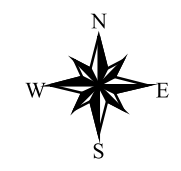


79%, of the active farmland in Farmington is on prime agricultural soils.



LEGEND

- Prime Agricultural Soils
- Farmland On Prime Agricultural Soils
- Farmland on Non-Prime Agricultural Soils



Map #1

Prime Agricultural Soils  
and Currently Farmed Land

2006 Plan of Conservation and Development  
Farmington, CT

#### IV. NATURAL DRAINAGE SYSTEMS AND FLOOD PRONE AREAS

Farmington's network of brooks, ponds and streams not only serves to drain the land surface but also provides sustenance for plant, fish and wildlife and recharges wetland areas and groundwater supplies. The transformation of fields and woodlands to impervious surfaces and lawns increases and accelerates the amount and velocity of runoff from a given site. This alteration of an area's natural hydrology may result in downstream flooding, increased channel erosion and sedimentation from greater peak flows and a substantial reduction in stream flow in periods of drought. Studies have also indicated that drainage from impervious surfaces may modify the temperature of receiving streams, thereby altering the habitat for aquatic life.

It is therefore important that we acquire an understanding of the hydrologic characteristics and function of the Town's natural drainage systems and their principal waterways and the individual and cumulative impacts exerted upon these systems from the development of land.

#### DRAINAGE BASIN DESCRIPTIONS

The Town of Farmington is composed of three major drainage basins; the Farmington River, Connecticut River and Quinnipiac River. For the purposes of this report these basins were further broken down for analysis into ten watersheds, the boundaries of which all extend into adjacent municipalities. These ten drainage basins are illustrated on Map 2.

#### UNIONVILLE BROOK

The Unionville Brook watershed contains approximately 1,000 acres of land within the Town of Farmington. Unionville Brook receives water from Lake Garda as well as an unnamed watercourse originating from the area of Coppermine and West District Roads, before discharging into the Farmington River. More than three-quarters of this basin is developed. There have been no recent incidences of flooding noted along the brook or its tributaries. Portions of the Unionville Brook system have been identified in a report prepared by the firm of Milone and MacBroom as a cold-water fishery.

#### ROARING BROOK

The smallest of the drainage basins profiled, Roaring Brook, drains an estimated 200 acres of land within Farmington. This watershed is almost completely developed with the exception of open land lying to the rear of several single family homes located along the east side of West Avon Road. Although this portion of the brook lies at the lower end of the drainage basin the brook does not regularly flood. Impacts to water quality and quantity will be most strongly influenced by activities occurring in Avon, where most of this watercourse's drainage basin is located.

### SCOTT SWAMP BROOK

The Scott Swamp drainage basin, consisting of 2,350 acres, includes most of the land area comprising the southwest corner of Farmington. An extensive network of wetlands located north of Morea Road along the Farmington/Bristol border forms the headwaters of Scott Swamp Brook. Prior to discharging into the Pequabuck River the flow of water within the brook is augmented by several smaller unnamed brooks, which run in a north and south direction and are situated between Plainville Avenue and New Britain Avenue. Approximately one-third of this watershed is undeveloped, potentially leading to greater peak flows of water within this watercourse in the future. Flooding along the boundaries of this brook is infrequent.

### PEQUABUCK RIVER

The 2,250 acres of land within this drainage basin contribute a flow of water, which enters the lower reaches of the Pequabuck River. The watershed is predominantly developed with much of its open areas found in the Farmington Flood Zone and the Shade Swamp Sanctuary. Flooding does occur along the flatter sections of the river, however this tends to be along undeveloped areas regulated by the local and federal flood protection laws and to a lesser degree within existing conservation areas.

### FARMINGTON RIVER

As the last of the drainage basins herein discussed which discharges into the Farmington River, this designation was applied to the remaining land area, which does not drain into one of the four previous brooks or rivers. These lands drain overland or via an extensive number of minor or intermittent watercourses leading to the Farmington River. Included in this watershed is almost the entire land area designated as Flood Zone located north of Meadow Road. Over two-thirds of the property in this basin exclusive of this zone designation is presently developed. The Farmington River has flooded on a frequent basis along Meadow Road and Town Farm Road.

### BATTERSON PARK POND

The Batterson Park Pond drainage basin is one of four subwatersheds of the Connecticut River described in this chapter. This basin is also one of three watersheds discussed which drains into a body of water as opposed to a brook or river. The 2,600 acres comprising the Batterson Park Pond drainage basin in Farmington account for more than three-quarters of the pond's entire watershed. Approximately three-fourths of the basin area is either developed or included within the boundaries of the Dead Wood Swamp. A network of wetlands and minor streams feed the pond from the southwest and north. This natural drainage system has been

modified to some extent by the construction of I-84. There are no regular occurrences of flooding along these waterways which discharge into the pond.

#### WOODRIDGE LAKE

This drainage basin is partially bounded by I-84 and the University of Connecticut Health Center, and covers 600 acres. Over three-quarters of this acreage are currently developed. Significant flooding has occurred in recent years along one of several unnamed watercourses, which traverse this basin, specifically in the area of Ridgeview Drive.

#### METROPOLITAN DISTRICT COMMISSION RESERVOIR SYSTEM

The 1,100 acres of the Metropolitan District Commission (MDC) drainage basin lays out in a pattern, which generally follows the Route 4 corridor north of the I-84 interchange. Several large parcels of land within this watershed are owned by the City of Hartford, State of Connecticut and the MDC. Exclusive of these plots of land the basin is more than three-quarters developed. Over the last several years there has been no incidence of flooding along the minor watercourses, which enter the reservoir system from the south and west.

#### ROCKLEDGE BROOK

This drainage basin may be divided into that area which directly drains into Rockledge Brook and another subarea, which indirectly contributes runoff into this brook via Piper Brook. Of its 510 acres, over two-thirds are developed. While flooding has not historically been a problem in Farmington, it has been a constant occurrence in West Hartford where the brook is better defined. Several years ago the drainage pattern above this area of flooding was altered in an attempt to reduce its severity and frequency by redirecting much of the upstream water flow through Westfarms Mall's detention system.

#### QUINNIPIAC RIVER

The third major drainage basin in Town consists of 240 acres of land located on the eastern edge of Farmington's border with the Town of Plainville. This area of rugged terrain is primarily undeveloped and contains a large area of wetlands. There are no well-defined watercourses within this basin, which eventually drains into a tributary of the Quinnipiac River. Flooding is not a concern.

#### REGULATORY PROGRAMS

For the past 24 years Farmington has participated in the Federal Government's National Flood Insurance Program. Administered by the Federal Emergency Management Agency (FEMA), the program makes low cost flood insurance available within a member community in exchange for the Town's

adoption of regulations intended to reduce potential damage from a flood event. In 1986 FEMA completed its detailed study of Farmington, producing floodway dimensions as well as elevations of the 100-year flood for seven rivers and brooks including the Farmington and Pequabuck Rivers, Roaring Brook, Unionville Brook, Scott Swamp Brook, Poplar Swamp Brook and the Woodridge Lake Inlet. While this information has been incorporated into Farmington's regulatory program, the Town has chosen to maintain more stringent requirements for development along the Farmington River between the railroad overpass and the Pequabuck River.

Thus far Farmington's experience with this program has been very positive. According to figures last released by FEMA there are 131 properties carrying flood insurance policies in Town. Over the duration of the Town's membership in this program only one property has submitted a claim in connection with more than one flooding incident.

The State of Connecticut in addition to maintaining its stream channel encroachment line program, has also implemented three regulatory programs during the 1980's aimed at reducing the incidence of flooding as well as preserving minimum water volumes within waterways.

In 1985 the State mandated the use of erosion and sedimentation controls in conjunction with developments, which disturb a minimum of one-half acre of land. This law has helped preserve the capacity of a watercourse by substantially reducing sediment carried off nearby lands by storm water runoff.

Connecticut's dam inspection program provides for the inspection of both large and small, public and private dam structures. Inspectors employed by the Department of Environmental Protection have distributed inspection reports to municipalities and private individuals alike and mandate repairs if required in order to prevent possible downstream flooding.

The Connecticut Water Diversion Act regulates the withdrawal and diversion of both groundwater and surface waters in an attempt to protect the supply of water available within a given drainage basin for other uses. While this statute goes a long way to ensuring the minimum flow of water within a watershed this program should be coupled with a complementary land use plan at the local level to ensure the achievement of this objective.

As previously mentioned, Farmington's Flood Zone Regulations have satisfactorily complemented the minimum standards established by FEMA. The configuration of the existing Flood Protection Zone and Flood Perimeter Overlay Zone was developed from data earlier compiled by the Army Corps of Engineers. These boundaries, which encompass areas along both the Farmington and Pequabuck Rivers are of greater size

than that presented in FEMA's 1986 study. This system has provided the Town with an extra level of protection.

The federal government has promulgated regulations concerning non-point source runoff. The storm water Phase II program initiated in 2004 will require towns such as Farmington to begin to monitor the quality of storm water discharges into rivers and streams.

The Town Plan and Zoning Commission's decision in 1987 to legislate the maximum site coverage within nonresidential zones at 40 percent has had a profound impact upon the Town's drainage system. Compared to a site completely covered by impervious surfaces a site which has its coverage restricted to only 40 percent will generate slightly less than 50 percent as much water runoff. Furthermore research in the 1990's has determined that the water quality in a stream has a direct correlation to the percentage a drainage basin is covered with impervious surfaces. Degradation of water quality has been associated with impervious coverage percentages of just over ten percent. The Farmington River Watershed Association completed an impervious surface study of Farmington several years ago and concluded that a number of the Town's watersheds were at or just above the ten percent threshold. This study was complemented by the recent inventory of natural resources done by Milone and MacBroom, where actual water quality sampling was performed. These results would seem to point to the need for stricter erosion and sedimentation policies coupled with a greater need to control the quality of non-point storm water runoff.

Many communities during the 1980's as part of their storm water management program have adopted a zero net increase runoff policy. This program requires the detention of storm water on a parcel undergoing development to a point where the post development peak runoff would not exceed the peak volume generated from the site in its prior natural state. While this approach may initially sound attractive, studies have shown that detaining water and releasing it over a longer period of time on sites located in the lower reaches of a watershed may have the effect of increasing peak flows and the incidence of flooding in the receiving watercourse. Therefore it has been recommended that this policy be applied only on a site-by-site basis after assessing the hydrology of the subject watershed and the receiving watercourse. In an effort to acquire this information the Town of Farmington recently included a proposed Town wide Drainage Study as part of its Capital Program. More recent studies have concluded that a policy of stressing the infiltration of storm water runoff from developed sites will have a very positive effect on stream quality and volume.

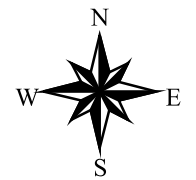
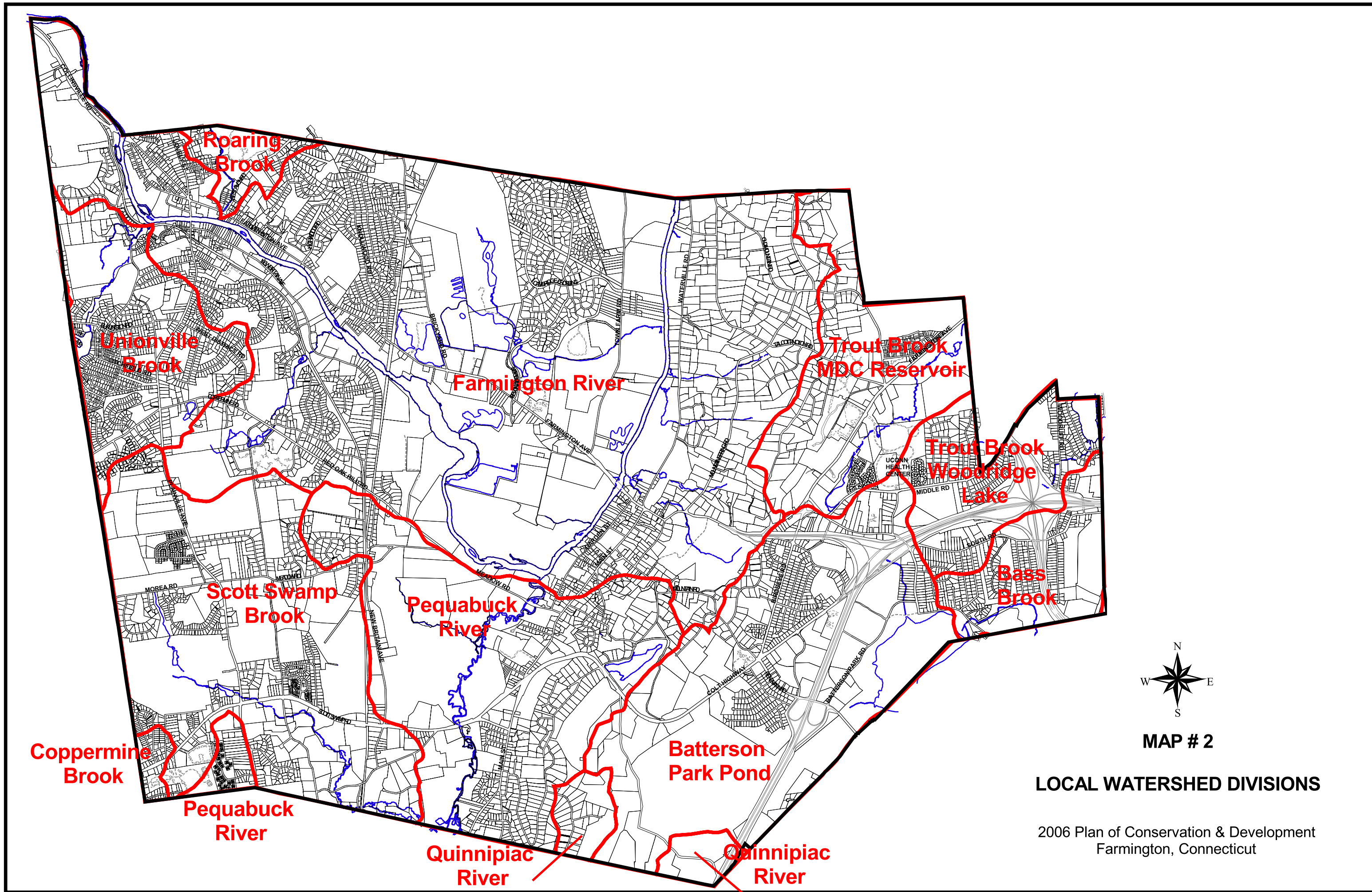
#### PLANNING OBJECTIVES

1. Initiate a Town wide Drainage Study to assist in the reduction and prevention of flooding and the maintenance of adequate volumes of water within Farmington's brooks

and streams. Invoke a net zero runoff policy for those areas of Town as recommended by the abovementioned study. Incorporate the recommendations of the new DEP storm water quality manual into the review process of subdivision and site plans.

2. Ensure that the development of Town owned property within the floodplain preserves the existing flood storage capacity.
3. Maintain flood protection standards along the Farmington River that are in excess of those prescribed by FEMA.
4. Aggressively enforce erosion and sedimentation regulations to prevent the filling of waterways and potential flooding.
5. Work with landowners during the redevelopment process to encourage the flood proofing of existing structures situated below the 100-year flood elevation.
6. Vigorously protect areas of wetlands in order to reduce the incidence of downstream flooding. Provide the Inland Wetlands and Watercourses Agency with greater technical expertise at the staff level.
7. Monitor changes and trends in rainfall amounts and frequency of flooding events including intensity and duration. Adjust regulatory standards and parameter as necessary.





**MAP # 2**

**LOCAL WATERSHED DIVISIONS**

2006 Plan of Conservation & Development  
Farmington, Connecticut

## V. GROUNDWATER

Farmington's groundwater system represents the greatest source of the Town's potable water supply. It is also a major component of the natural hydrologic cycle. In addition to being withdrawn from the ground into the water system, groundwater contributes to the supply of water within wetland areas and watercourses. Groundwater may, in many instances, provide the only source of water to a perennial stream in times of drought.

### WATER SUPPLY

With the 1985 merger of the Farmington Water Company with the Unionville Water Company and the subsequent disconnection of the Metropolitan District Commission's water supply from the Unionville Water Company's distribution system in 1995 it was estimated that 90 percent of Farmington's population depend on groundwater sources for their water supply. This figure was up from 75 percent just 10 years prior.

In 2004 a connection was reestablished with the water system owned by the Metropolitan District Commission. This will stabilize the withdrawal rates of groundwater from the Town's system of aquifers reported at gallons in 200 and permit the system to function without disruption during peak summer times.

The Town's groundwater resources have been investigated in several reports since 1950. The most definitive works dealing with potential well yield and groundwater quality were undertaken in 1976 and 1980. These reports indicated that approximately 14 square miles of Farmington was underlain by a stratified drift aquifer. The most favorable locations within the aquifer for the future withdrawal of groundwater were identified in the 1980 study. These areas, which were described as potentially yielding over 250 gallons of water a minute are shown on Map 3. Since 1982 the Unionville Water Company has developed a new well in one of these areas. The Connecticut Sand and Stone well, located south of Farmington Avenue on the Connecticut Sand and Stone property approximately 1,700 feet east of the New York, New Haven, Hartford railroad trestle, yields over 600 gallons of water per minute. With the connection to the MDC system it is doubtful that additional underground supplies will be identified and developed.

### WATER QUALITY, CONTAMINATION AND PROTECTION

The quality of the groundwater which supplies the Unionville Water Company system is generally very good with only minimal treatment required at each groundwater well site. However the utility does not own the land surrounding these well sites and for the most part depends upon the establishment of a 200-foot easement to ensure their

protection. In 19 the company had to develop a special filtration unit for water produced at the Charles House well field. This was the result of a moth proofing agent discovered in that water supply.

During the mid 1980's Farmington began to experience the problem of groundwater contamination. The first incident involved the loss of heating oil from a community fuel oil supply distribution system, which served the Red Coat Lane area. Subsequently, the individual wells located within the Pine Hollow subdivision were contaminated by a pesticide used in an adjoining farming operation. This was followed by the release of petroleum product from the underground tanks of a gasoline station located at Plainville Avenue and Burlington Road. These threats to the quality of the groundwater supply prompted the initiation of several regulatory and monitoring programs at both the state and local levels of government. At the present time a total of locations have been identified as having groundwater releases of concern.

The State of Connecticut began its effort with the institution of a groundwater classification system. Modeled after the system used for surface waters, the groundwater system not only describes the existing quality of groundwater sources within the State but also establishes future goals for water quality and is used by the Department of Environmental Protection in the regulation of groundwater discharges from nonresidential land uses. Today all areas of Farmington are designated either GAA or GA, with the exception of those locations which were subject to the contamination previously described as well as the abandoned Town landfill on Farmington Avenue, all classified as GB/GA, and the current sanitary landfill designated as GB/GB/GC. GAA and GA classifications apply to areas of a community underlain by groundwater which is either suitable for future water supply or is located within the area of influence of an existing public water supply well. Groundwater designated GB/GA while acknowledging the past or present contamination of a given area is regulated in such a manner as to permit the affected groundwater to potentially return to a GA class. The GB/GB/GC classification is given to locations used for waste disposal. It is the goal of the State to not permit the irreversible contamination of the underlying groundwater system. Any additional wastewater discharge into this area would require a redesignation to class GC.

The State of Connecticut's initial attempt to control potential sources of groundwater pollution focused on the regulation of nonresidential underground storage tanks. The program requires the inspection and replacement of underground tanks containing petroleum products. However heating oil tanks less than 2,100 gallons in size are exempt from these requirements. While a number of Connecticut municipalities have attempted to expand this program at the local level, the experience in Farmington indicates that these tanks are being removed voluntarily by the private

homeowners and are being well monitored by real estate lenders.

The most far-reaching action taken at the state level to date has been the adoption of Public Act 89-305. This legislation requires municipalities to establish overlay protection zones around existing and proposed water supply wells within stratified drift aquifers. The overlay protection zones will be developed from the geologic and hydrologic characteristics of the particular well. The Department of Environmental Protection has just completed and adopted regulations controlling the location and operation of particular land uses within these protection zones. The regulations will be adopted and administered by the Town Plan and Zoning Commission in Farmington. The local regulations and zoning map revision will become effective once the level A mapping has been completed and accepted for each particular well site.





In 1987 the Town of Farmington implemented its first comprehensive aquifer protection regulation. As opposed to restricting specific land uses from a particular area of Town the primary focus of this zoning amendment involved the regulation of hazardous materials used by commercial and industrial facilities. While achieving some success, the program's effectiveness has suffered from the following shortcomings: an inability to apply its provisions to existing operations in Town, and a difficulty in enforcing the regulation due to the absence of any reporting or inspection system.

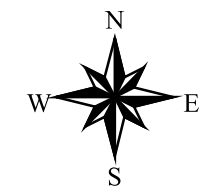
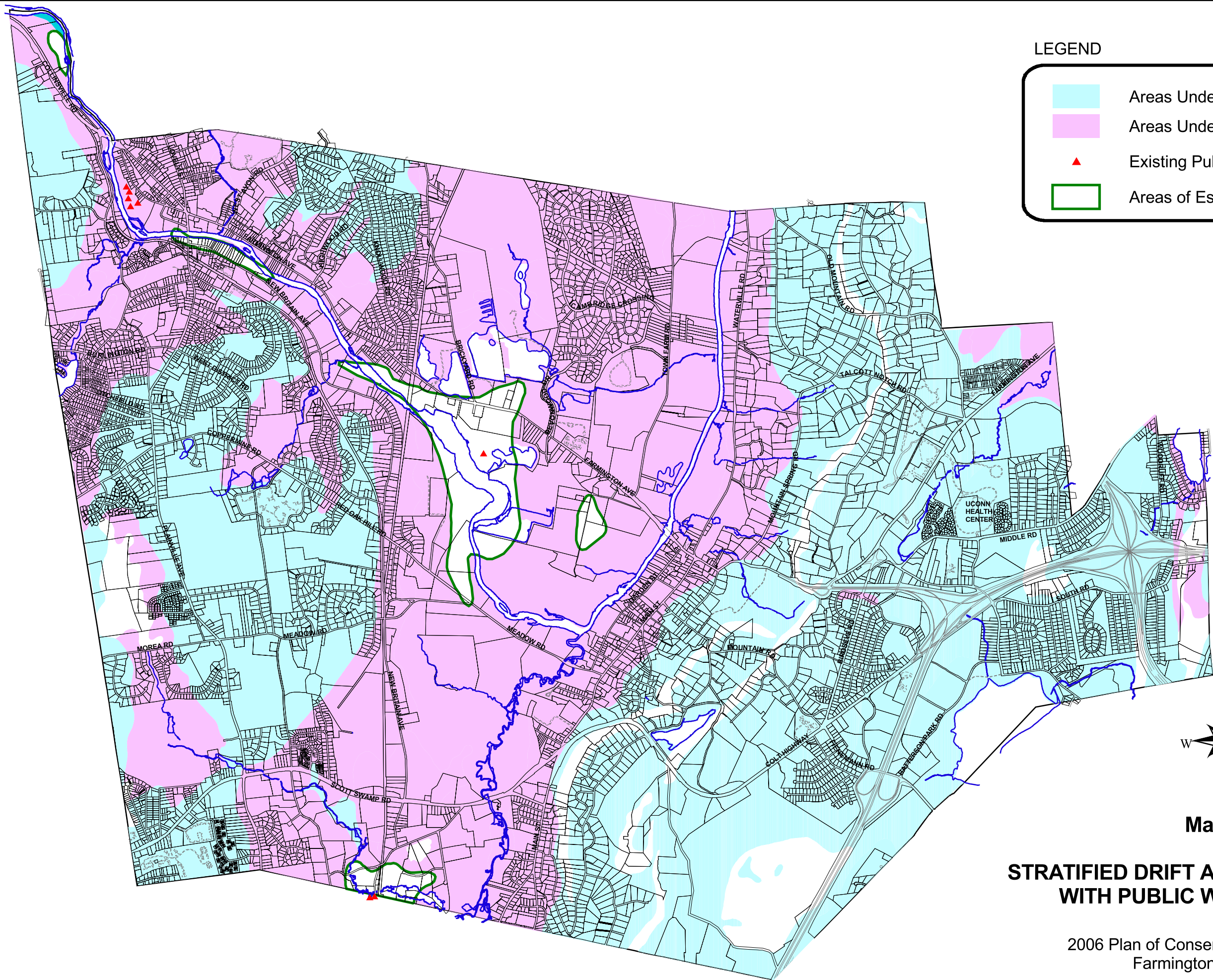
#### PLANNING OBJECTIVES

1. Protect existing and proposed groundwater supplies located in stratified drift by regulating or prohibiting various land uses located within the recharge areas designated by the new aquifer protection regulations.
2. Update the existing aquifer protection regulation from its current form and use it to augment the new aquifer protection regulation when it becomes effective.
3. Continue the Town's groundwater monitoring program and expand it into areas, which contribute to the groundwater supply of an existing or proposed well site. Coordinate this effort with the Unionville Water Company and assist it in procuring monitoring well sites on properties for which development approvals are sought from the Town Plan and Zoning Commission.
4. Prevent a reduction in the existing groundwater tables by the following means:
  - a. Maintain the site coverage requirements currently found in the Zoning Regulations.

- b. Require the development of storm water collection systems designed to recharge the groundwater supply on sites, which overlay Farmington's stratified drift aquifer.
- 5. Develop best management procedure for response to incidents such as spills within aquifer protection areas.
- 6. Foster and encourage through initiatives such as public outreach programs the inspection and removal of older residential underground oil tanks.

LEGEND

-  Areas Underlain by Glacial Till
-  Areas Underlain by Stratified Drift
-  Existing Public Well Locations
-  Areas of Estimated Well Yield > 250 gpm



Map # 3

**STRATIFIED DRIFT AQUIFER/GLACIAL TILL  
WITH PUBLIC WELL LOCATIONS**

2006 Plan of Conservation & Development  
Farmington, Connecticut

## VI. HILLSIDES/RIDGELINES

The Town of Farmington is underlain by three bedrock types which define the general topography of the Town the largest being erodible sedimentary rock. The level and gently sloping land west of the Metacomet Ridge is underlain by New Haven Arkose, a reddish-brown sandstone commonly called Brownstone, while the land east of the ridge is underlain predominantly by shale. The primary hills of Farmington are underlain by harder, less erodible metamorphic rock in the northwestern corner, and igneous rock or traprock creating the Metacomet Ridge.

The slopes of northwestern Farmington form a portion of the western wall of the Connecticut Central Valley. The Central Valley is formed by underlying soft sedimentary rock, while the wall of the valley is formed by the harder, less erodible metamorphic rock of the western uplands. Metamorphic rock has undergone physical changes caused by intense heat and pressure from the Earth's interior. This heat and pressure caused the original rock to recrystallize, resulting in fused and tightly interwoven crystals. The fusing of the crystals forms a rock much more resistant to erosion than the sedimentary rocks of the adjacent central valley.

The second conspicuous hillside in Farmington is the Metacomet Ridge. This ridge rises very steeply on the western slope to elevations between 760 feet at the peak of Rattlesnake Mountain to 520 feet elsewhere along the ridge. The Metacomet Ridge was formed by a series of geologic activities, including volcanism, tilting of the Earth's crust and erosion. The Central Valley region of Connecticut was originally overlain by alternating sedimentation and volcanic lava flows. Faulting caused the layers to be tilted; while the subsequent erosion formed valleys or shallower slopes from the erodible sedimentary rock, and ridges from the less erodible volcanic traprock.

Although traprock erodes slowly, weathering by frost action greatly reduces the stability of these ridges. Traprock is formed with natural veins that give a columnar appearance to the exposed rock along the ridge. Water seeping into cracks weakens the rock along the veins by freezing and thawing. Eventually, these weakened columns succumb to gravity. The scree, or blocks of fallen traprock, at the base of sections of the Metacomet Ridge are the result of this weathering.

A third hillside type is the glacial formations such as eskers and drumlins. While these formations are not as conspicuous as the metamorphic and traprock hills, they may form locally significant hillsides, and are noteworthy for their geologic value. Eskers are sinuous ridges that were formed by glacial melt water flowing through tunnels or

crevasses in the ice. With the glacier's retreat, the water found a lower path, leaving a narrow, often steep sided ridge composed of river deposits.

Drumlins are relatively small, elongated, egg-shaped hills composed entirely, or almost entirely of glacial till. Drumlins were formed during the retreat of the last glacier by a mechanism that smeared thick layers of usually clay laden till. Drumlins usually occur in clusters.

A small cluster of drumlins, including Burnt Hill, occurs in northeastern Farmington. Bedrock contour maps indicate that these hills have layers of till 100 to 150 feet in thickness. The shale bedrock in this area probably provided the clay for the formation of these drumlins.

Farmington has long recognized the aesthetic and environmental values of hillside areas. The low-density residential development, which characterizes most of these areas has maintained the visual character of hillsides in addition to limiting erosion and reducing flood hazards in adjacent low-lying areas.

Hillside development requires careful planning for the following reasons:

- Substantial destruction of vegetation can result in increased runoff and sedimentation requiring increased public expenditures for flood control and storm water management.
- Certain hillsides contribute to the natural beauty of the surrounding area. This beauty depends, to a large extent, on the existence of significant amounts of open space and on development, which is in keeping with the surroundings, and natural constraints of the land.

Low-density zoning, the land's natural constraints and the lack of public sewers have all helped to maintain the aesthetic values and natural functions of these areas. Conditions attached to subdivision approvals have also been used to control erosion and to preserve vegetation on hillsides.

The 1991 revisions to the Subdivision Regulations included a new section that states that subdivisions shall be designed to minimize adverse impacts upon the listed natural and man-made resources which are on or contiguous to the subject premises. This list includes slopes in excess of 15 percent grade, and land along ridgelines. These regulations enable the Town Plan and Zoning Commission to preserve these valuable resources through redesign of the subdivision, use of the cluster subdivision regulations, establishment of conservation easements, regulation of the grading, building



location, etc., or a reduction in the total number of building lots. In 1999 the Town Plan and Zoning Commission adopted a ridgeline protection zone in accordance with enabling act 95-239. This law will allow the Commission to regulate activities on the Metacommet Ridge, which are exclusive of subdivision activity such as tree cutting.

#### PLANNING OBJECTIVES

1. Continue to encourage low-density residential use of hillside areas (over 15 percent slopes).
  - a. Prohibit disturbance, including but not limited to structures, vegetation, deposition or removal of materials, clearing, grubbing etc. on slopes of more than 24 percent.
2. Encourage residential development which minimizes the disruption of ground cover and vegetation, and which preserves expanses of open space in order to preserve the aesthetic and natural functions of hillsides and ridgelines.
  - a. Use Zoning and Subdivision Regulations to minimize the impact from development to ridgelines and hillsides.
  - b. Encourage the preservation of glacial formations such as eskers and drumlins to preserve the glacial history of the Town of Farmington.
3. The provisions of the Town's existing ridgeline protection regulations must be aggressively enforced.

## VII. THE FARMINGTON RIVER

### Geologic History

Prior to the last period of glaciation, most of what is now Farmington was drained by a river that flowed southward, closely following the present beds of the Quinnipiac River, and the north-flowing section of the Farmington River. The present Pequabuck River and the southeast-flowing section of the Farmington were tributaries to this river.

The present course of the Farmington River was established by the interaction between glacial ice and meltwater deposits. A dam established by material dropped by the meltwater from the receding glacier created a lake between the "dam" and the glacial ice situated over what is today the bend in the Farmington River. Round Hill near Route 4 is a remnant of a delta that formed by debris dropped from streams or glacial meltwater entering this lake. The present course of the Farmington River was ultimately established when the glacier melted sufficiently to expose the gorge through the Talcott Ridge near Tariffville allowing the impounded water to escape.

### Physical Character

The Farmington River is a unique natural resource which has played a major role in Farmington's development, and which contributes significantly to the Town's character. In its entirety, the Farmington River is approximately 81 miles in length beginning in southwestern Massachusetts, and includes a watershed of approximately 600 square miles. Within the boundaries of the Town of Farmington, the river flows approximately 9 linear miles, and drains a watershed of approximately 20.6 square miles, or 72 percent of the Town. Approximately two-thirds of this area drains directly into the Farmington River, while the remaining area drains into the Pequabuck River first.

The character of the Farmington River changes as it passes through Farmington. From the river's origins to the northwest corner of the Town of Farmington the Farmington River flows with a definite pitch first through the Berkshire Mountains in Massachusetts, and then through the Western Highlands of Connecticut. Table 1 shows the change in the slope of the riverbed as it passes through the Town, from the Western Highlands to the Central Valley described in the Hillside Section. The river completes its transition to a flat-water river above the Route 4 bridge in Farmington Village. The river maintains a shallow grade north to Tariffville Gorge in Simsbury, where it breaks through the Metacomet Ridge to flow east to the Connecticut River.

Table 1

THE FARMINGTON RIVER IN FARMINGTON  
Changes in Streambed Elevation

LOCATION	STREAMBED ELEVATION	FET FROM AVON LINE	VERTICAL CHANGE (FT.)	HORIZONTAL CHANGE (FT.)	% CHANGE
Town Line/Burlington	244	48,000	--		
Rt. 4 Bridge/Union	193	41,500	51	6,500	0.78%
S. Main St. Bridge	181	36,400	12	5,100	0.24%
R.R. Bridge	164	26,600	17	9,800	0.17%
Rt. 4 Bridge/Farm.	149	11,000	15	15,600	0.10%
Town Line/Avon	146	0	3	11,000	0.03%

## European Settlement

The Farmington River provided many of the resources needed for the settlement of the Town of Farmington. For centuries before the first English settlers came to this area, the Tunxis Indians had taken advantage of the fertile soils, fish and wildlife the Farmington River provided. Around 1640, the first English settlers arrived. They too were attracted by the river's abundant fishing and agricultural potential. The settlers also saw the river and its tributaries as a source of power. The "Grist Mill," which still remains at the end of Mill Lane, and its dam were constructed as early as the 1660's.

While early dams were constructed to power saw and gristmills, by the 1800's the Farmington River was providing the power for the development of Unionville as a manufacturing center. In 1828, a dam was constructed in Unionville to feed water into the Farmington Canal. The Farmington Canal was an 87-mile series of canals and aqueducts that ran from New Haven to Northampton, Massachusetts, through 60 locks and over eight rivers. The canal transported people and goods for only 20 years before the railroads took its place.

A half mile upstream from the "feeder" dam, a second dam was constructed in Unionville. The impounded water from this dam fed a canal that powered several small factories. The proximity to the Farmington Canal through the feeder canal gave Unionville factories early access to more distant markets.

The Farmington River made possible the industrial prosperity of Unionville and other towns along its banks. In return, however, the discharge of untreated sewage and industrial waste took a heavy toll on the river. As early as 1860, the river was too polluted for swimming, and few trout could be found as far north as New Boston, Massachusetts. While mill closings along the river in the late 19th and early 20th centuries brought some water quality improvement, population growth along the Farmington River and its tributaries during the 20th century substituted municipal sewage as the river's principal pollutant.

## Water Quality

In 1967, the Connecticut Legislature passed a Clean Water Act, which was followed in 1972 by the Federal Clean Water Act. These statutes set criteria for the attainment of clean waters by setting contaminant limits, and requiring permits for all industrial or municipal discharges into a watercourse.

As a result of these statutes and other efforts to revitalize

Connecticut's watercourses, the entire length of the Farmington River within Farmington meets Class B water quality criteria. The section of the river from its confluence with the Pequabuck River to the Farmington/Avon town line, however, has been designated as unsuitable for swimming, because of pollution from the Pequabuck River, and the zone of influence from the Farmington Sewage Treatment Plant. This designation, however, may be removed with the next revisions to the State water quality designations due to the improved water quality of the Pequabuck River. Table 2 illustrates the improved water quality in the Farmington River, primarily as a result of improvements to the Pequabuck River.

The treatment plant, remains as the lone permitted discharge into the Farmington River within Farmington. With improved water quality, the Farmington River now supports one of the largest trout fisheries in the State, and is an important river in the State's Atlantic salmon restoration program.

#### Use of Stratified Drift Deposits

The lower Farmington River flows through an extensive stratified drift deposit that was laid down by glacial melt water during the last retreat of the glaciers. In Farmington, approximately 14 square miles are underlain by this material to depths, in some places, in excess of 450 feet. The fine-grained nature of some of this material, however, is incapable of yielding significant quantities of water. Map 3 identifies the areas within this deposit, which are coarse-grained (sand and gravel), saturated, and have potential water yields in excess of 250 gallons per minute (gpm).

As noted in the groundwater section, the Unionville Water Company withdrew more than 651 millions gallons of water from this stratified drift aquifer in 1990. The company's highest yielding wells are located along the Farmington River. They currently have six wells along the river including the Connecticut Sand and Stone well with yields ranging from 150 - 600 gpm. Map 3 shows the locations of these wells.

The proximity of the wells to the Farmington River does potentially impact the flow of the river. Although the wells do not draw water directly from the Farmington River, drawdown of the aquifer from pumping at the well location can result in recharge to the aquifer from the river, therefore reducing the river's flow. Although State laws prohibit the direct use of class B water for drinking water, wells drawing water from aquifers recharged by river water as a result of well drawdown need only meet State Health Code criteria to be considered potable.

The stratified drift deposits along the banks of the Farmington River also provide a resource for sand and gravel excavation. Connecticut Sand and Stone several years ago terminated its excavation operation along the river immediately downstream of the railroad overpass. The operation included approximately 183 acres. During the nineteen sixties, this operation included the removal of an approximately 12-acre island in the Farmington River, and excavation of the riverbed. A flood insurance study done in 1986 by the Federal Emergency Management Agency indicates that the riverbed in this area is up to 30 feet lower than the estimated original elevation.

Although State regulations no longer allow excavation within the river itself, stratified drift deposits along the riverbank should provide several more years of excavation potential. The life of the operation has been further extended by a pond owned by Dunning Sand and Gravel, which was dredged along the banks of the river several years ago. The pond is so close to the river that during high water periods, the river will flow through the pond. The pond then has the potential to capture sand and gravel from the floodwaters, as this material may drop out of suspension as the water slows within the pond. Although the pond does divert the river during high water, the pond predated the Connecticut water diversion statute, and is, therefore, exempt.

### Recreation

The water quality improvements and the aesthetic qualities of the Farmington River have made it a popular source of recreation. The river is used extensively for fishing, canoeing and, to a lesser extent, swimming. Open space along the river is additionally used by hikers, birdwatchers and picnickers. Portions of the river's banks are also prime hunting spots, although hunting upon Town-owned land is restricted to only certain locations. Public access to the river suitable for launching canoes is available at Yodkins-Morin Memorial Park on Route 4, River Glen Park off of Woewassa and Wanowmassa Lanes and the Route 4 bridge in Farmington Village. Public pedestrian access is also available off Meadow Road and at Tunxis Mead Park.

During the last ten years the Town has acquired over 2,200 linear feet of river frontage through the purchase of open space land and the site of the police station and community center complex. While none of these areas have been developed for recreation to date a trail has been designed through properties lying adjacent to Waterville Road. The acquisition of additional riverfront land continues to be one of the highest priorities of the Town's Land Acquisition Committee. Final plans have been approved for another riverfront trail through a site proposed for mix use development at the corner of Mill Street and South Main

Street in Unionville. The Farmington River was a main focal point in the recently adopted design plan for Unionville.

### River Flow and Riparian Rights

Both the attenuation of pollutants in the Farmington River and the preservation of the river's aesthetic, recreational and ecological values are dependent upon the quantity of the river's flow. Since the Farmington River is dammed along both its western and eastern branch, the flow of the river is controlled by a series of regulations and agreements to assure adequate flow for downstream users. Six key factors control the flow of the Farmington:

#### From Goodwin Dam:

- 1) a minimum release of 50 cubic feet per second (cfs) is required at all times;
- 2) all natural inflow to reservoirs up to 150 cfs must be released;
- 3) release of all flows released from Otis Reservoir in Massachusetts;
- 4) releases upon request of the Farmington River Power Company in volumes from 0 to 300 cfs, up to 400 million gallons per day and 21.7 billion gallons per year;

#### From Colebrook Dam:

- 5) releases from Colebrook Reservoir when water elevation is above 708 feet; and
- 6) releases up to 3.26 billion gallons per year as needed by DEP for fisheries.

The "upon request" releases to the Farmington River Power Company are perhaps the most valuable for maintaining the multiple use characteristics of the Farmington River. The release agreement was established to preserve the riparian rights of the Farmington River Power Company, which operates a hydroelectric facility at Rainbow Dam in Windsor. Through this agreement, release requests have averaged approximately 190 cfs through the peak recreation period of May 15-October 31. This agreement has enabled the river to flow at levels higher than would tend to occur naturally during the summer months.

It should be noted that the cfs figures are measured at the point of release. The flow in cfs in the Town of Farmington and other downstream locations will naturally be greater in volumes dependent upon the flows from other tributaries.

### Water Diversions

The Metropolitan District Commission (MDC) uses the Farmington River to supply 100 percent of the water for Greater Hartford. The first diversion of water from the Farmington River watershed for water supply to the Hartford area began in 1911 with the signing of an agreement to construct Nepaug Reservoir. In 1931, MDC began construction of the 30 billion gallon Barkhamsted Reservoir on the

Farmington River's east branch to meet the growing water supply needs of the Hartford area. Finally, in 1949, the MDC, by Special Act, was granted authority to construct a reservoir on the west branch of the Farmington River, with the right to construct a tunnel to divert this water to its distribution system. The tunnel, however, was never completed, and the reservoir has been used only to meet riparian obligations.

In 1981, MDC sought to complete the tunnel and divert approximately 19 billion gallons from the Farmington's west branch. Citizen concern for the diversion's impact on the river's quantity of flow, and therefore its impact on the many values of the river, resulted in the proposal ultimately being rejected at a referendum.

As a result of the 1981 diversion controversy, the State Legislature passed the Water Diversion Policy Act in 1982 to protect Connecticut rivers from being dammed or diverted of more than 50,000 gallons per day of water without a permit. In Farmington, most permits are for well water withdrawals. The Town of Farmington has received a permit for withdrawing water from the Farmington River for irrigation at Tunxis Mead Park.

#### Federal Wild and Scenic River Designation

To provide further protection to the Farmington River, the federal government added a large section of the Farmington River to the Federal Wild and Scenic Rivers System. Two distinct sections were included in this program. One section is in Massachusetts, while the other is a 14 mile stretch in Connecticut from below the Goodwin Dam in Hartland to the southern extent of the New Hartford/Canton town line. The Farmington River was the third river system in New England to be included into the program following the Allagash in northern Maine, and the Wildcat in New Hampshire. Congress has recently approved the authorization of a study to include additional downstream sections of the river into the program including Farmington.

The purpose of the Wild, Scenic and Recreational Rivers Act was to establish a system through which America's outstanding free-flowing rivers could be preserved in order to balance against the existing federal policy of river development. Designation in the Wild and Scenic Rivers System provides permanent protection from new dams, diversions and other water resource projects that would have a negative impact on the river's resources. The Farmington River has been protected by the Act since 1986, when Congress authorized the study of the two river sections.

The Wild and Scenic designation for the Farmington River did not include federal land acquisition. Instead, the planning process required each town, through which the designated segment flows, to demonstrate how it planned to provide long-term protection for the various qualities of the river.



To meet this requirement, Barkhamsted, with the assistance of the FRWA and the National Parks Service, adopted a River Protection Overlay District regulation that has become the model river protection regulation for the Farmington River Valley.

### River Protection Regulations

Barkhamsted's River Protection Overlay District is defined as the land within one hundred feet of the river's normal high water level. This regulation prohibits activities within the Overlay District without first receiving a special exception and meeting particular criteria and standards found in the regulation. Regulated activities include the impoundment of the river, new construction or additions to existing buildings, new septic or other waste disposal systems, dredging or sand and gravel excavation and cutting or removal of vegetation. Special exceptions can only be considered if a parcel and/or existing structure meets specified conditions.

In Farmington, development of much of the land abutting the Farmington River is regulated by a Flood Protection Zone designation. The Flood Protection Zone includes all land that is reasonably required to carry and discharge a regulatory flood. The boundary of this zone was established using an earlier study produced by the U.S. Army Corps of Engineers.

The purpose of the Flood Protection Zone is to preserve the river's ability to convey the regulatory flood. As such, uses within the Flood Protection Zone are restricted to those, which have low flood damage potential and will not obstruct or modify flood flows. The zone prohibits the construction of most structures and parking areas; and further regulates sand and gravel excavation, municipal uses, accessory structures and fill.

The purpose of the River Protection Overlay District is, more broadly, to preserve the multiple qualities of a river and the land adjacent to it. By prohibiting or regulating most alterations, including the removal of vegetation within an established buffer area, the river's ecosystem can be preserved along with the river itself.

While the Flood Protection Zone and River Protection Overlay District regulations do overlap, the zones tend to complement rather than duplicate each other. Where the land flattens out and a wider floodplain is established, such as occurs at the convergence of the Farmington and the Pequabuck Rivers, the Flood Protection Zone will provide greater protection to the rivers. Conversely, where steep banks exist and the floodway is relatively narrow, such as occurs along much the Farmington River from the northwestern town line to the railroad overpass, a River Protection District will tend to provide greater protection.

Additionally, by regulating the removal of vegetation, the River Protection District can protect a river and its characteristics in ways that the Flood Protection Zone cannot. Vegetation along rivers has important functions including slowing floodwaters, filtering pollutants such as from erosion and sedimentation, increasing bank stability, providing important fish and wildlife habitat, and preserving a river's aesthetic and recreational qualities.

Activities along the Farmington River from above the Route 4 bridge in Unionville to the railroad overpass are further regulated by the State of Connecticut's establishment of stream channel encroachment lines in this area. No "obstruction or encroachment," as defined in Connecticut General Statute Section 25-4a, may be placed within these lines without first obtaining a permit from the Department of Environmental Protection. Permit decisions are based on findings of a proposal's effect on: the flood-carrying and water storage capacities of the river and floodplain, flood heights, hazards to life and property and natural resources. Since the stream channel encroachment lines have in most cases been established up gradient from the boundary of the floodway zone, they tend to provide added protection to the river resources.

#### Adjacent Land Uses

The land uses along the Farmington River are in general more intensive to the west and less intensive to the east. The land along the river as it enters the Town remains vacant due to its topography and the extent of the floodway. As the river passes under the Route 4 bridge in Unionville, pockets of industrial and commercial uses appear along the right bank, with residential uses along the left bank. Due to the floodway, however, the residences are setback at least 100 feet from the river.

As the river passes through Unionville Center, the adjacent uses are a mixture of commercial and former industrial sites with a small pocket of residential along the right bank below the Route 177 bridge. Between the confluence of Roaring Brook in Unionville and the railroad overpass, the land use along the left bank is primarily open space and residential, while the uses along the right bank are nearly evenly split between residential and light industrial, with some areas of vacant land.

Due to the expanse of the river's floodway from the railroad overpass to the Avon town line, the primary uses adjacent to the river are open space, agriculture and recreation. The exception includes the former Connecticut Sand & Gravel operation below the railroad overpass, which encompasses nearly one linear mile of river frontage; the mixed uses in Farmington Village and the low-density residential development along Waterville Road.

The largest development constructed along the river in the last ten years was the municipal complex housing the Town's police station and community center. Both buildings were situated with generous setbacks from the river in respect of the site's alluvial flood plain system. The Town completed reconstruction of the former railroad bridge as a trail for pedestrians and non-motorized vehicles as a segment of the Farmington Valley Greenway.

### PLANNING OBJECTIVES

1. Use the Subdivision, Zoning and Wetlands Regulations to control erosion of riverbanks, and to preserve the aesthetic, recreational and ecological values of the river. Give special attention to areas where the banks are steep and the designated floodway is narrow.
  - a. Evaluate the inclusion of river setback standards as part of a proposal for the development of upland review areas within the Town's wetland regulations to control development and vegetation removal.
  - b. Encourage the further acquisition of open space by the Town, or the establishment of conservation or public access easements over land immediately adjacent to the river.
2. Coordinate with the Farmington River Watershed Association and other public and private organizations to protect the Farmington River and enhance its aesthetic and recreational values.
  - a. Support the inclusion of additional segments of the Farmington River into the National Wild and Scenic Rivers program.
3. Encourage recreational use of the Farmington River in appropriate locations through improvements to existing public access areas, and the establishment of new access areas or walkways, which do not adversely affect the river or its floodplain.
4. Revise Zoning Regulations and development policies for land partially encumbered by the floodway to permit only a portion of the floodway land area to be used in meeting density and coverage requirements. This would better reflect the natural constraints on development and discourage the concentration of development on one portion of the site.
5. Restrict or prohibit land uses which have the potential to pollute the Farmington River, so as to maintain the existing high water quality.
6. Encourage continued efforts by the Conn. DEP to upgrade sewage treatment facilities on the Pequabuck River, a Farmington River tributary, so as to restore downstream

- water quality to a level consistent with its use for recreation and the propagation of fish and wildlife.
7. Monitor surface water quality of discharges into the Farmington River as part of the federal government's Phase II storm water program.
  8. Support the restoration of the Atlantic Salmon into the Farmington River.
  9. As a compliment to an upland review regulation and the State's current encroachment line program, Farmington should consider the adoption of an overlay zoning district along some or all segments of the Farmington River, similar to a number of communities where the River has received the Wild and Scenic designation.

## VIII. INLAND WETLANDS AND WATERCOURSES

In 1972, the Connecticut Legislature, recognizing wetlands as "indispensable and irreplaceable natural resources," passed the Inland Wetlands and Watercourses Act. As a result of this statute wetlands in Connecticut are defined by drainage type, and include all land, including submerged land, which consists of any of the soils types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soil Survey of the U.S. Soil Conservation Service. The statute further defines a watercourse as a river, stream, brook, waterway, lake, pond, marsh, swamp, bog and all other bodies of water, natural or artificial, public or private, vernal or intermittent which are contained within, flow through or border upon the State of Connecticut.

### Wetlands Soils

The wetlands soils drainage classifications have the following general characteristics.

Poorly drained soils occur on primarily level or gently sloping land where the water table is at or near the surface from late fall to early spring.

Very poorly drained soils occur in level or depressed land areas, where the water table is at or above the surface during most of the growing season.

Alluvial and floodplain soils occur along level areas along watercourses that are subject to periodic flooding. These soils include all drainage classifications from well drained to very poorly drained.

Table 2 identifies the wetlands soils types found in Farmington, and lists them by their drainage classification.

While the legal definition of wetlands categorizes wetlands soils by drainage classifications, these soils can also be categorized by their location on the landscape. Know Your Land; Natural Soils Groups for Connecticut published by the Soil Conservation Service, USDA; and the Connecticut Cooperative Extension Service, groups soils by both their drainage classification and their location on the landscape.

Four general groups of wetlands soils types occur in Farmington: terrace soils, upland soils, floodplain soils, and marsh and swamp soils. Terrace soils occur above the floodplains of rivers and streams, and are underlain by water-deposited sands, and sands and gravel. Uplands soils occur in upland depressions or along hillside seeps. In Farmington, most upland wetland soils are associated with an underlying layer of compact glacial till (hardpan) that

Table 2

WETLANDS SOILS IN THE TOWN OF FARMINGTON  
BY DRAINAGE TYPE

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DRAINAGE CLASSIFICATION	SOILS TYPE	SOIL NAME
Well Drained:	HaA	Hadley silt loam
	StA	Suncook loamy sand
	OnA	Ondawa sandy loam
Mod. Well Drained:	PoA	Podunk sandy loam
	WwA	Winooski Silt loam
Poorly Drained:	WcA	Walpole loam
	WsA	Wilbraham stony silt loam
	WrA	Wilbraham silt loam
	RuA	Rumney sandy loam
	LmA	Limerick silt loam
Very Poorly Drained:	PmA	Peats and Mucks, shallow
	SeA	Scarboro loam
	LdA	Leicester, Whitman and very stony silt loam
	MoA	Menlo silt loam
	WtA	Wilbraham and Menlo very stony silt loam
	MpA	Menlo stony silt loam
	SaA	Saco sandy loam
	Re	Riverwash
	SbA	Saco silt loam
	PkA	Peats and Mucks

Table 3

WETLANDS SOILS IN THE TOWN OF FARMINGTON  
BY SOILS GROUPS

	SOILS GROUP	SOILS GROUP
Terrace Soils	A-3a	WcA
	A-3b	PmA
	A-3b	SeA
Upland Soils (friable/firm)	B-3b	LdA
Upland Soils (hardpan)	C-3a	WrA
	C-3a	WsA
	C-3b	WtA
	C-3b	MoA
	C-3b	MpA
Floodplain Soils	E-1	StA
	E-1	OnA
	E-1	HaA
	E-2	PoA
	E-2	WwA
	E-3a	LmA
	E-3a	RuA
	E-3a	SbA
	E-3b	SaA
	E-3b	Re
Peats and Mucks	F-1	PkA

Source: Know Your Land: Natural Resource Groups for Connecticut Soil Conservation Service, USDA; and the Connecticut Cooperative Extension Service

restricts the further infiltration of water. Floodplain soils occur along nearly level land adjacent to rivers and streams that are subject to periodic flooding. Finally, marsh and swamp soils include deep peats and mucks, which have a high water table throughout most of the year. Table 3 lists the wetland soils in Farmington by their soils group.

In 2005 an inventory and assessment of all of Farmington's wetland areas over five acres in size was completed as part of the Town's first comprehensive environmental planning study. This report will be a companion to this plan and improve land use planning as well as permitting the various land use commissions to function on more of a proactive basis.

### Wetlands Applications

In the last decade, the Farmington Inland Wetland and Watercourses Agency has considered 145 applications. Of these applications, 111, or 71 percent of the applications were approved. At the time an application is submitted, it is determined whether the proposed activity is significant or not. In most cases, applications are considered significant except for the smallest activities such as driveway crossings, minor filling and stream or pond cleanings. The Commission heard 71 significant applications and 74 non-significant applications.

Applications to fill wetlands or watercourses dropped significantly since the previous ten-year period (25 percent of all applications). Since publication of the last Plan of Conservation and Development, 16.75 acres of wetlands were approved for filling. This is an average of .30 acre of wetlands approved for filling per application. Of the 16.75 acres of wetlands filled, 9.25 acres or 55% of the area was filled in conjunction with applications filed by the Town of Farmington for various municipal projects such as the continued development of Tunxis Mead Park.

### Wetland Jurisdiction

The science and the law have progressed to establish and recognize the vital link between activities undertaken within the drainage area of a particular wetland and the potential pollution or destruction of such wetland resource. Our understanding of the function of whole wetland systems involves the dependence of wetland and watercourse resources and their adjacent upland areas.

Over the last several years there have been three court decisions that have had a pronounced effect as to how local inland wetlands and watercourses agencies regulate watercourses and wetlands. The decision held in Queach Corporation v. Inland Wetlands Commission extended the legal precedent that Commissions not only had the right to



regulate direct impacts to such resources but to also regulate activities upland of wetlands or watercourses even beyond legally established widths of upland review areas if it is found that such activity is likely to affect adversely the wetland or watercourse.

However in the case of Avalon Bay Communities, Inc. v. Wilton Inland Wetlands Commission, the Connecticut Supreme Court found that the agency over reached its jurisdiction when it attempted to regulate an area upland of a wetlands in order to protect the habitat of an animal which also may occupy that wetland during part of the year or its lifecycle. The Court stated that commissions may regulate activities outside of wetlands and watercourses when those activities are likely to affect adversely the physical characteristics of those wetlands or watercourses and not just the wildlife that uses the wetlands. In response to this decision the Connecticut legislature altered the language of the wetland statutes to clarify that a Commission may not deny an application unless the impact will adversely affect the watercourse or wetland or aquatic, plant or animal life and habitats in wetlands or watercourses.

Finally, in the case of River Bend Associates, Inc. ET AL v. Conservation and Inland Wetlands Commission of the Town of Simsbury, the court has specified that a commission must make a finding of substantial evidence by an expert that an activity will likely directly or indirectly have an actual adverse impact on the wetlands or watercourse. This decision will now put the burden on inland wetland and watercourse commissions to make a finding based on scientific evidence that an activity will not only possibly have an adverse affect on the protected resource but that such impact is likely to happen.

### Watercourses

Surface water covers 515 acres or approximately three percent of Farmington's total area. Major water bodies include the Farmington and Pequabuck Rivers, Roaring Brook, Scott Swamp Brook, Wood Pond, Lake Garda, Batterson Park Pond, Walton Pond, Dunning Lake and the former Farmington Reservoir. These water bodies are important assets to the Town providing recreational opportunities and aesthetic appeal, in addition to receiving storm water runoff, and discharges from sewage treatment facilities and industry.

Pollution to surface waters can be divided into two broad categories: point source, and non-point source. Point source pollution includes distinct discharges from wastewater outfalls from factories and sewage treatment facilities. State and federal laws currently regulate these pollution sources. Non-point source pollution includes a broad range of diffuse, small, intermittent or mobile discharges such as acid rain, leaky septic systems, storm

water runoff, erosion and sedimentation, and agricultural and lawn chemicals.

The Connecticut Department of Environmental Protection adopted statewide "Water Quality Standards and Criteria" in 1980, which were most recently revised in 1997, and has delineated on maps the classification of all surface waters. These standards are used to regulate point source pollution discharges. The State water quality classes include Class AA, A, B, C, and D waters; with Class AA waters being the most pristine, and Class D waters being the most degraded. Table 4 summarizes the Connecticut surface water classifications. It is State policy to restore all surface waters, where possible, to at least Class B quality, and to maintain waters of higher quality in their present state.

Most rivers and streams in Farmington are Class B quality or better. Both Scott Swamp Brook and Roaring Brook are classified as having B/A water quality. This classification indicates that while the stream currently meets Class B criteria, DEP has set a goal of achieving Class A water quality. While the discharges resulting in the B classification for Roaring Brook are beyond the boundaries of Farmington, most of the discharges into Scott Swamp Brook occur in Farmington. According to DEP officials the current B classification for Scott Swamp Brook is a result of past improper spills, discharges or storage of industrial chemicals in the vicinity. DEP's goal therefore is to clean up these contaminated areas.

The Farmington River is designated Class B water quality for its entire length through the Town of Farmington, with an additional "b" subscript for the section of the river from just west of its confluence with the Pequabuck River to the Avon town line. The "b" subscript designates the zone of influence in the immediate vicinity of treated sewage outfalls. Swimming is not advisable in these areas. The "b" subscript for the Farmington River is influenced not only by the Farmington sewage treatment plant, but also the Pequabuck River.

The Pequabuck River is currently class C/B. The Pequabuck River has historically been heavily impacted by industrial and municipal discharge resulting in high turbidity, coliform bacteria and low dissolved oxygen levels. However, controls on industrial discharges and improvements to sewage treatment facilities in Plainville and Bristol over the last decade have, according to DEP, greatly improved the water quality of the Pequabuck River.

According to the State 1997 Water Quality Standards, surface waters, which are not otherwise designated are considered

TABLE 4

## SURFACE WATER CLASSIFICATION, USES, AND DISCHARGES ALLOWED\*

Class	Resources Use	Compatible Discharges
AA	Existing or proposed public drinking water supply impoundments and tributary surface water.	<p>a. Treated backwash from drinking water treatment facilities.</p> <p>b. Minor cooling or clean water.</p>
A or SA	May be suitable for drinking water supply (Class A); may be suitable for all other water uses including bathing; shellfish resource; character uniformly excellent, may be subject to absolute restrictions on the discharge of pollutants.	<p>a. Treated backwash from drinking water treatment facilities.</p> <p>b. Minor Cooling or clean water.</p>
B or SB	Suitable for bathing, other recreational purposes, agricultural uses, certain industrial processes and cooling; excellent fish and wildlife habitat; good aesthetic value.	<p>a. Those allowed in AA, and A.</p> <p>b. Major and minor discharges from municipal and industrial waste water treatment.</p>
C or Sc	May have limited suitability for certain fish and wildlife recreational boating, certain industrial processes and cooling, good aesthetic value, not suitable for bathing, water quality unacceptable. Water quality goal is Class B or SB.	a. Same as Class B
D	May be suitable for bathing or other recreational purposes, certain fish and wildlife habitat, certain industrial processes and cooling; may have good aesthetic value. Present conditions, however, severely inhibit or preclude one or more of the above resource values; water quality unacceptable. Water quality goal is Class B.	a. Same as Class B.

Class A. Therefore, all lakes and ponds within Farmington are classified as having Class A quality. Batterson Park Pond, however, was given a lake trophic classification of eutrophic by the State. As a eutrophic lake, Batterson Park Pond is highly enriched with plant nutrients, and is characterized by frequent nuisance blooms of algae. Batterson Park Pond, along with Lake Garda and Dunning Lake are currently managed with annual applications of chemicals to control the algal blooms, and maximize their recreational value. In addition the City of Hartford recently received a grant from the DEP for the installation of storm water structures designed to reduce sediment load into the lake. Sediment has been found to carry nutrients, which further contribute to the lake's algae problems.

While chemical use is approved by the State, the Water Quality Standards for the State indicate that lakes, ponds and impoundments with AA or A class waters should be managed through the "implementation of best management practices, and other reasonable controls of non-point sources of nutrients and sediments." This method of management is preferred over the use of biocides for the control of eutrophic conditions. Non-point source pollutants are a major contaminant to lakes and ponds, due to the nature of non-point source pollution, however, it is not currently regulated through a State managed permit process like point source pollution. A new federally mandated storm water program may have positive effects on this situation in a number of years.

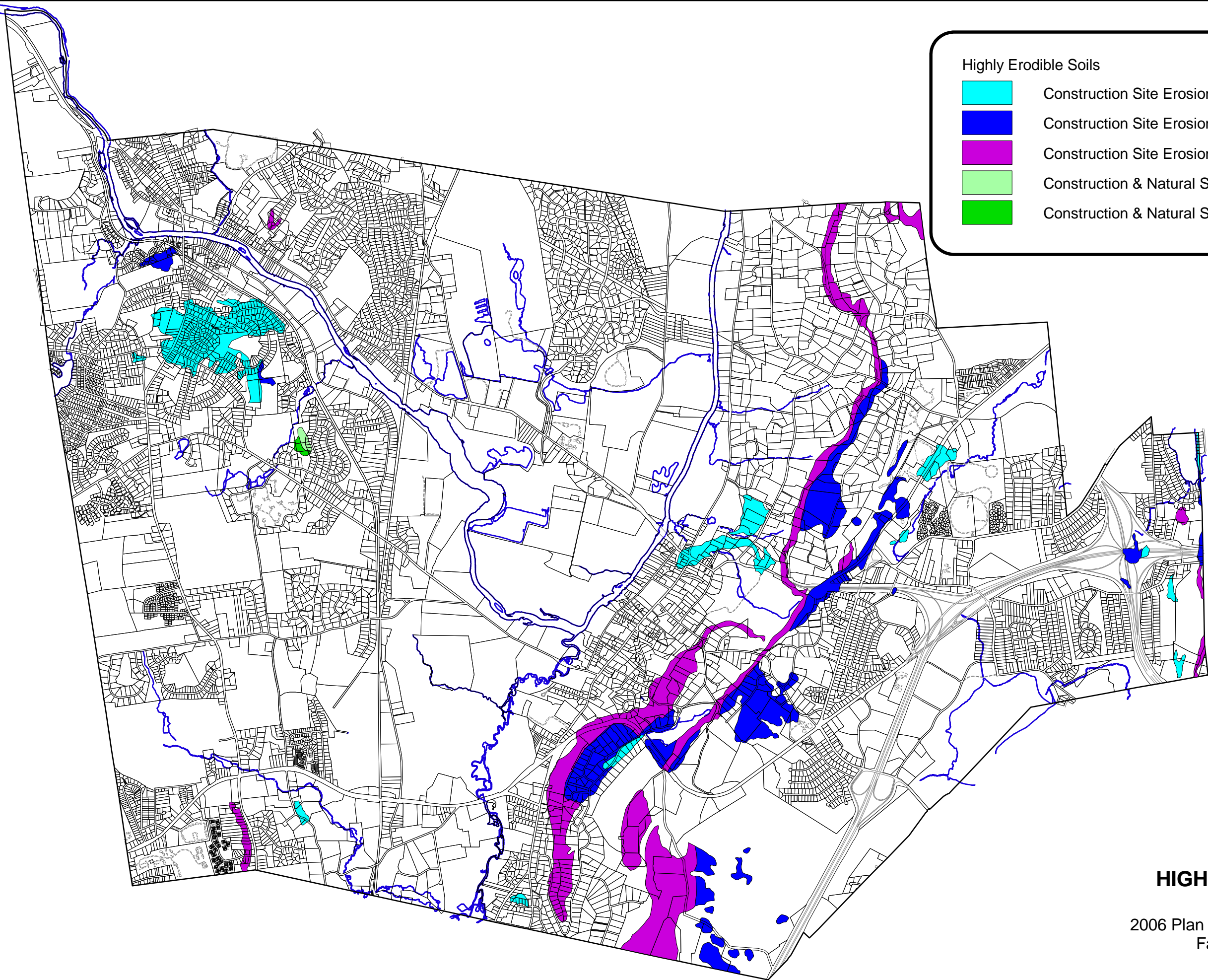
One form of non-point source pollution that has been regulated locally since 1985 is erosion and sedimentation from construction sites. Map 4 identifies the location of soils in the Town that are identified as highly erodible on slopes three percent or greater, and moderately erodible soils on slopes 15 percent or greater.

## PLANNING OBJECTIVES

1. Enforce existing Inland Wetlands and Watercourses Regulations, and utilize cluster zoning regulations (Section 19.) and protection of valuable site resources Subdivision Regulations (Section 4.17) to maximize the preservation and protection of wetlands and watercourses within the Town of Farmington.
2. All erosion controls should be set and inspected for all activities in and near wetlands prior to the start of construction. These controls should be designed in accordance with the specifications found in the 2002 as amended Erosion and Sediment Control Manual.
3. Watercourses which have been identified with viable fish populations should have any proposed crossings over these streams designed to assure the free passage of fish.
4. The Inland Wetlands and Watercourses Agency should adopt and implement the definition of mitigation adopted by the Council of Environmental Quality in 1978 as follows and in the order it is presented (a..e) for all proposed wetlands activities:  
"Mitigation includes:
  - a. Avoiding the impact altogether by not taking certain action or parts of an action.
  - b. Minimizing impacts by limiting the degree or magnitude of the action.
  - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
  - e. Compensating for the impact by replacing or providing substitute resources or environments."
5. Continue using the Farmington Inland Wetlands and Watercourse Map as a guide only. All applications involving land with wetlands or suspected wetlands should include accurately mapped wetlands based on field investigation.
6. In order to maximize the preservation of wetlands and watercourses, regulated upland areas and development setbacks should be established for incorporation into Inland Wetlands and Watercourses Regulations or other land use regulations as appropriate.
  - a. A setback or buffer area is a relatively undisturbed "upland-to- wetland" transitional landscape. Natural buffer areas can be valuable in maximizing the preservation of a wetlands or watercourse. Their primary values include wildlife habitat (e.g.

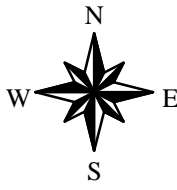
foraging, migration corridor, breeding and nesting), pollution attenuation, maintain landscape diversity, and recreational and aesthetic open space. The size of a buffer area should, at minimum, consider: site conditions (e.g. slope, vegetation cover, soils type), potential for impact from development (impervious cover, type of development, septic system), and quality of wetlands. The actual width of the setback or buffer area should be determined from information provided from a professional wetland scientist.

7. Untreated stormwater should not be directly discharged into a wetlands or watercourse. Treatment systems should be employed consistent with the recommendations of the recently published stormwater manual by the DEP.
8. The evaluation of wetlands provided in the Town's Environmental Resource Inventory and Plan should be used as a guide by the Town's land use commissions when making land use recommendations and deciding upon applications involving inland wetlands and watercourses.
9. Particular care should be given in the design, implementation and enforcement of erosion and sedimentation controls on sites which include or which are adjacent to wetlands or watercourses, or which are identified on the High Erosion Potential Map.
10. Cooperate with State and Federal efforts to reduce impacts to surface water bodies from non-point source pollution.



Highly Erodible Soils

- Construction Site Erosion Hazard; 3-8% Slope
- Construction Site Erosion Hazard; 8-15% Slope
- Construction Site Erosion Hazard; >15% Slope
- Construction & Natural Site Erosion Hazard; 3-8% Slope
- Construction & Natural Site Erosion Hazard; >8% Slope



**Map #4**

**HIGHLY ERODIBLE SOILS**

2006 Plan of Conservation & Development  
Farmington, Connecticut

## IX. FLORA AND FAUNA

In 1976, a Department of Environmental Protection study entitled "Rare and Endangered Species of Connecticut and Their Habitats" divided the State into 14 ecoregions. Ecoregions are areas that have similar landscapes, climate and vegetative patterns, and which are marked by the presence or absence of indicator species or species groups. According to this study, the Town of Farmington is located almost entirely in the North-Central Lowlands ecoregion. The only exception being the northwestern corner of the town, which is located in the Northwestern Hills ecoregion.

The North-Central Lowlands ecoregion is characterized by extensive floodplains and lowland areas adjacent to major rivers, interspersed with prominent north/south oriented ridge systems. The typical forest vegetation for the region is Central Hardwoods, Hemlock and White Pines. This vegetation includes Red, Black and White Oaks (Quercus rubra, Q. velutina and Q. alba), and Shagbark, Pignut and Bitternut Hickories (Carya ovata, C. glabra, and C. cordiformis). Hemlock (Tsuga canadensis) and White Pine (Pinus strobus) are noted as frequent and locally abundant or dominant.

In addition to identifying the typical forest types of each ecoregion, it emphasized the importance of "critical" or rare habitats in the preservation of rare and endangered plant and animal species. Many species are rare or endangered because suitable habitats for their survival exist in only a few areas. Since these isolated habitats are critical to the survival of many of Connecticut's rare and endangered species, they are termed critical habitats.

The study identifies five critical habitats that can be found within the North-Central Lowlands ecoregion. Four of these habitats can be found in Farmington: traprock ridges, sand plains, grasslands and floodplain forests.

A traprock ridge runs in a north/south orientation in the eastern portion of the Town. Traprock ridges are typically gradually sloping on their eastern side, with predominantly oak and hickory forests. Conversely, the western slopes of traprock ridges tend to be extremely steep with an upper cliff face and a lower talus slope. The cliff face has little soil or stored water, resulting in extremely harsh conditions for vegetation growth. The lower talus slope, on the other hand, tends to support lush forests of typically Sugar Maple, Ash and Basswood. Wetlands are also commonly present. Spring wildflowers are abundant in these forests, with many rare species being unique to this area.

Due to the steep slopes and wetlands, development on the western slope is very sparse providing habitat and migration corridors for a variety of wildlife species. Some traprock



areas attract concentrations of butterflies with some species, such as the Falcate Orange Tip, being unique to traprock ridges.

Floodplain forests are a second critical habitat found in Farmington. In most cases, as in Farmington, the remaining floodplain forests are fragmented due primarily to agricultural activity. Remaining significant stands of floodplain forests in Farmington exist along the Farmington River north of the Unionville-Route 4 bridge and near the bend of the River and along the Pequabuck Rivers in Shade Swamp. The periodic flooding of these forests creates very fertile conditions that support a high diversity of plant and animal species. Songbirds can be particularly abundant. The dominant trees tend to be Black Willow (Salix nigra), Cottonwood (Populus deltoides), Sycamore (Platanus occidentalis), and Silver Maple (Acer saccharium).

A third critical habitat found in Farmington is grassland. Several of Connecticut's rare breeding birds are dependent upon grassland habitats. In order for grasslands to provide suitable habitat they must be managed so that mowing does not occur during peak breeding and nesting periods. Farmington is fortunate to have several pockets of varying forms of grassland. The long term preservation and/or management of many of these pockets, however, is not assured.

Since the natural progression of most grasslands in Connecticut is towards the development of woodlands, most existing grasslands are maintained by pasturing or mowing. Three apparently naturally occurring grasslands in Farmington are all wet meadows, which are maintained by frequent fluctuations of the water table. One is a small wet meadow located off of South Road that is preserved by a conservation easement. The second is the grassland that grows in the alluvial soils along the Pequabuck River. The third is a wet meadow on the State property at the end of Deborah Lane and adjacent to I-84.

The final critical habitat found in Farmington is sand plains. The north central portion of Farmington is comprised of sand plain habitat. Sand plains are a rich sources of sand and gravel. Farmington's sand plains currently support two separate sand and gravel operations. While much of Farmington's sand plains have been developed, a large section has been preserved as Winding Trails Recreation Area. The low, scrubby woodlands of sand plains tend to be predominantly vegetated by Black Oaks (Quercus velutina) and Pitch Pine (Pinus rigida). Additionally, although most soils in Farmington's sand plain range from well drained to excessively drained, they are also interspersed with wetlands providing even greater diversity of wildlife habitat.

In 2003, the Wildlife Conservation Society Metropolitan Conservation Alliance and the Farmington River Watershed

Association in cooperation with the towns of Avon, Canton, East Granby, Farmington, Granby, Simsbury, and Suffield initiated a regional study known as the Farmington Valley Biodiversity Project. This effort has built upon the earlier work undertaken in 1976 and involved the collection and mapping of comprehensive data on the biodiversity of the Farmington River Watershed. This information would be made available to the Towns within the watershed to be used by local planning and zoning authorities and incorporated into their land use plans and regulatory system. Without this type of effort, existing development patterns would continue to fragment larger expanses of forested and non-forested habitats, endangering both plant and animal communities. The protection of landscapes, which contain significant size and quality are critical to achieving a healthy balance between development and preservation. The preservation of diverse ecosystems sustain and support important natural processes such as soil creation, pollination, decomposition of organic matter and filtration of water. To maintain this ecological diversity it is critical that remaining habitats are large enough and are of such quality to support viable wildlife populations and that they are arranged in such a way that allows dispersal of plants and animals across the landscape. Core wildlife habitat areas and the corridors that connect them must be identified and integrated into development and conservation initiatives, which will preserve them to the highest degree. In this paradigm corridors are not presented or defined as narrow linear links connecting habitats, but should be established as broad swaths of habitat that bridge habitat core areas, providing secondary habitat.

The Farmington Valley Biodiversity Project sought to identify the existing location of species and natural communities in an effort to locate such core areas. Such species not only include State listed species (that are endangered or threatened) but also species that have been proven to respond poorly to urbanization. The natural communities referred to in the study include sandplain grasslands, floodplain forests, red maple swamps and traprock ridge talus slopes.

The Study's authors using satellite images mapped three land cover types (grassland, shrub/scrub, forest) within the region. They then superimposed the existing road network to determine the level of habitat fragmentation. Unfragmented areas were selected as potential core habitat areas for further field study based upon size criterion. To be considered a possible candidate for a core area, forests had to exceed 125 acres in area while the minimum size of grassland or shrub/scrub plats were 25 and 5 acres respectively. Using available natural resource data, these potential core habitat areas were refined into a lesser number suitable for field study. Following the compilation of information from both existing studies and field analysis a total of 48 primary and 23 secondary (connecting) core habitat areas were identified in the region. The study

found 8 primary and 3 secondary core habitat areas within the Town of Farmington. Three of the primary areas were found along the Farmington river corridor as part of the alluvial floodplain ecoregion. A majority of acreage in these sites are already protected as open space including the Winding Trails Recreation Area, Shade Swamp Sanctuary, and a combination of State and municipally owned land situated on the north and south side of Meadow Road. An additional 3 primary areas are associated with the traprock ridge extending from the Town of Plainville to Avon and West Hartford. Substantial areas are protected as part of the Deadwood Swamp and the privately held Hillstead Museum.

The last 2 primary core sites appear in the western section of the Town and consist of Scott Swamp and the Town Forest.

The 3 secondary core sites are the Burnt Hill area, Batterson Park Pond area and the Taine Mountain area. Recent acquisitions by the Town have now assured the permanent protection of property in the Burnt Hill and Taine Mountain area while approximately 60 acres of open space have been set aside as part of the Bradford Walk development in the Batterson Park Pond area.

Map 14 illustrates the location of all the primary and secondary core areas and Figure lists the species of conservation concern documented by the Study in the Town of Farmington.

A component of the biodiversity study was an inventory and mapping of active vernal pools located within the Town.

The information contained in the Farmington Valley Biodiversity Project should be integrated into Farmington's land use regulations and used to guide the preservation priorities of the Town's open space acquisition program.

While the Farmington River is not specifically listed as a critical habitat, it is an important part of the Atlantic Salmon Restoration program in Connecticut. The Atlantic Salmon is an anadromous fish, which means that it migrates from the ocean into freshwater to spawn. At present, all adult salmon that return to the Farmington River and enter the fishway at the Rainbow Dam in Windsor, Connecticut are captured to add to the hatchery stock.

Atlantic Salmon are released along the Farmington River at three stages of their development: fry, parr and smolt. Fry are newly hatched salmon. Although most fry are released further upstream, some are released in Farmington from the

## FIGURE 1

### Listing of Species of Conservation Concern

#### **Birds**

Chestnut -sided warbler  
Louisiana waterthrush  
Black-throated blue warbler  
Bobolink  
Worm-eating warbler  
Black-throated green warbler  
American woodcock  
Yellow-throated vireo  
Olive-sided flycatcher  
Cooper's hawk  
Blackburnian warbler  
Wood thrush  
Rufous-sided towhee  
Blue-winged warbler  
Canada warbler  
Eastern meadowlark  
Prairie warbler  
Savannah sparrow

#### **Amphibians and Reptiles**

Spotted Salamander  
Blue-spotted salamander  
Red-spotted newt  
Four-toed salamander  
Northern Dusky salamander  
Jefferson's salamander  
Wood frog  
Leopard frog  
Spotted turtle  
Wood turtle  
Eastern box turtle  
Hognose snake

#### **Fish**

Brook trout

#### **Insects**

Big sand tiger beetle  
Horsefly, *Hybomitra typhus*

### **Freshwater Mussels**

Eastern pond mussel

### **Plants**

New England Grape

Puttyroot

Sandplain gerardia

Purple milkweed

Route 177 bridge in Unionville, north to the Town line. In 1989-90, 225,607 fry were released in the Farmington River.

Farmington serves as a primary parr release location. When fry reach about two inches in length, they develop distinctive body markings, and are referred to as parr. Parr will remain in the river for another year or two. DEP has indicated that a fairly abundant population of parrs has established in the bend of the Farmington River. In 1989-90, 86,887 parrs were released in the Farmington River.

Salmon that reach about six inches in length between April and mid-June undergo physiological changes that allow them to enter salt water. These fish are referred to as smolts. Although all stocking of smolts is done in Windsor, Connecticut near the mouth of the Farmington River, DEP estimates that 10,000 - 20,000 smolts migrate through the Town of Farmington on their way to the ocean.

A successful restoration program could be a valuable aesthetic and economic factor for Farmington. Although there are few suitable spawning locations in Farmington, most returning salmon will pass through the Town on their way to spawning sites upstream. The potential abundance of salmon, combined with the aesthetic qualities of the Farmington River could establish this area as regionally significant for salmon fishing.

#### PLANNING OBJECTIVES

1. Establish guidelines for open space acquisition/preservation to maximize wildlife value for food, shelter, nesting and/or migration.
2. Identify potential wildlife corridors to preserve connections between separate parcels of existing open space.
3. Conduct wildlife management studies on Town owned open space that recommends habitat management techniques to improve the wildlife values of suitable open space, and future open space needs to encourage wildlife preservation and diversity.
4. Obtain regular updates from the Natural Diversity Data Base in order to monitor any changes regarding endangered or threatened plant or animal species in Town.
5. Consider adopting stream buffer regulations.
6. Encourage the planting and preservation of vegetation as part of the site plan review process to provide natural screening between unlike uses, natural soil erosion control, noise control, air purification, glare reductions and energy preservation.

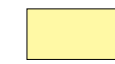
7. Support the Connecticut Atlantic Salmon Restoration Program.
8. Encourage the preservation of remaining critical habitats in Farmington as identified in the regional biodiversity study.
9. Encourage the mowing of grasslands to be timed so as to minimize its impact upon the animal species that use this habitat.
10. Develop to the extent legally feasible regulations that will preserve the upland areas associated with vernal pools.
11. The Town should promote the awareness and knowledge of invasive species as well as programs for their control and elimination.
12. The Town should disseminate information concerning sensitive ecological areas on its website.
13. The Town should seek to facilitate the creation of inter-municipal agreements to preserve priority conservation areas, which cross political boundaries.
14. The Town Plan and Zoning Commission should initiate the creation of an overlay zoning district to protect and conserve critical habitats identified in the regional biodiversity study. This would include the establishment and adoption of standards for the collection of natural resource data.

LEGEND

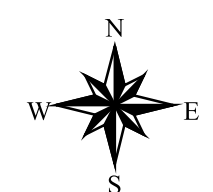
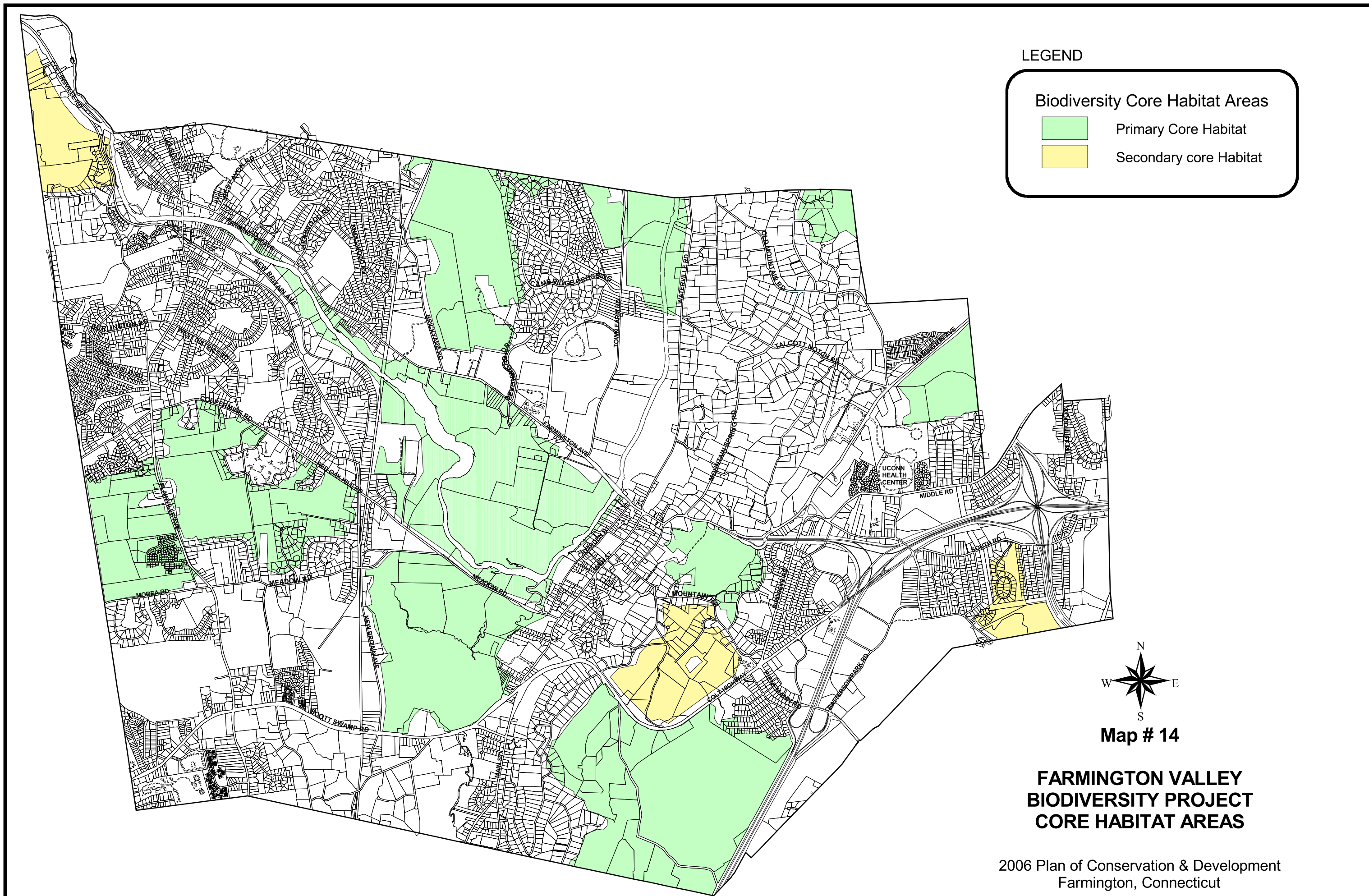
Biodiversity Core Habitat Areas



Primary Core Habitat



Secondary core Habitat



Map # 14

**FARMINGTON VALLEY  
BIODIVERSITY PROJECT  
CORE HABITAT AREAS**

2006 Plan of Conservation & Development  
Farmington, Connecticut



## X. EXISTING AND FUTURE OPEN SPACE

### EXISTING OPEN SPACE

#### INTRODUCTION:

This section provides an updated inventory of the existing open space within the Town of Farmington. See also Map 5. The purpose of this portion of the plan is to provide a database of information that can be used to weigh future decisions regarding open space and land preservation. The intent is not to draw conclusions regarding the open space in Farmington, but rather to simply present the existing conditions.

Open space performs three main functions: recreation, resource conservation and enhancement of visual character. The existing open space in Farmington benefits the Town in all three capacities. Open space in this plan does not always mean undeveloped. The determination for inclusion is more related to the land's value as open, agricultural or recreational land. Developed parcels, however, are only included when a significant amount of open land exists to balance the development. The following is an analysis of the Town's open space by type of ownership, type of use, public accessibility, and relative permanence. This section considers first the open space in the Town as a whole and then the open space within each of the Town's neighborhoods.

For the purposes of this plan, open space is defined as parcels of land that meet at least one of the following criteria:

1. Land permanently preserved in its natural state for ecological preservation or passive recreation;
2. Public parks and schools, or publicly owned property held for the future development of public schools, parks or recreation.
3. Publicly owned agricultural land;
4. Class I or II water company land;
5. Cemeteries
6. Privately owned property developed for the purpose of public or private recreation or preservation (including historical or environmental resources) that includes a significant amount of open land, and that are reasonably expected to continue for the next 20 years;

The Town of Farmington currently has a total of 5,912 acres of land that meets the above definition of open space. This total acreage is 32.2 percent of the entire Town. While this is a decrease of 446 acres over the 1995 figure of 6,358 acres, this is due to changes in the definition of open space. Approximately 880 acres of land categorized as open space in the 1995 Plan do not meet the current definition of open space, including land owned by the City of Hartford, and private agricultural and forest land. The

current Plan actually includes 463 acres of new open space added since the 1995 Plan.

The total existing open space in the Town of Farmington has been divided into 7 different categories. These categories have been slightly revised from the 1995 Plan. The 1995 categories of "Private, Non Profit" and "Private, For Profit" have been combined into one category "Privately Owned Land." Additionally, privately owned agricultural and forestland are no longer considered open space. These 7 categories are further divided into 8 different subcategories. Each category and subcategory is further divided by whether the land is privately or publicly accessible. Land is considered publicly accessible if access is not limited to a specified membership or group. This definition does not prohibit charging a fee. Unlike the 1995 Plan, all of the existing open space listed in this Plan is considered permanent in that it is either permanently protected by deed, or its current use is reasonably expected to be maintained for the next 20 years. The categories tend to group the open space by owner or type of owner, while the subcategories tend to group the land by use or purpose. The results of this analysis are summarized in Table 8, and illustrated on Map 6.

**OPEN SPACE BY CATEGORY:**

The following is an analysis of Farmington's existing open space by category. The categories are listed in the order of their total acreage (highest to lowest).

**Town of Farmington:**

The Town of Farmington is the largest holder of open space, with 2,568 acres or 43 percent of the total. This is an increase of 682 acres from the 1995 study. During this time period, the Town of Farmington made several significant open space acquisitions including 100 acres in the northwest corner of town, the Fisher Farm on Town Farm Road (107 acres), 65 acres at the end of Burnt Hill Road, and the Hein Farm (51 acres). Overall the Town purchased nearly 500 acres of open space since 1995. The Town's four largest holdings make up 49 percent of the town-owned open space: floodplain land at the bend of the Farmington River (619 acres), The Farmington Town Memorial Forest (267 acres), Westwoods Golf Course (230 acres) and Tunxis Mead Park (135 acres).

Fifty-nine percent (or 1,678 acres) of town-owned open space is used as Parks and Recreation. This is a 34 percent increase (550 acres) over the 1995 study. The next largest subcategories of Town-owned open space are Agricultural Land with 500 acres and Subdivision/Zoning Dedicated Open Space with 375 acres.

Most of the open space held by the Town is publicly accessible (2,097 acres or 82% of Town owned open space). Only the 471 acres of active farmed land is categorized as privately accessible.

**Privately Owned:**

Farmington open space held by private organizations totals 1,355 acres, or 23 percent of the Town's total open space. This is a reduction of only 30 acres over the 1995 study. This is primarily the result of 1024 Farmington Avenue known as the Farmington Driving Range no longer being categorized as open space. This 24-acre parcel is currently being considered for non-recreation development, and therefore, no longer meets the definition of open space. The largest parcels in this category include Winding Trails with 388 acres, Tunxis Plantation Golf Course with 340 acres, Hill-Stead Museum with 138 acres and The Country Club of Farmington with 129 acres. These 4 properties together make up 74 percent of the land in this category. Thirty-six percent, or 491 acres of open space in this category is publicly accessible.

**State of Connecticut:**

Seventeen percent (994 acres) of the Town's open space is owned by the State of Connecticut. Shade Swamp Sanctuary alone makes up 51 percent of the State's holdings in Farmington. This 508-acre sanctuary preserves the northern extent of the Pequabuck Wetlands, a 1,000+-acre wetland that contains the Pequabuck River from its confluence with the Farmington River south into the Town of Plainville. All of the State-owned open space except 17-acres of agricultural land is publicly accessible.

**Major Waterbodies:**

This category was established to acknowledge the recreational and aesthetic values of large water bodies. The major waterbodies category includes water two or more acres in size that is not directly associated with any other open space. Waterbodies associated with other open space are listed under that category. As a result, many of the waterbodies listed in this category are not publicly accessible. They do, however, provide important aesthetic and private recreational qualities to the Town. An important exception is the Farmington River, which is publicly accessible. The Farmington River provides 243 acres for such water recreation as canoeing, fishing, and in some areas, swimming. It makes up 65 percent of this category's 373-acre total.

**The City of Hartford:**

The City of Hartford owns 282 acres or 11 percent of Farmington's total open space. This is a decrease of 583 acres over the 1995 study. The primary cause for this decrease is a change in the City of Hartford's intentions regarding property they own in the Town of Farmington. In 2000, the Batterson Park Task Force Report was completed for the City of Hartford that recommended the sale of several properties. As a result of this change in intension, only

Batterson Park with 233 acres, and Camp Courant with 47 acres continue to be listed as open space.

**The Farmington Land Trust:**

The Farmington Land Trust is a private nonprofit organization that plays an important role in the preservation of open space. The Land Trust currently owns 184 acres of land, or 3 percent of the Town's total open space. This is an 88% increase from the 1995 study. Seventy-one percent of the Land Trust's holdings (131 acres) are publicly accessible. The Land Trust also holds conservation easements over an additional 102 acres of land. Although conservation easements are not included in this Open Space Plan, they are an extremely valuable tool to use for preserving land.

**Metropolitan District Commission (MDC):**

This category includes 156 acres of West Hartford Reservoir watershed land in Farmington's northeast corner. While this land makes up only 3 percent of the Town's total open space, it provides direct public access to hundreds of acres of contiguous open space that extends northward through West Hartford and into the Town of Bloomfield.

**OPEN SPACE BY SUBCATEGORY:**

Whereas the open space categories noted above group the land primarily by ownership, the subcategories group the land by primary use or purpose. The subcategories are listed below in order of largest to smallest in terms of acreage.

**Parks and Recreation:**

This subcategory includes 3,275 acres or 55 percent of the Town's total open space. This subcategory includes land preserved for active and passive recreation, as well as for wildlife/habitat preservation. Nearly all of this open space (97 percent) is publicly accessible.

Table 9 categorizes the publicly accessible parks and recreational land in Farmington by active, passive and combined recreation areas. The table also identifies the types of facilities available at each recreation area.

Twelve active recreation areas are listed with a total area of 968 acres, and 7 combined active and passive recreation areas with a total of 706 acres. The facilities available at these areas include 6 softball fields, 6 baseball fields, 1 football field, 13 field hockey or soccer fields, 9 multi-purpose fields, 10 basketball courts, 21 tennis courts, 2 tracks, 4 paved play areas, 13 playgrounds, 6 indoor gyms, 2 golf courses, and 4 swimming areas.

Thirty-seven areas are listed for passive recreation only, totaling 1,782 acres. Of these passive recreation areas 5 provide for canoeing or canoe access, 19 areas have walking trails, 3 allow cross-country skiing, 10 have fishing access and 2 have picnic areas.

**Clubs/Camps:**

This subcategory has been expanded from the 1995 Plan where only camps were categorized separately. This subcategory currently includes 720 acres, while including only 92 acres in the 1995 plan. There is no new open space in this subcategory since the 1995 plan. Most of the acreage was previously categorized as Parks & Recreation land. This subcategory more clearly defines the use of these properties, as they are important aesthetic and recreational resource in Town; however, all of the land is privately accessible.

**Agricultural Land:**

This subcategory includes 471 acres or 8 percent of the Town's open space. This is a reduction of 528 acres from the 1995 plan. This is primarily due to the change in the definition of open space whereby privately owned agricultural land is no longer considered open space unless it is somehow permanently preserved. Additionally, only actively farmed land is listed in this subcategory. The Town of Farmington owns 96 percent (454 acres) of the open space in this category, with 403 of these acres being the town-owned farmland in the Farmington River floodplain. All of the open space in this subcategory is privately accessible.

**Subdivision/Zoning Open Space:**

This subcategory includes 546 acres of open space that has been dedicated as open space through the subdivision or zoning process. This includes land owned by the Town of Farmington (375 acres) and by private, nonprofit organizations in the form of homeowners' associations (166 acres). While all of the Town-owned, subdivision open space is publicly accessible; all of the land held by homeowners' associations is privately accessible.

**Major Waterbodies:**

This subcategory includes all water bodies in Town that are two acres or larger in size, regardless of their association with existing open space. The 624 acres of water in this subcategory (which is 11 percent of the Town's total open space), includes 252 acres in addition to those listed in the Major Waterbodies category cited above. Three waterbodies make up 72 percent of the water in this subcategory: The Farmington River with 243 acres, Batterson Park Pond with 130 acres and Dunning Lake with 74 acres. Forty-four percent (272 acres) is publicly accessible. In the 1995 plan, Dunning Lake and Batterson Park Pond were both considered publicly accessible. Due to policy changes, both waterbodies are considered privately accessible in this plan.

**Water Company Land:**

This subcategory includes 156 acres of land owned by water companies. This land is preserved as open space in order to protect an associated watershed for public water supply. All of the land in this category is owned by the

Metropolitan District Commission (MDC), and is publicly accessible.

**Flood Control Land:**

This subcategory includes land that is maintained as open space for the purpose of flood control. There are 101 acres, or 2 percent of the Town's total open space, in this subcategory. Most of this land is State-owned land in the northeast section of the Town.

**Cemeteries:**

While cemeteries may not be considered typical open space, they do provide open areas in some of the more heavily developed parts of town, peaceful walking areas and wildlife habitat particularly for many bird species. Farmington has 19 acres of cemeteries. The largest cemetery is Riverside Cemetery, with 13 acres, located along the Farmington River within the Farmington Village neighborhood. Additional cemeteries include Hillside Cemetery with three acres in the center of Unionville, and the historic Main Street cemetery in Farmington Village with two acres.

**OPEN SPACE BY NEIGHBORHOOD:**

The following is an analysis of the amount and types of open space within each neighborhood. Table 10 is a summary of this data. Map 13 identifies the location of each neighborhood in Farmington.

**Batterson Park:**

The Batterson Park neighborhood contains 885 acres, and 281 acres (33 percent of the neighborhood) are designated open space. Two properties owned by the City of Hartford, Batterson Park and Camp Courant, make up nearly all of the open space in this neighborhood. Both of these properties are privately accessible.

**Central:**

This neighborhood is the second largest in Town (2,082 acres), and also contains the second largest amount of open space, 1,036 acres. Fifty percent of this neighborhood is open space, which includes 17 percent of the Town's total open space. Tunxis Plantation Golf Course (340 acres) and Winding Trails (388 acres) make up 70 percent of this neighborhood's open space. This neighborhood includes the 107-acre Fisher Farm that was recently acquired by the Town of Farmington. Fifty-six percent (584 acres) of the open space in this neighborhood is privately accessible.

**East Farms:**

East Farms includes 162 acres of open space, which is 17 percent of the neighborhood. Sixty-three percent of the open space or 102 acres are publicly accessible. Most of the publicly accessible land includes the Town-owned Colt Park, a 17-acre piece off of South Road; and three open space parcels that were recently acquired through the subdivision and zoning process totaling 54 acres.

**Farmington Village:**

This neighborhood falls in the middle in terms of both acreage and percent of neighborhood as open space with 339 acres of open space comprising 33 percent of the neighborhood. The Hill-Stead museum (138 acres) and the Farmington Reservoir (50 acres) together comprise 56 percent of the neighborhood's open space. Since the 1995 Plan, the Town of Farmington acquired 65 acres of open space in this neighborhood, including the Farmington Reservoir (50 acres), 10 acres on Diamond Glen Road, and 5 acres as part of the Dunham Lane subdivision.

Ninety-two percent of the neighborhood's open space is publicly accessible. The Hill-Stead Museum alone accounts for 41 percent of the open space in Farmington Village.

**Floodplain:**

This is the fifth largest neighborhood, but it includes the most open space by both acreage (1,256 acres) and percentage of neighborhood (85 percent). Shade Swamp Sanctuary, Town-owned floodplain land and Tunxis Mead Park make up nearly all of the open space in this neighborhood.

Sixty percent (754 acres) of the open space in this neighborhood is publicly accessible. Most of the privately accessible land is agricultural land that is owned and leased by the Town. The primary change in open space in this neighborhood since the 1995 Plan involves a land swap between the Town of Farmington and Miss Porter's School to acquire the last piece of privately owned land along the Farmington River and north of Meadow Road.

**Health Center:**

This neighborhood contains 10 percent open space by percentage of neighborhood, or 105 acres. Nearly all of the land is publicly accessible. The publicly accessible open space in this neighborhood was recently boosted by the Town's acquisition of a 65-acre property at the end of Brunt Hill Road from the City of Hartford.

**Highlands:**

Twenty percent of this neighborhood, or 129 acres, is designated open space. Farmington High School, subdivision related open space and River Glen Park make up 87 percent of this neighborhood's open space. All of the open space in the Highlands neighborhood is publicly accessible. Approximately 13 acres of open space owned by the Town of Farmington and the Farmington Land Trust was added to this neighborhood since the 1995 Plan.

**Lake Garda:**

This is the Town's smallest neighborhood, and it also contains the least amount of open space by acreage (14 acres), and the second least amount of open space by percentage of the neighborhood (8 percent). Most of the open space in this neighborhood is the lake itself, which encompasses 11 acres. Nearly all of the open space is

privately accessible through the Lake Garda Improvement Association. No new open space was acquired in this neighborhood since the 1995 Plan.

**Oakland Gardens:**

This neighborhood is the second smallest, yet it contains the second most open space by percent of neighborhood (73 percent). Nearly all of the 162 acres of open space in this neighborhood is either West Hartford Reservoir land owned by the Metropolitan District Commission, or State of Connecticut land on the south side of Route 4. All of the open space in this neighborhood allows public access. While this neighborhood includes a significant amount of open space, the residential development in this neighborhood is very dense, with only a 1 acre cluster of open space that includes a small playground. The only new open space added to this neighborhood since the 1995 Plan was a 0.2 acre parcel that was added to this cluster of open space.

**Robbins:**

Irving Robbins Junior High School and the East Farms Elementary School provides 47% of the open space in this neighborhood (51 acres of a total 108 acres). Nearly all of the open space in this neighborhood allows public access. Since the 1995 Plan, the Town of Farmington has acquired 49 acres of open space in the southern portion of this neighborhood, adjacent to the Farmington Reservoir.

**South Farmington:**

South Farmington includes 406 acres of open space, which is 26 percent of the neighborhood. Deadwood Swamp in the Town's southeast corner makes up 70 percent of this open space. Nearly all of the open space in this neighborhood is designated for public access. Most of this area includes Deadwood Swamp, which is owned by the State of Connecticut DEP. Seven acres of publicly accessible land around Will Warren's Den on Rattlesnake Mountain is also located in this neighborhood. This land was donated to the Town by the Wadsworth family, and is accessible by the Metacomet Trail or a pedestrian easement from Forest Hills Drive. Newly acquired open space in this neighborhood includes 19 acres of land acquired through the subdivision process, and a 13.5-acre gift of land to the Town of Farmington from Donald Tinty for use a future family park.

**Southwest:**

This is the Town's largest neighborhood with 3,000 acres. Nearly 31 percent of this acreage (916 acres) is open space. Eighty-nine percent of the open space is publicly accessible including the Town Memorial Forest (267 acres) and Westwoods Golf Course (230 acres). These two areas alone make up 61 percent of the neighborhood's publicly accessible open space. Since the 1995 Plan, the Town of Farmington has purchased 102 acres of open space in this neighborhood, and acquired approximately 39 acres through the subdivision and zoning process.



**Talcott:**

Eighteen percent, or 321 acres of this neighborhood is open space. Of this, 51 percent or 165 acres is publicly accessible. Most of the privately accessible land includes 129 acres of the Farmington Country Club. Metropolitan District Commission property and various Farmington Land Trust holdings make up most of this neighborhood's publicly accessible open space. New open space in this neighborhood includes approximately 32 acres acquired through purchase, Land Trust gifts and the subdivision process.

**Unionville:**

Twenty-one percent of this neighborhood, or 307 acres is designated open space. The two largest areas of open space in this neighborhood includes 70 acres of the Farmington River, and a recently acquired 101 acre wooded parcel known as Saddleridge. Both of these properties are publicly accessible. Eighty-five percent (261 acres) of the open space in Unionville allows public access. Since the 1995 Plan, 148 acres of open space were added to this neighborhood, including Saddleridge noted previously, Suburban Park (20 acres), as well as 26 additional acres acquired by purchase, gift and the subdivision process.

**West District:**

Twenty-six percent of this neighborhood is open space (371 acres). Fifty-one percent of this open space (187 acres) was obtained through the subdivision process. Most of the remaining open space includes private agricultural land and the West District Elementary School. Public access is allowed on 83 percent of the open space in this neighborhood (308 acres). The privately accessible land includes open space in the Coppermine Village subdivision, and the Farmington Land Trust Bushley property holding. Since the 1995 Plan, the Town purchased 40 acres of open space near Twin Ponds Road, and added 7 acres of open space through the subdivision process. Additionally, the Farmington Land Trust acquired 42 acres of open space in this neighborhood, permanently preserving land that had been listed as nonpermanent open space in the 1995 Plan.

Table 8

OPEN SPACE IN THE TOWN OF FARMINGTON  
(By Category and Accessibility)

CATEGORY	ACRES	% OF TOTAL OPEN SPACE	ACCESSIBILITY			
			PUBLIC		PRIVATE	
			ACRES	%	ACRES	%
Farmington, Town of *	2,568	43%	2,097	35%	471	8%
Private	1,355	23%	491	8%	864	15%
Connecticut, State of	994	17%	994	17%	0	0%
Major Water Bodies**	373	6%	254	4%	118	2%
Hartford, City of	282	5%	0	0%	282	5%
Farmington Land Trust	184	3%	131	2%	54	1%
MDC	156	3%	156	3%	0	0%
<b>TOTAL</b>	<b>5,912</b>	<b>100%</b>	<b>4,123</b>	<b>70%</b>	<b>1,789</b>	<b>30%</b>

SUBCATEGORY	ACRES	% OF TOTAL OPEN SPACE	ACCESSIBILITY			
			PUBLIC		PRIVATE	
			ACRES	%	ACRES	%
Parks & Recreation*	3,275	55%	3180	54%	95	2%
Clubs/Camps	720	12%	0	0%	720	12%
Agricultural Land	471	8%	0	0%	471	8%
Subdivision/Zoning Dedications	546	9%	384	6%	162	3%
Major Water Bodies**	624	11%	273	5%	351	6%
Water Company Land	156	3%	156	3%	0	0%
Flood Control	101	2%	101	2%	0	0%
Cemeteries	19	0%	19	0%	0	0%
<b>TOTAL</b>	<b>5,912</b>	<b>100%</b>	<b>4,113</b>	<b>70%</b>	<b>1,799</b>	<b>30%</b>

\* Acreage includes Public Schools

\*\* The Major Waterbodies Category only includes waterbodies that cannot be included in one of the other open space categories. The Major Waterbodies subcategory includes all waterbodies greater than 2 acres in size that are either associated with other open space or that are not bound to a particular property.

Table 9a

TOWN OF FARMINGTON  
 INVENTORY OF PUBLIC RECREATION AREAS AND FACILITIES

ACTIVE RECREATION

OPEN SPACE AREA	NEIGHBORHOOD	ACRES	SOFTBALL	BASEBALL	FOOTBALL	HOCKEY/SOCCER	MULTI-PURPOSE FIELDS	BASKETBALL	TENNIS	TRACK	PAVED PLAY AREA	PLAYGROUND	GYM	GOLF	SWIMMING	CANOING	WALKING TRAILS	CROSS-COUNTRY SKIING	FISHING	PICNICKING
Batterson Park	Batterson Park	234.43	1				1	1				X			X				X	X
Colt Park	East Farms	16.93										X								
Farmington High School	Highlands	52.71	1	1	1	2	2	1	8	X			X							
Farmington Polo Grounds	Central	57.73																		
Irving Robbins School	Robbins	30.84					1	1	4	X	X	X	X							
Lake Garda Playground	Lake Garda	0.08										X								
Lion's Park	Unionville	2.35										X								X
Noah Wallace School	Farmington Village	4.70					1					X								
Oakland Gardens Playground	Oakland Gardens	0.32										X								
Tunxis Plantation Golf Course	Central	339.74							4					X						
Union School	Unionville	10.14					1	1			X	X	X						X	
Westwoods Golf Course	Southwest	217.56												X						
	SUBTOTAL	967.53	2	1	1	2	5	4	17	1	2	7	3	2	1	0	0	0	2	2

Table 9b

TOWN OF FARMINGTON  
INVENTORY OF PUBLIC RECREATION AREAS AND FACILITIES

ACTIVE AND PASSIVE RECREATION

OPEN SPACE AREA	NEIGHBORHOOD	ACRES	SOFTBALL	BASEBALL	FOOTBALL	HOCKEY/SOCCER	MULTI-PURPOSE FIELDS	BASKETBALL	TENNIS	TRACK	PAVED PLAY AREA	PLAYGROUND	GYM	GOLF	SWIMMING	CANOEING	WALKING TRAILS	CROSS-COUNTRY SKIING	FISHING	PICNICKING	ROWING	
Colt Park	East Farms	16.93										X										
East Farms School	Robbins	19.75					1	1			X	X	X				X		X			
River Glen	Highlands	17.09		4								X			X	X	X		X			
Tunxis Mead	Floodplain	170.64	2	1		10		1				X			X	X	X	X	X			X
West District School & Adjacent	West District	68.48					1	1			X	X	X				X	X				
West Woods Upper Elementary School	Southwest	25.86	1				1						X				X					
Winding Trails	Central	387.71	1			1	1	3	4			X			X	X	X	X	X	X		
SUBTOTAL		706.46	4	5	0	11	4	6	4	0	2	6	3	0	3	3	6	3	4	1		1

Table 9c  
TOWN OF FARMINGTON  
INVENTORY OF PUBLIC RECREATION AREAS AND FACILITIES

PASSIVE RECREATION

OPEN SPACE AREA	NEIGHBORHOOD	ACRES	CANOEING	WALKING TRAILS	CROSS-COUNTRY SKIING	FISHING	PICNICKING
Alice Pinney Park	Unionville	0.22					
Brooks Common	Unionville	0.34		X			
Burnt Hill	Health Center	64.94		X			
Chase Open Space	South Farmington	9.89		X			
Deadwood Swamp	South Farmington	346.10		X			
Farmington Land Trust:							
Bancroft Memorial Forest	Talcott	25.09					
Bull Lot	Farmington Village	1.41					
Cowles Parcel	Floodplain	2.97	X			X	
Douglas-Mount Parcel	Unionville	4.87				X	
Farmington Canal	Talcott	7.94		X		X	
Lincoln Parcel	Talcott	3.35					
Lidgerwood Parcel	Talcott	1.96					
Miser Parcel	East Farms	2.52					
Rauch Parcel	Talcott	13.60					
Reiner Cons. Ease.	Talcott	11.17		X			
Rutz Parcel	East Farms	4.44					
Stedman Parcel	Farmington Village	1.12					
Thomson Parcel	Talcott	2.45					
Walter's Parcel	Farmington Village	0.18					
Farmington Canal Aqueduct*	Talcott	12.99		X		X	
Farmington Reservoir	Farmington Village	49.63	X	X		X	
Farmington Village Green	Farmington Village	1.32					
Fisher Farm	Central	107.30		X		X	
Hein Farm	Southwest	50.59		X			
Hill-Stead Museum	Farmington Village	137.26		X	X		
MDC Reservoir	Oakland Gardens/Talcott	133.37		X	X		
Oakland Gardens	Oakland Gardens	0.38					
Poplar Bars Open Space	Robbins	49.10		X			

Table 9c  
TOWN OF FARMINGTON  
INVENTORY OF PUBLIC RECREATION AREAS AND FACILITIES

PASSIVE RECREATION  
(Continued)

OPEN SPACE AREA	NEIGHBORHOOD	ACRES	CANOEING	WALKING TRAILS	CROSS-COUNTRY SKIING	FISHING	PICNICKING
Saddleridge	Unionville	100.93		X			
Shade Swamp Sanctuary	Floodplain	558.62	X	X		X	
Suburban Park	Unionville	20.80		X			
Trinity Family Park	South Farmington	15.67				X	
Town Memorial Forest	Southwest	266.92		X			
Town-Owned Floodplain	Floodplain	182.36	X	X	X	X	
Unionville Green	Unionville	0.34					
Will Warren's Den	South Farmington	7.19		X			
Yodkins-Morin Park	Unionville	3.87	X			X	X
SUBTOTAL		1,781.71	5	19	3	10	2

**Note:** Table to be further updated for Farmington Land Trust Parcels

Table 9d

TOWN OF FARMINGTON  
 INVENTORY OF PUBLIC RECREATION AREAS AND FACILITIES

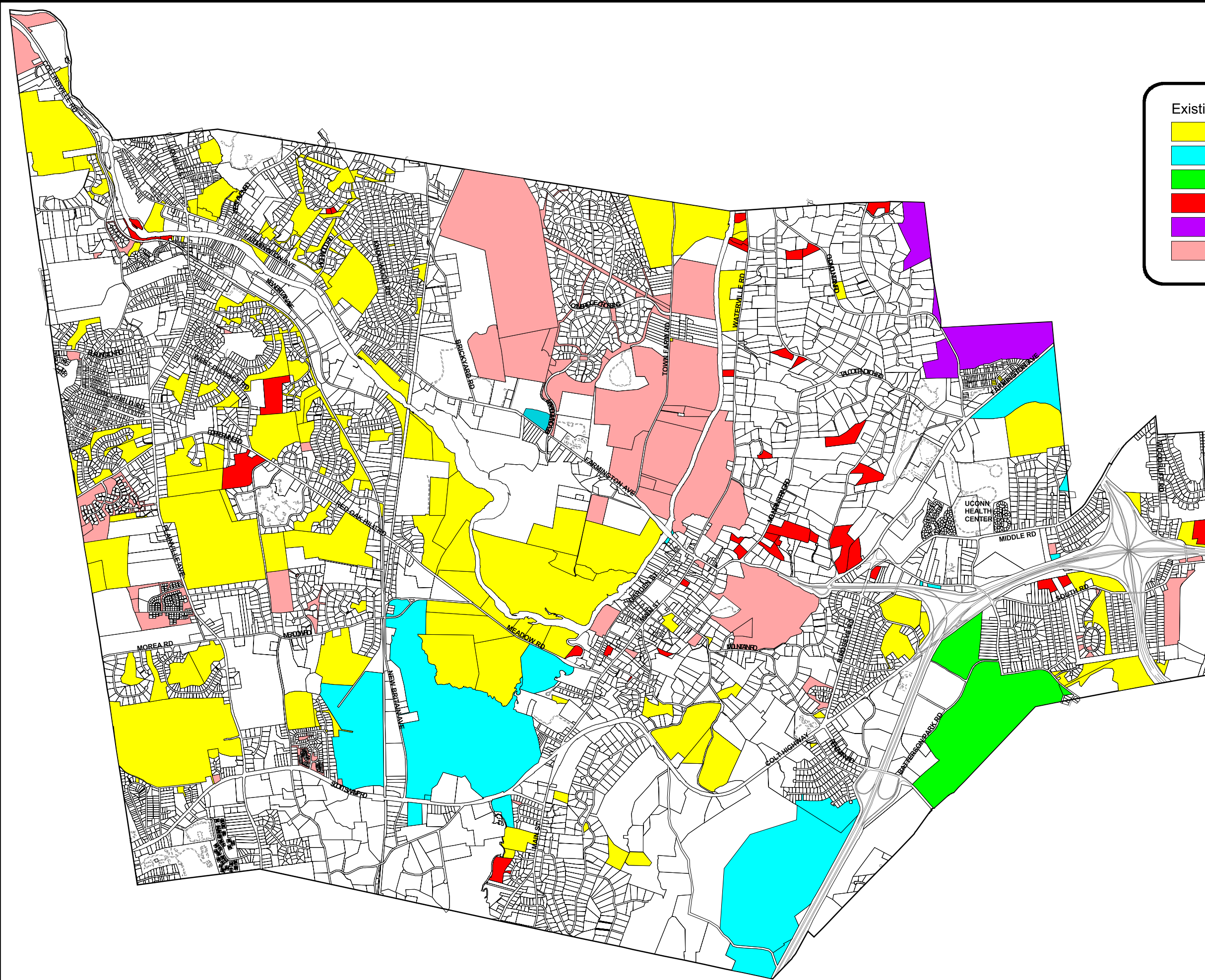
OPEN SPACE AREA	ACRES	SOFTBALL	BASEBALL	FOOTBALL	HOCKEY/SOCCER	MISC. PLAYFIELDS	BASKETBALL	TENNIS	TRACK	PAVED PLAY AREA	PLAYGROUND	GYM	GOLF	SWIMMING	CANOEING	WALKING TRAILS	CROSS-COUNTRY SKIING	FISHING	PICNICKING	ROWING
<b>TOTAL FOR ALL PUBLIC PARKS AND RECREATION AREAS</b>	3,455.7	6	6	1	13	9	10	21	2	4	13	6	2	4	8	13	5	12	5	1

Table 10

OPEN SPACE IN THE TOWN OF FARMINGTON  
(By Neighborhood and Accessibility)

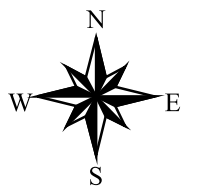
CATEGORY	ACRES	% OF NBHD	% OF TOTAL OPEN SPACE	ACCESSIBILITY			
				PUBLIC		PRIVATE	
				ACRES	%	ACRES	%
Batterson Park	281	33%	4.8%	0.5	0.2%	280	99.8%
Central	1,036	50%	17.5%	453	44%	584	56%
East Farms	162	17%	2.7%	102	63%	60	37%
Farmington Village	339		5.7%	310	92%		8%
Floodplain		33%				29	
Floodplain	1,256	85%	21.2%	754	60%	502	40%
Health Center	105	10%	1.8%	103	98%	2	2%
Highlands	129	20%	2.2%	129	100%	0	0%
Lake Garda	14	8%	0.2%	0.1	1%	14	99%
Oakland Gardens	162		2.7%	162	100%		0%
		73%				0	
Robbins	108	18%	1.8%	101	93%	8	7%
South Farmington	406		6.9%	405	100%		0%
		26%				1	
Southwest	916	31%	15.5%	812	89%	104	11%
Talcott	321	18%	5.4%	165	51%	156	49%
Unionville	307	21%	5.2%	260	85%	46	15%
West District	371	26%	6.3%	308	83%	62	17%
<b>TOTAL</b>	<b>5,912</b>	<b>32%</b>	<b>100%</b>	<b>4,064</b>	<b>69%</b>	<b>1,848</b>	<b>31%</b>





**Existing Open Space**

- Farmington, Town of
- Connecticut DEP
- Hartford, City of
- Farmington Land Trust
- Metropolitan District Commission
- Privately Owned

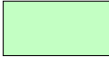



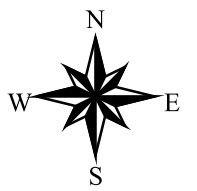
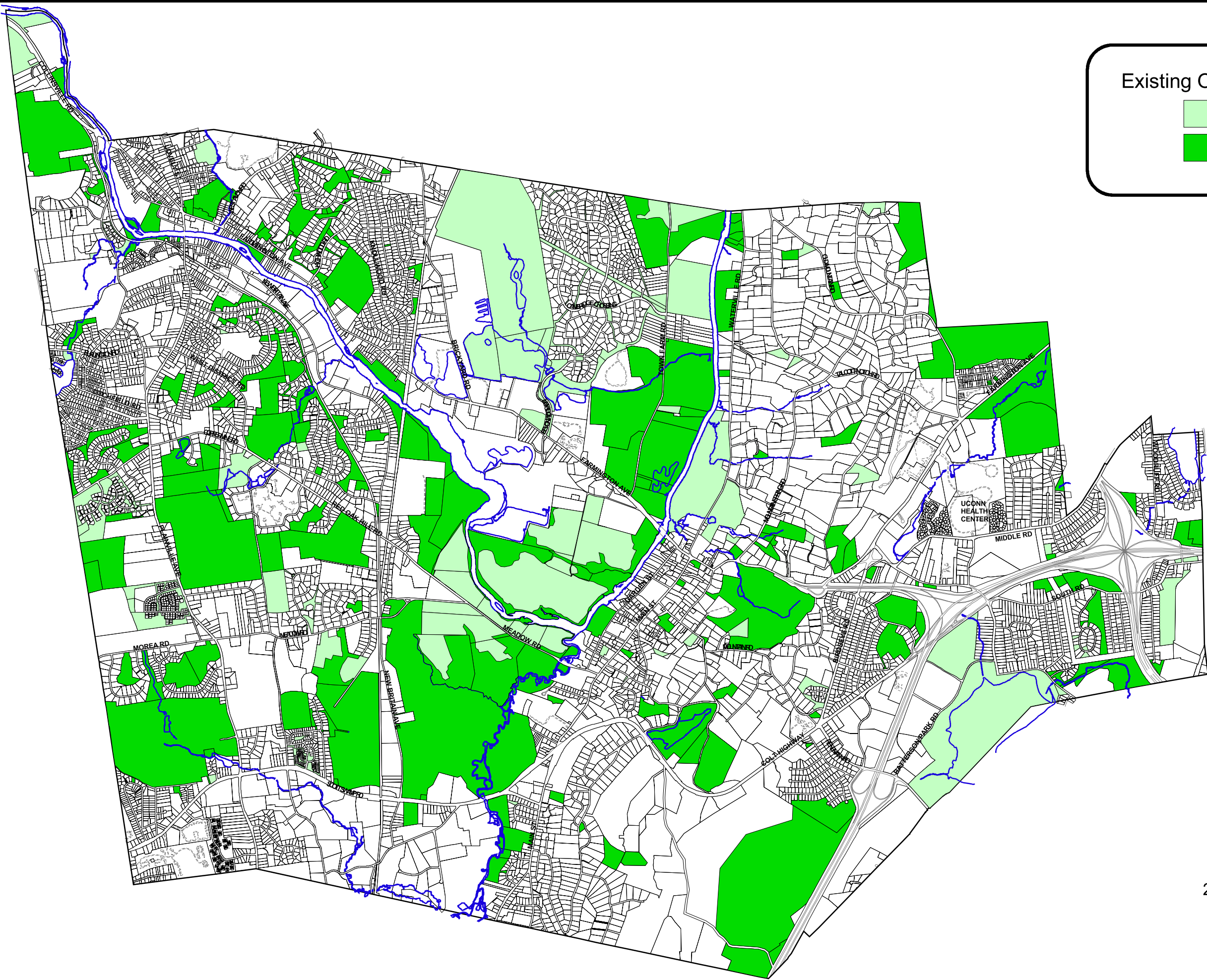
**Map #5**

**EXISTING OPEN SPACE**

2006 Plan of Conservation & Development  
Farmington, Connecticut

Existing Open Space by Accessibility

	Private Access
	Public Access



**Map # 6**  
**EXISTING OPEN SPACE**  
**BY ACCESSIBILITY**

2006 Plan of Conservation & Development  
 Farmington, Connecticut

## FUTURE OPEN SPACE

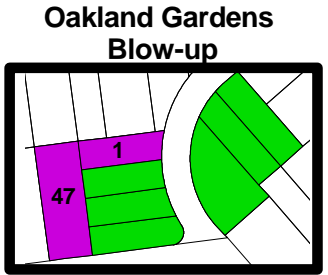
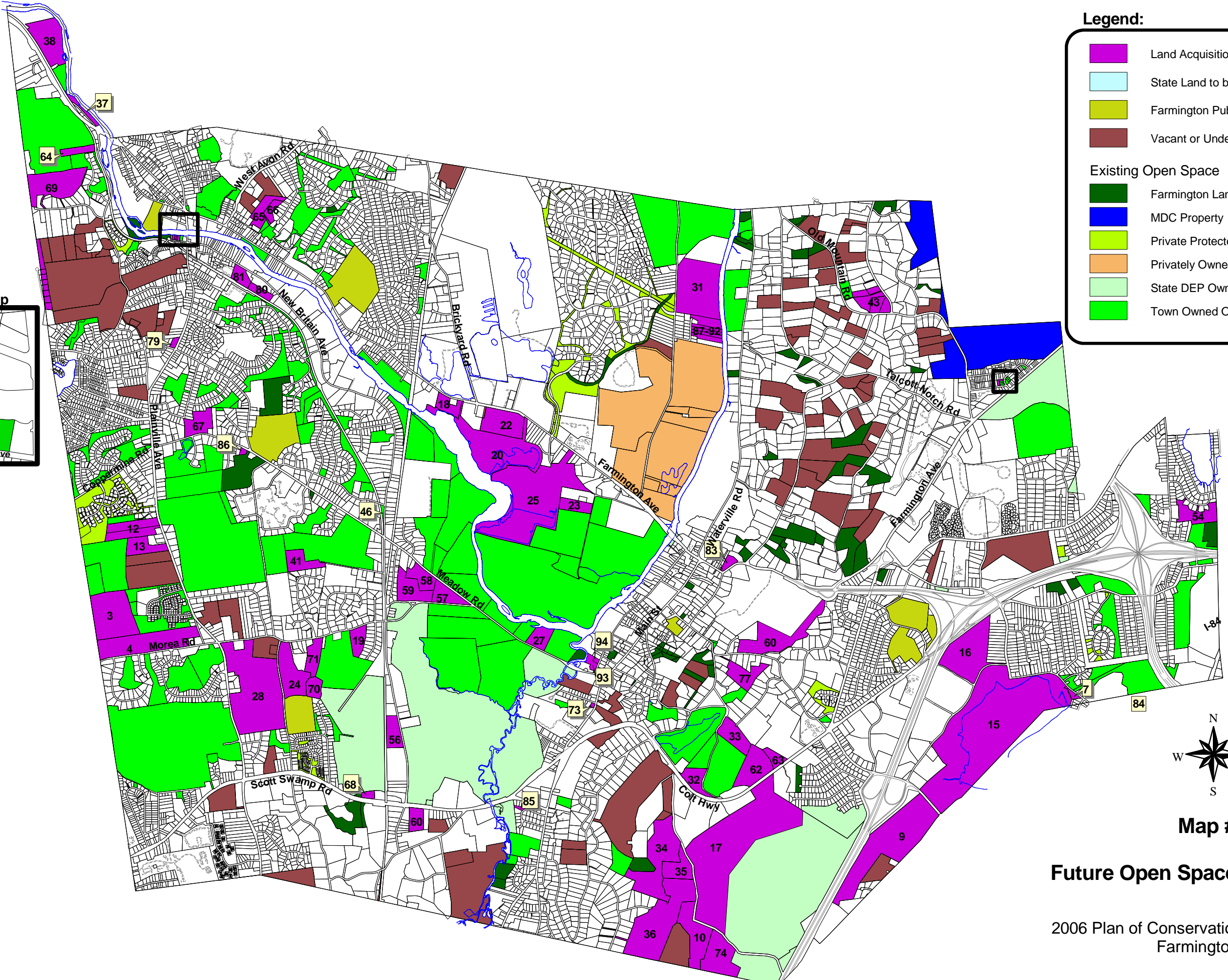
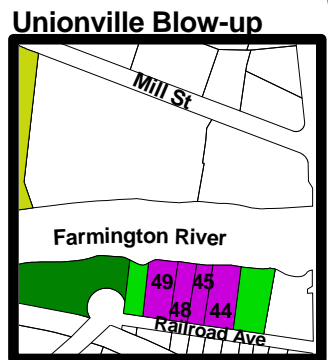
In 1997, the Farmington Town Council established the Open Space Acquisition Committee. The goal of this Committee was to assure that the properties identified by the Conservation Commission as valuable open space for aesthetic, natural resource, historical or recreation purposes be protected for future generations. In 2000, the Open Space Acquisition Committee was renamed as the Land Acquisition Committee, and added the charge of considering the acquisition of properties for municipal use as well as for open space. The Committee is made up of 5 members: 2 Farmington Land Trust members, 2 Conservation Commission members (including its Chair) and a member of the Town Council who serves as the Committee's Chair. Since its creation, the Committee has successfully negotiated and acquired 580 acres of open space. The Land Acquisition Committee maintains a list of properties being considered for acquisition. This list of properties is included in Appendix A of this report, and identified on the Map of Future Open Space (Map #7). While this list indicates parcels or portions of parcels that should have a high priority for preservation, it is not in order of priority.

## PLANNING OBJECTIVES

1. Encourage the preservation of the Metacomet Trail through Farmington, and specifically
  - a. Use Section 4.17 "Protection of Valuable Site Resources" of the Farmington Subdivision Regulations to preserve the continuity of the Metacomet Trail.
  - b. Coordinate with the Connecticut Forest and Parks Association towards the protection, maintenance and, where necessary, relocation of the Metacomet Trail.
2. Where possible, preserve a 100-foot wide wooded or natural corridor for the Metacomet Trail in order to protect the pristine nature of the trail, as well as to provide privacy for the nearby homeowners.
3. Work with the National Park Service as the Metacomet Trail is considered for inclusion as a National Scenic Trail.
4. Use Section 4.17 "Protection of Valuable Site Resources" of the Farmington Subdivision Regulations to establish fee ownership or conservation easements that preserve unique or sensitive characteristics of the property being considered for subdivision.
  - a. Consider buffer areas from the unique or sensitive area when establishing the open space or easement boundary.
5. Where possible interconnect existing and future open space and conservation easements for wildlife corridors or future pathways.

6. Where suitable, develop pathways on existing Town-owned open space.
  - a. The pathway should be compatible with the surrounding uses and the purpose of the open space.
7. Develop a pathway network of all existing and proposed trails, paper roads and sidewalks in Town.
  - a. Proposed pathways that are not on existing publicly accessible land should be considered for inclusion on the Town Land Acquisition List
8. Continue to support regional efforts to construct multiuse recreation trails over the abandoned railroad beds in Farmington and surrounding towns, including the following (also see Map #9):
  - a. future proposals involving the railroad bed south of Red Oak Hill Road into Plainville;
  - b. future proposals involving the connection of the multi-use trail that ends at the intersection of Collinsville Road and River Road into Burlington and Canton;
  - c. future proposals involving connection of the multi-use trail between River Road and Route 177; and
  - d. future regional efforts to link railroad beds, including those in Farmington, into a regional trail network.
9. Require the preservation of open space to the maximum amount allowed under Section 4.01.03 of the Farmington Subdivision Regulations. Where significant elements as listed below exceed the allowed open space percentage of Section 4.01.03 of the Subdivision, use of the cluster regulations should be considered as provided under Section 4.17.01(ii) of the Subdivision Regulations to maximize the protection of the valuable site resources. In establishing this open space, the following elements should be considered:
  - a. presence of any of the natural resources listed in section 4.17 of the Farmington subdivision regulations;
10. Interconnection with existing or future open space or walkways; and
11. Aesthetic qualities as viewed from public roads or walkways.
12. Farmington Valley Biodiversity Study
13. Town of Farmington Environmental Resource Inventory and Plan
14. Establish a conservation easement management plan for all conservation easements held by the Town.

- a. This plan should include an inventory of easement locations and natural features, a schedule for inspections, and recommended maintenance, if any.
15. Inventory and incorporate all conservation easements held by either the Town or the Farmington Land Trust into the Farmington Open Space Plan.
16. Establish Open Space Management Plans to evaluate the existing conditions and resources and to recommend future management needs for all town-owned open space.
17. Continue invasive species evaluations for town-owned open space.
18. Further development of Town parks should balance the need for active and passive recreation, agriculture and wetlands and habitat preservation within the Town.
  - a. Future plans for Tunxis Mead should be revised to incorporate the preservation of wetlands and floodplain forest, and the preservation of agriculture.
  - b. Future development plans for Town-owned parkland should be coordinated with the Conservation Commission.
19. The Town should seek to preserve a minimum of 40 percent of its area as permanently protected open space. Public acquisition of key parcels identified in the Town's Land Acquisition List should be considered on a priority basis as funds become available.
20. Existing open spaces, particularly natural and conservation areas, must be vigilantly protected from encroachments and unauthorized activities. While Public Act 06-89 will assist greatly in the protection of such areas, the Town should proactively deter such activities by the adoption of several methods and strategies including the use of aerial photography, the establishment of a local stewardship program and the possible addition of an open space zoning district.
21. The Town should seek to develop a network of trails that would link neighborhoods to the multi-use trail system and other major walking paths.



**Legend:**

- Land Acquisition List: September 2006
- State Land to be Conveyed to Town
- Farmington Public Schools
- Vacant or Underdeveloped Land 5+ acres

**Existing Open Space**

- Farmington Land Trust
- MDC Property
- Private Protected Open Space
- Privately Owned Public Golf Course
- State DEP Owned Open Space
- Town Owned Open Space



**Map #7**

**Future Open Space Planning Map**

2006 Plan of Conservation and Development  
Farmington, CT

## **XI. ECONOMY AND FISCAL CONDITION**

The Town of Farmington continued to experience significant expansion of its commercial and industrial base over the last ten years. The Town has maintained its position in the region as a sizable employment center adding several thousand jobs over this period. Although the value of residential properties as a percentage of the grand list has grown at a higher level than that of businesses, the commercial real estate's contribution to tax revenues is higher than for most communities of Farmington's size.

### **Employment**

Since 1990 Farmington has added 4,808 jobs within its boundaries, an increase of 19.5 percent. The number of jobs in the community continues to exceed the Town's population. The following table presents the distribution of these jobs in two categories.

#### **Non-Agricultural Employment in Farmington**

	<u>1990</u>	<u>2005</u>	<u>% Increase</u>
Total Non-Agricultural Employment	24,650	29,458	19.5
Manufacturing	5,710	2,845	-50.1
Non-Manufacturing	18,940	26,613	40.5

Farmington's strong increase in job growth was achieved despite a severe downturn in manufacturing jobs. The loss of jobs in the manufacturing sector paralleled the same phenomenon found statewide. Significant gains were found in service sector including retail sales.

This local job growth was one of the main reasons Farmington continues to enjoy an unemployment rate below the national and state averages. In November 2005 the State Department of Labor reported Farmington's unemployment rate at 3.7%.

### **Non-Residential Development**

Commercial and industrial development since the last Plan of Conservation and Development has taken place for the most part in existing business parks and shopping centers. This includes the expansion of Westfarms Mall and the addition of several new buildings at the Farmington Industrial Park and Farmington Corporate Park. Other additions to the Town's inventory of commercial buildings included hotels on Farmington Avenue and Batterson Park Road and several office buildings on Farmington Avenue, Scott Swamp Road and Batterson Park Road. The Barnes Group and Connecticutcare constructed corporate offices within a mile of each other.

All of this development was consistent with the policies and recommendations of the future land use plan contained in the 1995 Plan of Conservation and Development.

## Office Use

Approximately 368,000 square feet of office space was constructed between 1995 and the present. This figure is substantially lower than for previous decades, reflecting a general slowing of the office market as well as a reduction of available land with superior access to the highway and serviced by adequate utilities. A majority of the office area created was contained in just two buildings located on Batterson Park Road and Scott Swamp Road. It is estimated at this time that the vacancy rate for Class A office space in Farmington is just over ten percent. This is a marked improvement from a several years ago when this figure was above fifteen percent.

## Retail

Of the 390,000 square feet of non-office commercial space that was developed exclusive of the Westfarms Mall expansion, less than 50,000 square feet of this space could be categorized as retail. This is consistent with a policy limiting the expansion of retail use from the 1995 Plan.

The demand for retail space continues to lag behind the Town's population growth. Several of the smaller shopping centers in town have had extended vacancies and have had to lease to non-retail businesses. It is anticipated that future demand for retail space in Farmington will focus on food, drug and small specialty shops.

## Industrial

Industrial space grew by almost a half million square feet during the last ten years (482,000). Two of the Town's long residing manufactures, Trumpf and EBM accounted for just over 77% of this total. Farmington has been fortunate to retain the types of industries, which have had a strong presence in the Town for years including aerospace, machine tools, printing, and metal fabrication. A survey conducted by the Town in the 1990's indicated that these businesses were attracted to Farmington for its low tax rate and proximity to labor and markets and suppliers. The Town did lose to long time members of the community, The Charles House Company and Thompson Precision Ball.

## Government Finance

The Town of Farmington has experienced a substantial change in the structure and growth of its tax base since the late 1980s. With the exception of revaluation years, the growth in the grand list of property has been in the range of one to two percent a year while the percentage of commercial and industrial property as a proportion of the grand list has dropped from close to forty percent to just over twenty eight percent. Residential property values have soared over the last five years while the value of non-residential property has grown at a much more modest rate.



## Income

Residential and non-residential construction coupled with revaluation in 2002 pushed Farmington's Grand List above the two and one half billion-dollar mark. Over the last ten years the grand list has grown from just over 1.75 billion to over 2.65 billion dollars.

According to a study undertaken by the State of Connecticut Office of Policy and Management, Farmington had the thirty-second greatest equalized Grand List of all 169 municipal subdivisions within Connecticut in 2003. Farmington surpassed the ranking of many communities, which had much higher populations including New Britain and Middletown.

The Town of Farmington, as a result of its substantial Grand List, derives most of its revenue from the local property tax. In 2003 Farmington derived about 13% of its revenue from State and Federal sources. This figure was up from about 10.5% just short of ten years ago.

## Expenditures

During recent years the budgets of most localities grew by levels in excess of the rate of inflation and Farmington was no exception. However the mill rate assessed by the Town has been acknowledged as one of the lowest in the State of Connecticut. In a 2003 study performed by the State Office of Policy and Management, Farmington was found to have an equalized mill rate (mill rate adjusted for the last date of revaluation) amongst the lowest 22 percent of all Connecticut towns and cities.

### PLANNING OBJECTIVES

1. Permit a degree of commercial and industrial development, which will closely maintain the existing ratio between the value of residential and non-residential real estate, which comprises the Grand List. This amount of development however should not exceed the carrying capacity of the Town's infrastructure system or its natural environment.
2. Maintain the existing policy of not encouraging the development of new sites for large-scale retail centers.
3. Provide an environment for the maintenance and growth of Farmington's manufacturing base.
  - a. Monitor and carefully regulate the conversion of manufacturing facilities to non-manufacturing uses.
  - b. Provide educational resources to support the employment needs of manufactures.
4. Encourage the establishment of non-residential uses, which tend to generate lesser amounts of traffic or traffic during off peak hours.

5. Continue to maintain a close working relationship with the University of Connecticut Health Center. Undertake a program, which will make Farmington attractive to the development of bioscience industry within the town.
6. Work with the Unionville Village Improvement Association and other groups to implement the development plan for Unionville Center.
7. Explore the creation of several smaller retail hubs to service existing residential neighborhoods. This will not only provide a valuable service for these areas but will cut down on transportation and energy use. In some cases these areas may be designed as mixed-use centers.

## **XII. HOUSING**

Perhaps the single most important element of Farmington's Plan of Conservation and Development may be the housing plan. The number and types of future housing units constructed will not only dictate the future population of the Town but also influence the socioeconomic composition of the community. As the greatest user of land in Farmington, the design of our housing developments will most extensively affect our physical environment and the use and protection of its valuable resources.

Many experts in the field of economic development agree that an inadequate supply of housing has a negative affect on the economic health of a community and its ability to sustain economic growth in the future. More and more businesses have cited the scarcity of affordable housing as a major or contributing factor in their decision to relocate to or from a particular location.

### Housing Supply and Production

In 2000 the Census Bureau reported a total of 9,854 housing units in the Town of Farmington. This was 1200 dwellings or approximately 14% more than the figure counted in 1990. This percentage increase was practically identical to the Town's overall percentage increase in population. This is a significant change from the previous decade, reflecting stability in Farmington's persons per household (dwelling unit). Farmington's growth in housing units trailed behind just six communities in the Capitol Region.

The number of new housing permits issued since the last Plan of Conservation and Development was completed fairly well mirrors the number of permits historically issued in Farmington with the exception of the mid 1980's when on average 400 units per year were developed. In recent years the composition of building permits have changed, with a greater share of condominium housing including age restricted units. The following chart shows the number of permits issued for selected years since the last Plan of Conservation and Development was published.

In 2000 62% of Farmington's housing stock was classified as detached single family. This was practically identical to the 61% in 1990. The number of rental housing units expanded in Farmington by 173 with the addition of the Heritage Glen and Westwoods apartment complexes and two senior housing developments, the Village at Hunters Ridge and the expansion of the Westerleigh apartments. All of these new rental developments contain or are totally categorized as affordable housing. The lack of any new market rate rental family housing construction can be attributed to a number of factors including foremost the high cost of land. Lower mortgage rates have also made homeownership more achievable and attractive.

Rental housing as a proportion of the Town's total housing stock dropped to 24.7 % from almost 30% in 1990. In addition to a lack of new construction, this loss of rental unit percentage may be

attributable to a reduction in the number of both single family and condominium units previously placed on the rental market. Even with a five point plus percentage loss in rental units, the Census Bureau found the vacancy rate for leased housing to be a healthy 4.5%. It appears that the market is currently operating at a similar rate and prices of rental housing have not escalated to the same degree of ownership housing.

Over the last ten years the average size of newly constructed single-family homes has increased significantly. The typical single-family home constructed in Farmington today contains between three and four thousand square feet of living area. A majority of these homes continue to be constructed within cluster subdivisions on lots ranging from one quarter to three quarters of an acre. The Unionville neighborhood has experienced a level of building activity during the last ten years exceeding that originally anticipated. The developments known as Strawfield, Hunters Ridge, Anglers Bend and Saddle Ridge have added close to one hundred new residences to the neighborhood.

In recent years Farmington has witnessed a demand for a new development product, age restricted housing for adults over the age of 55. An exception contained in the Federal Fair Housing Law permits the construction exclusively for this population. This law coupled with the aging of the baby boom generation has produced a robust market for this type of housing. Farmington's location relative to the highway, health care facilities and larger population centers such as West Hartford, has positioned itself well with regards to this market. A total of 215 units of active adult housing has been constructed to date within Farmington. If these dwellings are added to other conventional senior housing and units of assisted living, they would all together account for 781 dwelling units or about 8% of the Town's housing stock.

#### Housing Market and Housing Costs

Since 1995 both the single family and condominium housing markets have made a full recovery from the downturn in the housing market, which began, in the early 1990's. In the last three years the market has produced strong sales volume and price appreciation. This trend has taken place despite lackluster job growth in the region as well as minimal population growth. Low interest rates and the higher formation of single person and single parent households have fueled demand adding pressure to prices.

The following charts illustrate the consistent strength of the overall housing market as well as the increase in growth of the condominium market in recent years.

Accompanying the healthy number of housing transactions has been a steady climb in housing prices. Between June of 2004 and July of 2005, the median price of all homes sold was \$264,000. The median price of a single-family home during this time period was \$352,000. These sale prices ranked Farmington eleventh in the region for all housing types and fourth for single-family homes in terms of most expensive housing.

The following charts show the rise of housing prices for all housing categories as well as for single-family homes.

As prices have gone up there is a greater concern that Farmington's housing stock could be becoming further out of the reach of low to moderate income households. In 2005 a moderate income household in the Hartford region could afford a home, based upon current interest rates and a five percent down payment, having a maximum price of \$174,000. Of the 279 new and existing single-family homes sold in 04'-05', only 14 or 5% were conveyed for a price at or below this figure. A low-income household (earning at or below 50% of the median household income in the Hartford region) would be completely shut out of the single-family market.

### Housing Demand

In 1995, the Capitol Regional Council of Governments presented its final report on the number of affordable housing units developed in the region under the Regional Affordable Housing Compact. This voluntary program allocated a target number of affordable housing production for each participating town. Farmington pledged to create 151 units of affordable housing as a signatory to the compact. At the time of the release of the final report 193 units of affordable housing had either been approved or constructed in the Town. All of these units had been created under the Town's inclusionary zoning regulations, the Affordable Housing zone.

The formula used to compute this figure was expressed as the number of physically inadequate dwelling units in the region (as reported in the 1980 Census) plus the number of housing units for which individuals or families paid more than 30 percent of their income for housing costs plus the number of dwellings needed in the region to attain a five percent vacancy rate for rental housing and a two percent vacancy rate for owner occupied housing. This calculation did not take into consideration an element of demand known as "wishing to reside." Wishing to reside represents the number of persons who would prefer to live in a given community assuming there are adequate numbers of housing units available or potentially available at a price affordable to that person. Typically this element of demand is measured as a function of the number of employment opportunities located within a given commuting radius of a locality or region.

Future housing demand in Farmington will be driven by an increase in employment, increases in demand for different housing types (such as multiple-family or active adult housing) and possibly a further reduction in the number of persons per household. During the next ten years it is expected that the age cohort of 18-35 will grow significantly. This age group, which is the basis of new household formations, exerts a substantial demand for new housing.

While it is projected that the rate of job growth will slow in coming years the Connecticut Economic Resource Center has

estimated that the number of jobs in the Capitol Region will increase by over 13,000 between now and the year 2010. Some housing professionals and demographers have estimated that each new job added would require the production of .66 housing units.

Any further decline in the number of persons per household would require additional housing units just to accommodate the existing population. Each one-hundredth of a point drop in the number of persons per household in Farmington would require approximately 25 additional housing units to accommodate the same population.

### Housing Programs and Regulations

In an effort to advance the construction of affordable housing the State of Connecticut instituted several mandatory and elective housing programs during the 1980's.

Municipal plans of development and zoning regulations must now encourage and provide for the development of housing opportunities for all citizens of the community.

Public Act 89-311 established an affordable housing land use appeals procedure within the Hartford-New Britain Superior Court. Under the terms of this act, where a land use application involving affordable housing is denied by a municipal planning, zoning or inland wetlands commission, the applicant may appeal such action to this court. The burden is then placed on the commission to prove that the particular project would be injurious to the public interests and that the protection of such interests would clearly outweigh the local need for affordable housing. This shift of the burden of proof from the developer to the town is contrary to the approach taken in all other types of land use litigation. The Town of Farmington has been sued a number of times under the provisions of this statute. In one particular case the court mandated that approval of a development, which contained a mixture of affordable and market rate housing. This project known as Snowberry Cobble is currently under construction.

Voluntary initiatives sponsored by the State in the past include the Connecticut Housing Partnership Act, the Regional Fair Housing Compact Pilot Program and the adoption of Public Act 91-204, enabling municipalities to adopt inclusionary zoning regulations.

Farmington joined the State's Housing Partnership Program in 1990. Under the provisions of this program members of the Partnership Committee are required to conduct a housing needs analysis, develop a housing plan and initiate or support a project to develop affordable housing.

The Regional Housing Compact Pilot Program represented Connecticut's first experience with a fair share housing plan. Under such a plan each municipality within a planning region is requested to provide a particular sum of affordable housing units over a five-year period. The Capitol Region Council of Governments, one of two planning regions participating in the

pilot program, developed a compact to foster the development of between 5,000 and 6,521 units. As one of 25 towns participating in the compact, the Town of Farmington has pledged the development of 151 affordable housing units over the abovementioned period of time. While plans were approved for more than the number of units pledged, actual construction of a number of these dwellings did not take place until the expiration of the compact, including the aforementioned Snowberry Cobble.

Since the 1995 Plan of Conservation and Development was completed a total of 211 affordable rental and ownership units have been constructed within the Town of Farmington. In addition, there are 52 units of affordable housing as of this date occupied at Snowberry Cobble. When completed Snowberry Cobble will have a total of 89 affordable units.

The Town continues to maintain and operate its Section 8 certificate and voucher program as well as the Cooperative Ownership Program.

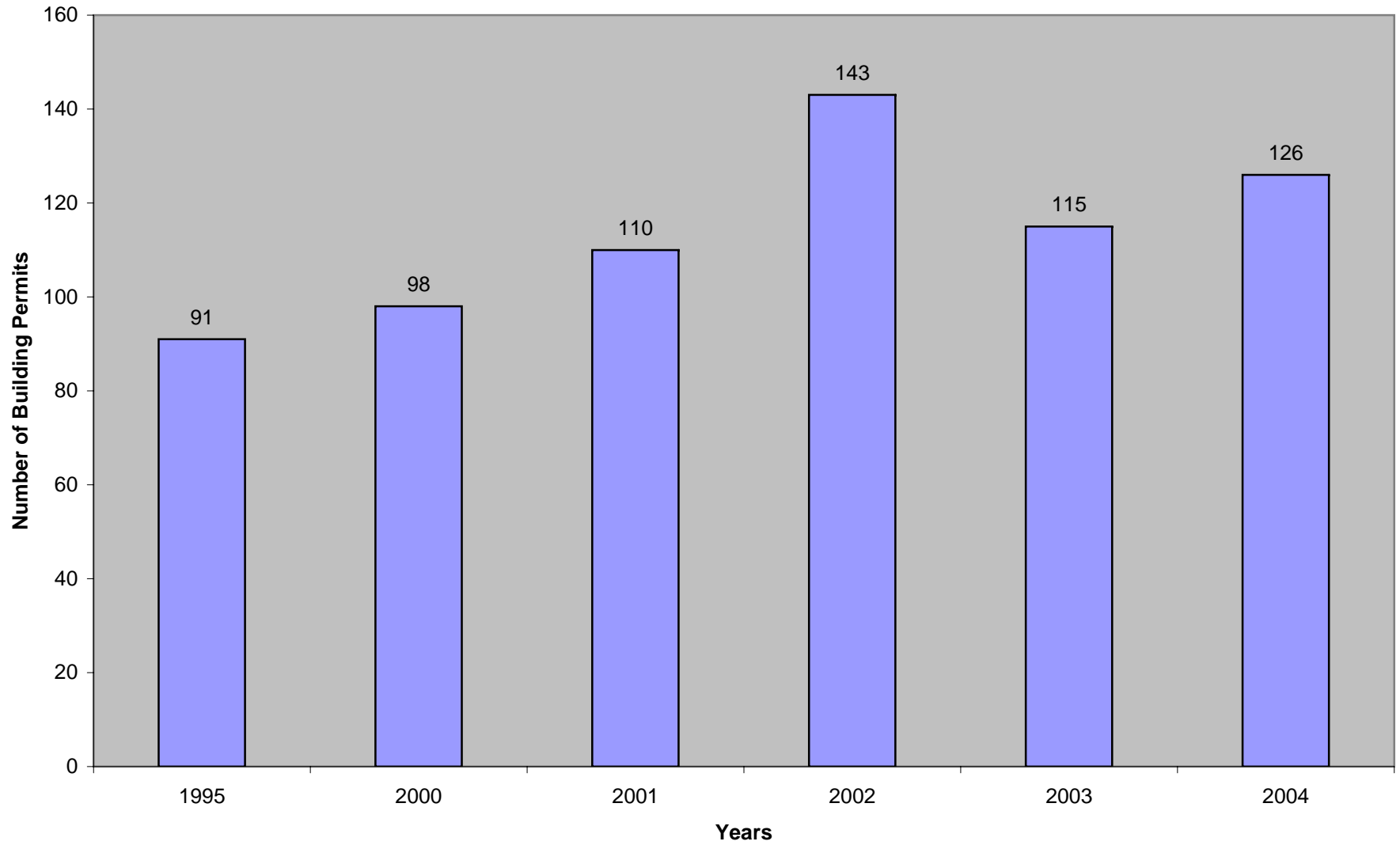
### **PLANNING OBJECTIVES**

1. Residential developments should be located and developed in a manner consistent with the policies and recommendations found in the Future Land Use Plan.
2. Permit affordable housing at higher densities only in instances where environmentally sensitive features are adequately protected and the development would be compatible with surrounding land uses.
3. Work with regional and state authorities to develop and promote a plan for the development of affordable housing under a fair share formula.
4. The Town should carefully monitor the growth and demand for active adult housing in the region and consider adopting a cap on the amount of this housing type in the future in Farmington. Densities for this housing currently permitted under the zoning regulations should be reduced to a figure more compatible with surrounding single family zoning districts.
5. Encourage the use of site design techniques including building orientation, street and lot layout to promote energy efficient development.
6. Aggressively enforce the housing code to ensure proper maintenance of Farmington's housing stock.
7. The Town Plan and Zoning Commission should begin to explore the mandated installation of automatic fire suppression systems within residential structures containing one to

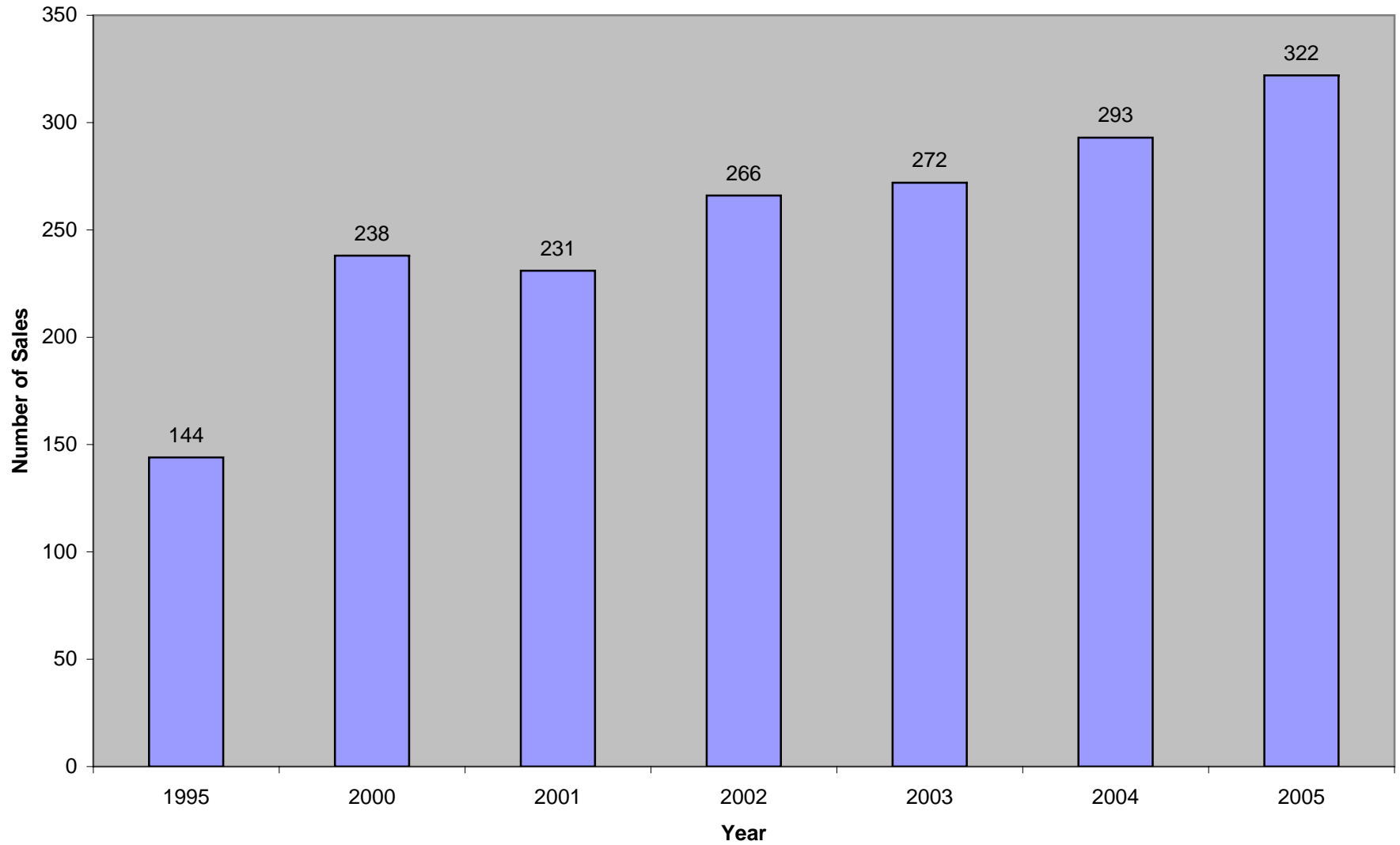
three dwelling units as an expansion of the existing zoning regulations.



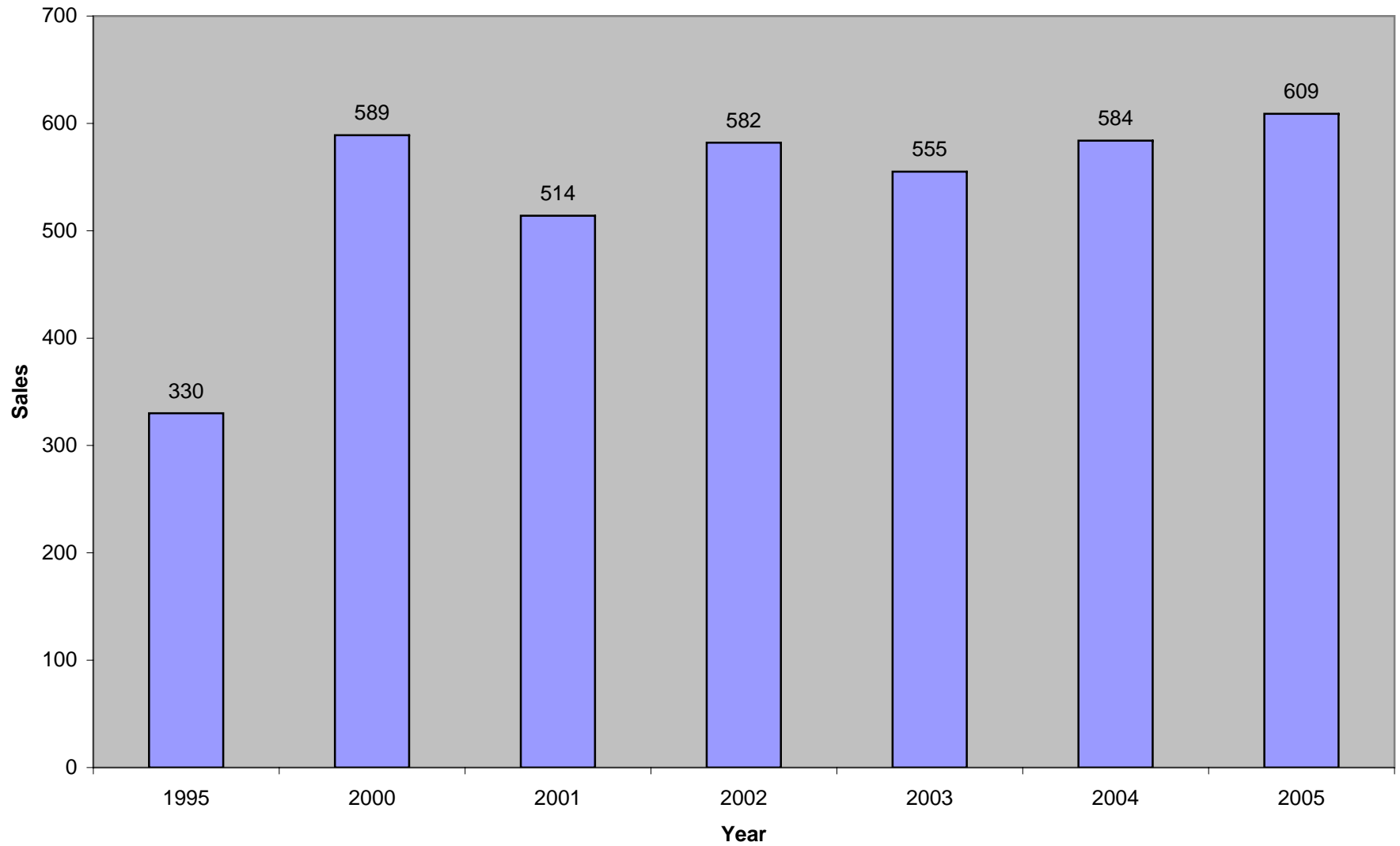
### New Housing Permits for All Unit Types By Year



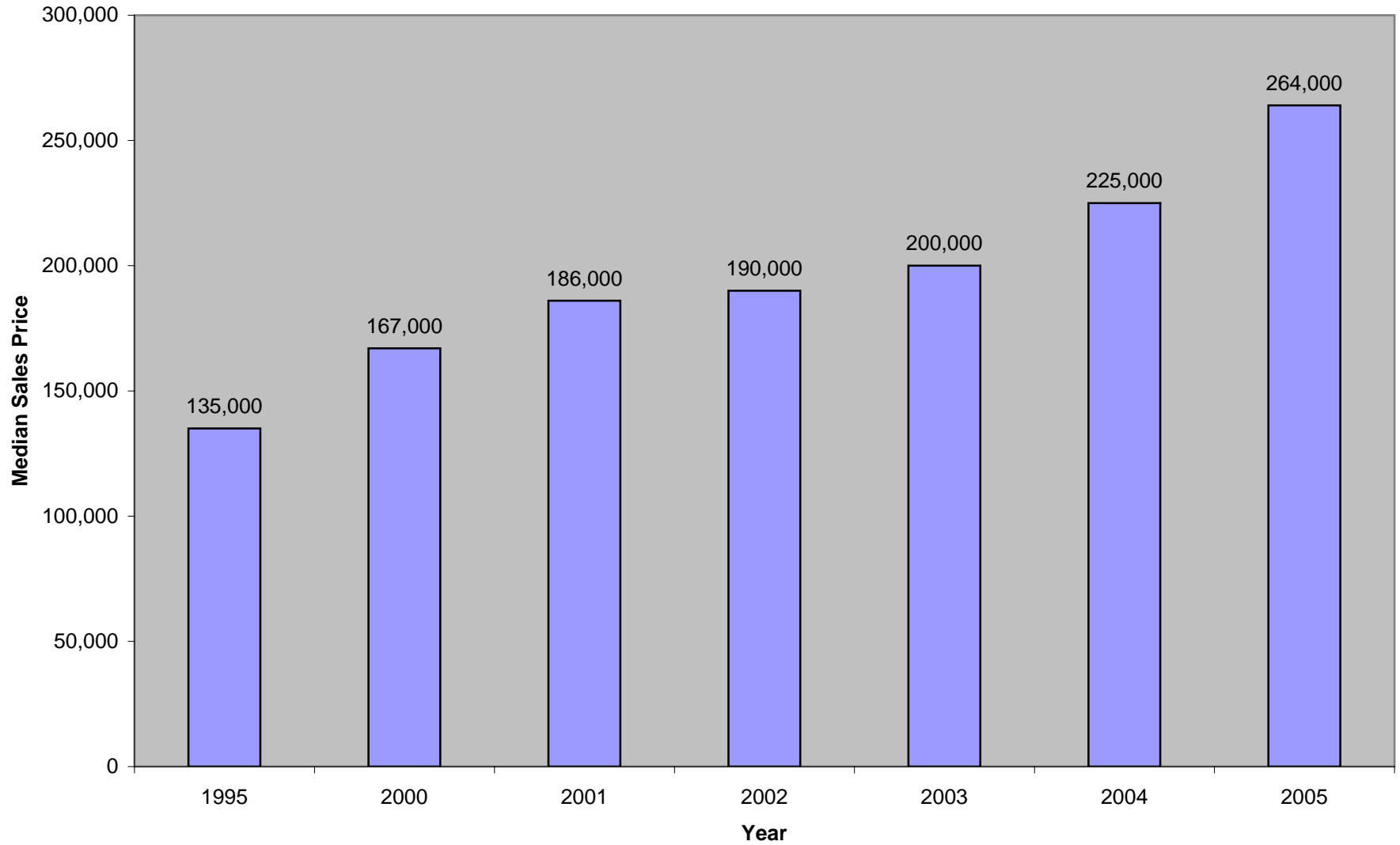
### Number of Sales Per Year for Condominium Housing Units



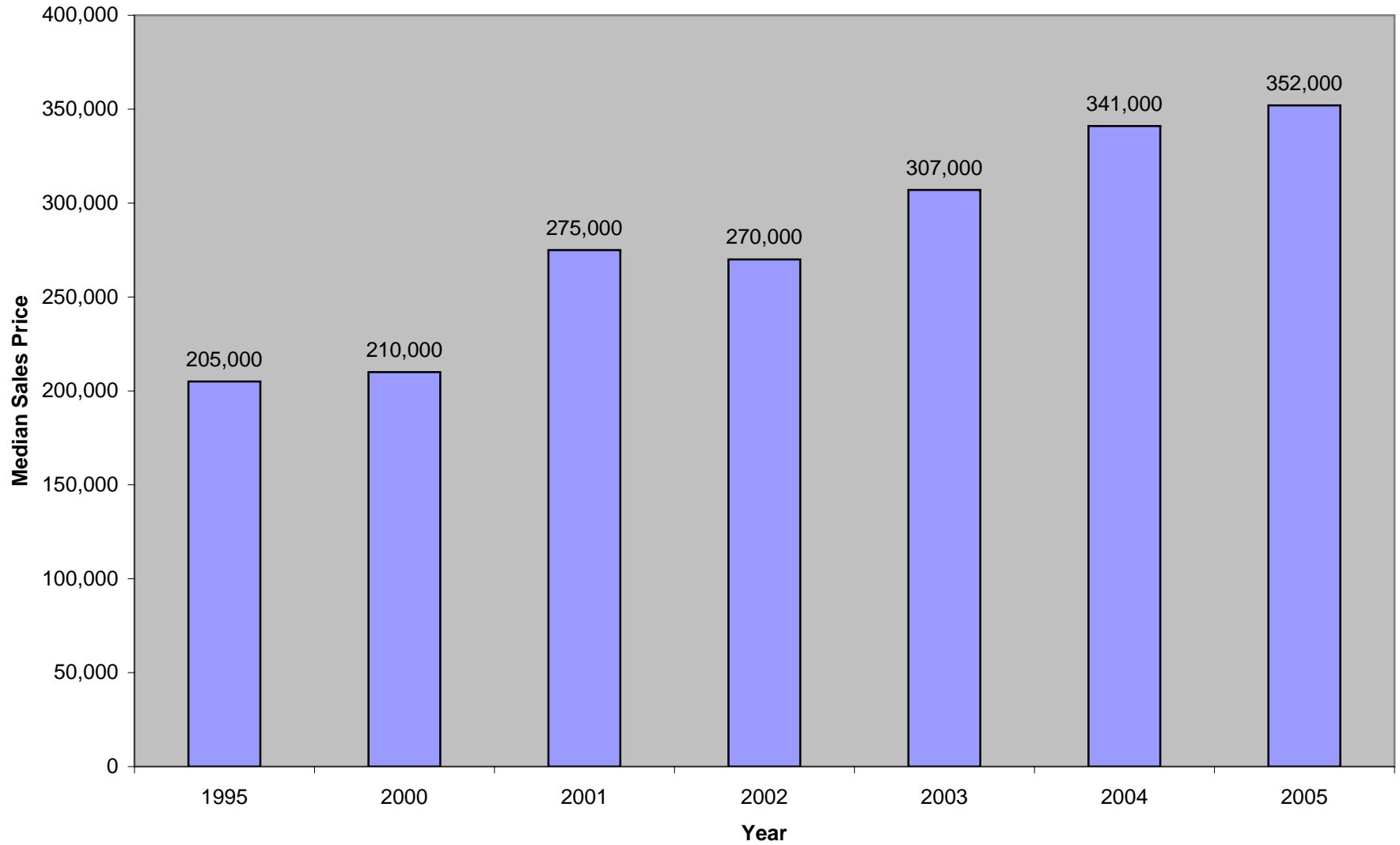
**Number of Sales Per Year for All Housing Units**



**Median Sales Price Per Year for All Housing Units**



### Median Sales Price Per Year for Single Family Housing Units



### **XIII. TRANSPORTATION AND CIRCULATION**

A community's transportation and circulation system is vital to both its quality of life and economic well-being. The measure of a transportation system's safety, capacity, efficiency, and accessibility directly affects the satisfaction of local residents including the young, handicapped and elderly, as well as those workers and commuters from outside the community who use the system. The system's ability to successfully transport goods and people also influences the attractiveness of Farmington as an employment center.

The components of a transportation/circulation system include the network of roads, bridges, sidewalks, and parking facilities as well as transit services (bus, rail, taxi and van operations). The predominate element of Farmington's transportation system continues to be its roads. These roads perform varied functions within the network.

This system of roads may be categorized as minor streets, collector roads, secondary arterials and primary arterials. Minor streets provide access to individual properties, which are typically limited to residences. Collector roads serve to connect minor streets to secondary and primary arterials or serve to link distinct neighborhoods. Secondary arterials transport mostly intralocal traffic from one section of town to another or from residential neighborhoods to employment or retail centers. The average daily volume of traffic carried by a secondary arterial is generally in the range of 4,000 to 10,000 vehicles a day. Primary arterials transport over 10,000 vehicles per day, much of it being interlocal traffic and frequently having direct connections with a limited access expressway.

All of the roadways within Farmington have been classified according to these definitions and are presented on Map 8, entitled Circulation: Classification of Roads. The categorization of Farmington's road system into the classifications presented is an exercise primarily used for planning purposes. The designation of a particular existing street is recognition of its current function and traffic volume. It should in no way be interpreted as a statement that a given road had been originally planned as a collector, secondary arterial or arterial roadway or a finding in this report that such road is currently operating safely or efficiently as thus designated. Furthermore, this designation does not indicate that the road in question currently contains the right of way or pavement width or any other physical attribute recommended by State, Federal or national engineering authorities.

Regional and Federal planning agencies classify Farmington's road network as part of the Urban Systems Program. This permits a number of our roads to become eligible for particular grants in aid.

#### Minor Streets

The design of a minor street must not only reflect its function but also to the greatest extent possible be compatible with the character man made and natural environment. While Farmington's current subdivision regulations specify that minor streets contain a fifty-foot right of way and a twenty-two or twenty-six foot pavement width, the Town has continued to permit the use of private roads and cartways. These streets generally require little if no right of way and have a paved travel way in most cases between eighteen and twenty-two feet. In all cases, private individuals or community homeowners' associations assume the ownership and maintenance of these roads.

It can be concluded that this new system of private roads has been successful. Residents appear to be satisfied with function of these roads and the privacy they bring. The streets have had a beneficial impact upon the natural environment and fit nicely with the latest storm water quality management programs.

The extension and connection of minor streets will continue to be a paramount issue in Farmington. Residents desirous of protecting their streets and neighborhoods from the negative effects of through traffic are frequently pitted against Town officials who wish to promote a policy of road connections for the safe and efficient movement of traffic. Advocates of a policy known as Smart Growth have strongly recommended the use of grid street patterns and discourage development of cul-de-sacs. This would tend to more equally distribute traffic volumes through a neighborhood and not place excessive volumes of traffic on just one street.

#### Collector Streets

Since the last Plan of Development was adopted, several streets have now been designated as collector roads including Lake Street, Litchfield Road, Mill Street and Munson Road.

It is recommended that the design standard for a collector road be maintained at a twenty-six foot pavement width unless the street is designed to serve a commercial district where on street parking is planned or expected.

## Secondary Arterials

The list of secondary arterials has remained unchanged since the 1995 Plan of Conservation and Development.

### Arterials

Four of Farmington's State Highways, Routes 4,6,10 and 177 are the only streets that possess both the traffic volumes and characteristics that would categorize them as arterial roads. Traffic volumes on these roadways continue to grow as a result of both local and regional development. The peak hours of travel now extend significantly beyond the traditional 7 to 9 in the morning and 4 to 6 in the afternoon.

### Existing Conditions

#### Traffic Volumes

Table 11 presents and compares traffic volumes for selected roadways in Farmington between the years 1991 and 2003. During this period, traffic has increased on some roads or road segments by as much as 40 percent while it has decreased on others by as much as 19 percent.

Twenty-four hour counts taken by the State of Connecticut Department of Transportation has shown a greater use of Route 6 within the Town of Farmington. A recorded decline in traffic volumes along some segments of Route 4 would seem to indicate this traffic increase along Route 6 is at least partially attributable to the use of this road as an alternative to Route 4. This result is something that Town officials have promoted in the past. The numbers also indicate that the north south traffic volumes along Routes 10 and 177 have leveled off somewhat except in the immediate vicinity of Route 6.

#### Roadway Capacity and Congestion

The capacity of a road is defined as the maximum rate of vehicles which has a reasonable expectation of passing a given section of lane or roadway during a given time period under prevailing roadway and traffic conditions. Typically, the roadway condition which most greatly limits the capacity of a given road is its intersection with another road controlled by either a stop sign or mechanical signal. Congestion occurring at an intersection may be qualitatively measured by use of a scale known as Level of Service. Level of Service describes driver satisfaction with a number of factors that influence the degree of traffic congestion. These factors include speed and travel time, traffic interruption, freedom of maneuver, safety, driving comfort and convenience and delays.



There are six levels of service describing traffic flow conditions. The highest, Level of Service A, represents a condition of free flow with lower traffic volumes and high speeds. There is little or no restriction in maneuverability and drivers can maintain a desired speed with little or no delay. Most vehicles will arrive at a signalized intersection during the green phase of a traffic signal.

Level of Service F on the other hand represents the lowest level of service and is described as forced flow and characterized by volumes that exceed the roadway's capacity. Congestion prevails and vehicles are typically delayed at a signalized intersection for more than 60 seconds.

Level of Service E represents the actual capacity of a roadway or intersection. This is considered the limit of acceptable delay.

Table 12 contains the level of service for a number of intersections within the Town of Farmington. The 1989 figures come from a comprehensive town wide traffic study authored by Wilbur Smith Associates. The most recent analysis is taken from various traffic studies submitted to the Town in conjunction with land use applications as well as data from the Route 4 and Route 10 Corridor Studies. In some cases, the change in level of service reflects improvements that were made to the road system. This is quite apparent when analyzing the changes reported along the Route 6 corridor. Since 1989 this network saw the reconstruction of the intersection of Colt Highway/Fienemann Road and Birdseye Road as well as the addition of two lanes from Scott Swamp Road to Route 177. Both of these projects also included new traffic signals.

#### Traffic Origin and Destination

Traffic origin and destination studies reveal the starting and end points of vehicle trips within a locality or region. They are particularly valuable in regional transportation planning, including the development of transportation plans for major arterials and limited access highways.

In 1989, as part of the comprehensive traffic study undertaken by Wilbur Smith Associates, survey stations were established at all major access points into and out of Farmington. Motorists were handed post cards requesting trip information at both the A.M. and P.M. peak hours.

Of the more than 30,000 vehicles surveyed entering the Town of Farmington, 46 percent of these vehicles have both the origin and destination of their trip outside of the Town. Forty nine

percent of the vehicles leaving Farmington were found to be traveling to and from locations based outside of the Town.

Traffic surveyed on Waterville Road at the Avon town line was found to have the largest percentage of vehicles beginning and ending their trips outside of Farmington, with inbound vehicles at 67% and outbound vehicles at 72%.

The artery which had the least number of trips with neither an origination or destination in Farmington was Fienemann Road at 22 and 29 percent.

In 1996 as part of a study of regional arterial roadways sponsored by CRCOG, consultants found that over 38% of the vehicles surveyed at a point west of the junction of Route 4 and I 84 had their trips both begin and end outside of Farmington.

### Safety

Table 13 lists the number of accidents documented for a three-year period commencing on. The largest majority of accidents are attributable to driver error and not the geometrics of the road. Excessive speed and following too closely were cited as the most frequent reasons for these incidents. That's not to say that the geometry of Farmington's roads and intersections do not significantly contribute to the accident rate. The Town has initiated improvements to a number of roads like Talcott Notch Road, River Road, and Aqueduct Lane to improve their safety. These types of improvements are generally quite extensive and costly and should be minimized. Campaigns to reduce speeding and programs to install safety signs and improved lane demarcation should be more heavily relied upon to increase traffic safety within the Town.

### Traffic and Road Improvements

Following the publishing of the 1995 Plan of Conservation and Development, the Capitol Region Council of Governments announced plans to undertake a number of arterial corridor studies within the region. In the case of Farmington, this included a study of Route 4 and Route 10. The study's focus was not limited to these road's existing right of ways, but included an assessment of possible bypass or alternative routes in order to reduce congestion. While a number of alternative routes for a bypass of Route 4 were identified early on in the study, none survived to make it to list of final recommendations. In the final analysis, they were considered too expensive and disruptive to merit support. The recommendations from the report included a new bridge over the Farmington River (at Brickyard Road), spot improvements to Route 4 in the Village and improvements to I 84 and Route 6 as a way to pull traffic away from Route 4. A

number of the suggested improvements to the I 84 interchange system were also endorsed in another study conducted by the Connecticut Department of Transportation. At this time the Town is awaiting construction of the spot improvements along Route 4 between Town Farm Road and I 84, as well as those to I 84. It is expected that these projects will not see construction until 2009. Town voters rejected the concept of constructing a bridge as recommended in the Route 4 Corridor Study. The I 84 project will include the installation of a service road which will permit access to Route 9 from Route 4. This should relieve some of the traffic volume now found on South Road.

The most significant set of road improvements since 1995 was the realignment and reconstruction of the Route 4 / South Road / Birdseye Road intersection. This project coupled with the widening of Farmington Avenue to four lanes from the jug handle to Talcott Notch Road, reduced traffic congestion and improved road safety. It permitted the commercial development of adjoining property and accommodated the continued expansion of the University of Connecticut Health Center.

In order to expand the efficiency of Route 4 west of the Village, the State of Connecticut has initiated the update of a number of traffic signals. This system as designed should allow the signals to operate in a manner in which their operation is more coordinated with the volumes of traffic on this state highway at a particular time.

Other road improvements completed over the last ten years include the addition of lanes at the Meadow Road / Route 177 intersection and the extension of Judson Lane to Meadow Road.

Concept plans were developed for a number of intersection improvements in Unionville Center. Perhaps the most important project, the upgrade of the New Britain Avenue / Route 177 intersection, has gone to actual design. However, it is expected that funding will not be made available till the end of the decade.

A number of bridges were rehabilitated including the Cottage Street Bridge and a span on Batterson Park Road. The State of Connecticut has scheduled the reconstruction of the bridge, which crosses Roaring Brook as well as the Farmington River Crossing east of Town Farm Road.

The proposed collection of future roadway improvements are presented on the map entitled Circulation Proposed Improvement Plan. This plan includes the widening of Route 6 from Fienemann Road to Scott Swamp Road as well as number of spot intersection improvements designed to process more vehicles through each

traffic light cycle. One proposal, which remains from both the 1982 and 1995 plans is the development of a service road system along Route 4.

### Mass Transportation

The mass transportation network and service in Farmington remains essentially unchanged since the last plan. With the exception of the extension of service of the Farmington Avenue line to Tunxis Community College, the system has remained unchanged. The Town of Farmington had to discontinue the Farmington Valley Shuttle due to costs. While provisions for bus service have been introduced into a number of new developments along Route 4, the Town's decentralized development pattern continues to hinder an increase in transit ridership.

### Pedestrian and Bicycle Circulation

The Capitol Region Council of Governments recently adopted a Regional Pedestrian Plan. This document presents a vision statement which proposes that in the future residents and visitors to the region will be able to walk, bicycle or use other means of non-motorized vehicles to access schools, shopping, transportation, and employment centers by use of roads, sidewalks, or multi-use trails. In order to achieve this vision the plan lists a number of recommendations including the expansion of walk systems and the creation of compact, mixed-use development.

The 1995 Plan of Conservation and Development supported the completion of the Town's multi-use trail system as well as an expanded sidewalk program and the establishment of a local/regional bicycle trail system.

While it appears that the completion of the multi-use trail network is just a matter of time, as it is tied to available state funding, the same cannot be said about any meaningful expansion of the Town's sidewalk network. Most of the new sidewalks built in Farmington over recent years is the result of work undertaken by developers of projects approved under the subdivision and zoning regulations. CROCG's report touts a national program entitled Safe Routes to School as a way for communities to expand their sidewalk system while meeting the need to transport students. This has the effect of reducing traffic in the vicinity of schools coupled with reductions in pollution and improvements in children's health.

## PLANNING OBJECTIVES

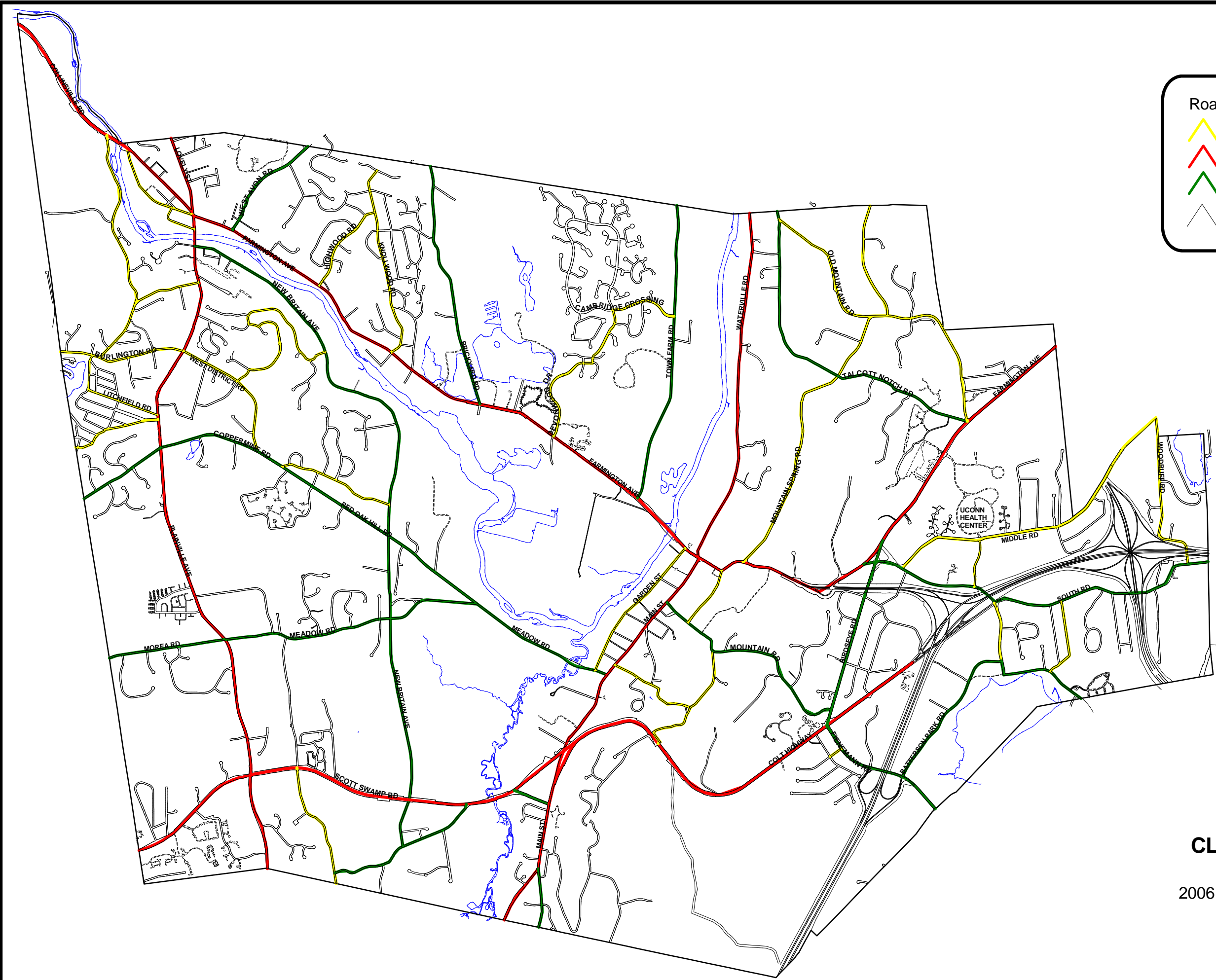
1. Encourage land uses and design standards along arterial roads which support mass transit, generate lower volumes of traffic during peak hours while limiting the number of proposed access points.
2. Maintain the requirement for sidewalks as part of the Town's site plan and subdivision application process.
3. Coordinate the development of vacant or underutilized properties to ensure the most efficient placement of access points, including driveways and new streets. Be vigilant about minimizing the installation of new traffic signals.
4. The Town should work with CRCOG to update both the Route 4 and Route 10 Corridor Studies and to initiate a corridor study and plan for Route 6.
5. Support the creation of a dedicated traffic division in the Police Department.
6. Generally require that collector roads in large new developments be designed and built as public roads particularly when potentially serving adjoining parcels of land.
7. Encourage the development of a commuter parking lot within the Route 6 corridor.
8. Support the establishment of a local/regional bicycle trail system through CRCOG.
9. Work cooperatively with regional and local officials to coordinate transportation improvements on a regional level.
10. Undertake the funding of a continuous sidewalk expansion program as part of the capital budget. Perform a review of the Town regulations as they pertain to the maintenance and legal responsibility of sidewalks so that they will gain more acceptance from the public.
11. Support the completion of the planned multi-use trail system. Consider expanding access to the system so that it can be used more extensively and function as a greater element of the Town's transportation system.
12. Initiate a feasibility study for the introduction of a local shuttle bus system to reduce the number of trips made in town.

13. Update the Town's subdivision regulations concerning the use and design of dead end roads. To the greatest degree possible, new subdivision roads should be designed for through access.
14. The Town should consider the feasibility and propriety of an additional Farmington River crossing.





TABLE 11  
Present and Past Average Daily Traffic Volumes (ADTS)  
for Various Locations in Farmington

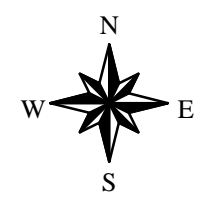
Road	Location	ADT		Percent Change
		1991	2003	1991 - 2003
<b>Route 4</b>	N W of Rte. 177	11,900	13,600	+14%
	E of Rte. 177	19,500	22,000	+13%
	E of Brickyard Rd.	22,900	21,700	-5%
	E of Rte. 10	36,900	31,400	-15%
	N E of South Rd.	18,500	22,400	+21%
<b>Route 6</b>	E of Bristol Line	17,500	20,400	+17%
	E of Rte. 177	15,000	18,200	+21%
	E of Hyde Rd.	17,400	23,000	+32%
	W of Fienemann Rd.	17,600	22,500	+28%
	E of Fienemann Rd.	13,400	18,700	+40%
<b>Route 177</b>	N of Route 4	9,000	8,000	-11%
	N of New Britain Av.	17,500	17,300	-1%
	N of W. District Rd.	16,800	14,600	-13%
	N of Route 6	14,100	16,200	+15%
	S of Route 6	12,800	15,700	+23%
<b>Route 10</b>	N of Route 4	9,700	8,700	-10%
	S of Route 4	13,900	11,300	-19%
	S of Route 6	13,100	14,400	+10%
	S of Cooke St.	7,600	7,300	-4%
<b>Fienemann Rd.</b>	SE. of Rte. 6	10,300	10,300	0%
	SE of I-84	12,300	13,900	+13%
<b>Route 167</b>	N. of Rte. 4	7,500	7,500	0%
<b>South Rd.</b>	SE of Munson Rd.	5,200	10,500	+102%
<b>Birdseye Rd.</b>	S of South Rd.	6,900	5,300	-23%
<b>Mountain Rd.</b>	E of High St.	6,500	5,500	-15%

All figures taken from counts conducted by the Connecticut Department of Transportation.



**Road Classifications**

-  Collector Road
-  Primary Arterial Road
-  Secondary Arterial Road
-  Minor Road

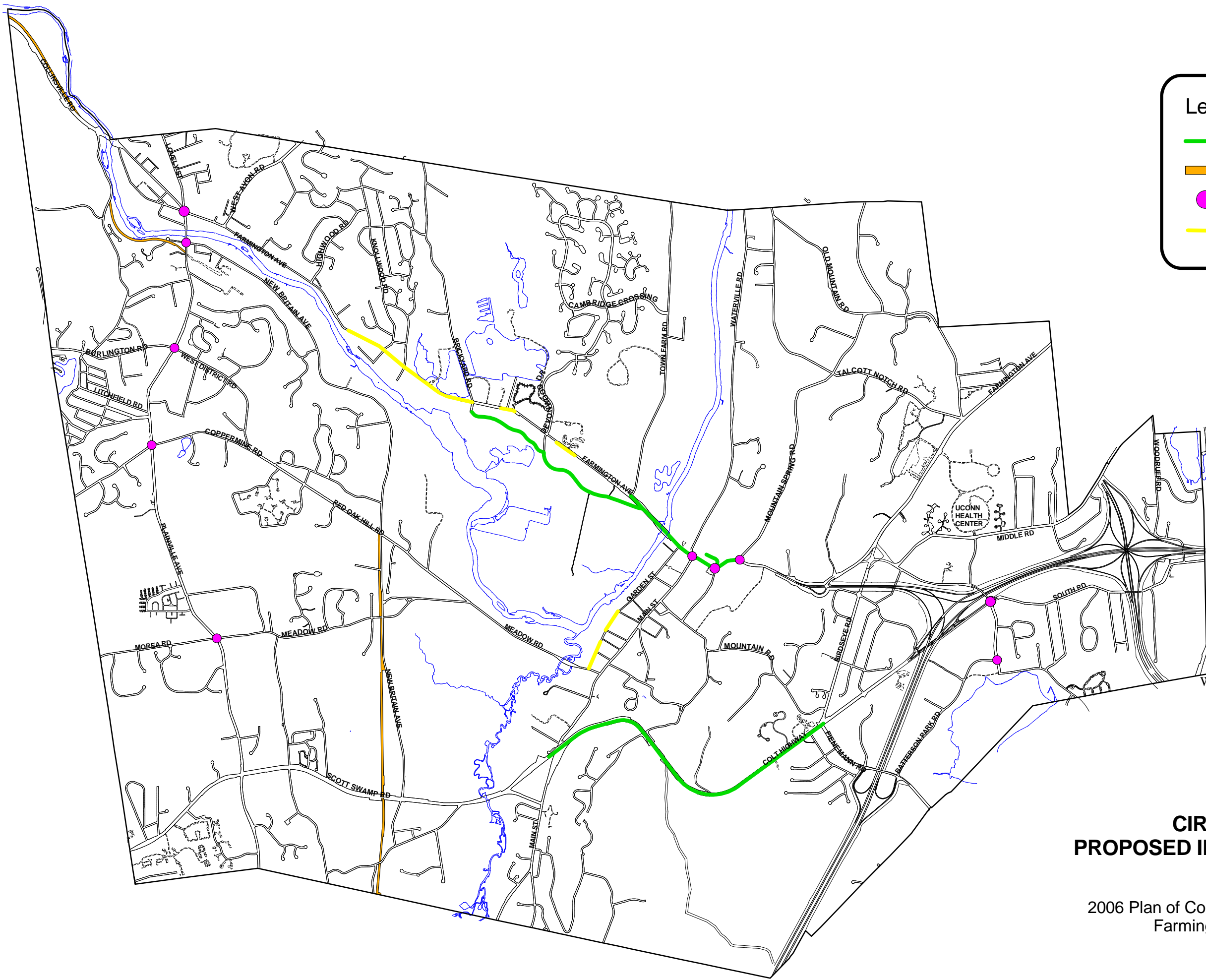


**Map # 8**

**CIRCULATION  
CLASSIFICATION OF ROADS**

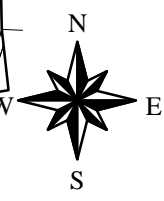
2006 Plan of Conservation & Development  
Farmington, Connecticut





**Legend**

- Road Improvements
- Multi-Use Trail System
- Intersection Improvements
- Sidewalk Improvements



**Map #9**

**CIRCULATION  
PROPOSED IMPROVEMENT PLAN**

2006 Plan of Conservation & Development  
Farmington, Connecticut

#### **XIV. PUBLIC UTILITIES**

##### Water

Farmington's water supply system has undergone major changes since the nineteen eighties. During this period of time the State of Connecticut established exclusive service areas for all public and private water utilities. Twenty years ago a merger occurred between the Farmington and Unionville Water Companies. The Unionville Water Company has subsequently been purchased by the Connecticut Water Company.

The Town of Farmington is currently divided into three major service areas with exclusive rights reserved by the Unionville Water Company, New Britain Water Department and the Metropolitan District Commission. The boundaries of these areas are illustrated on the Public Utilities Plan. Properties in these areas may be supplied with public water only by the designated company unless it waives its right to service. This arrangement has generally worked well with the exception in an area of town in the vicinity of Colt Highway and Fienemann Road. However just recently the Unionville Water Company and the MDC entered into an agreement to supply water to a thirty-five acre parcel of land approved for the development of age restricted housing.

##### Providers

In addition to the three major water companies two smaller companies supply water to more than 50 customers, Maple Ridge Farms Water Association and Hilltop Corporation. When taken together these water supplies provide service to approximately seventy percent of the Town's population. Plans are to replace the Maple Ridge Farms Water Association with a more dependable system from the MDC. Groundwater serves as the exclusive source of supply for the Hilltop Corporation, while the New Britain Water Department and MDC use surface waters located outside the Town of Farmington. Until recently groundwater served as the lone supply of the Unionville Water Company. However in 2003, in an effort to deal with chronic shortages of supply during the summer months, UWC completed a connection to the MDC water system for the purchase of treated water. This new source provides up to 2.1 million gallons per day. In an effort to assure the most dependable supply of water in Connecticut's cities and towns the State adopted a law in 1984 regulating the formation of new water companies. As a result there have been no new providers of water in Farmington since that time.

After its merger with the Farmington Water Company, the Unionville Water Company substantially upgraded water supply service within the Town. Over the last twenty-five years the company has added five new supply wells and acquired the Farmington Industrial Park water supply system. (For the location of all well sites see Map 3). A connection has been established between the Unionville and Farmington Village subsystems. This improvement followed the integration of the southwest service area into the main distribution network. Storage tanks have been constructed in the vicinity of the Farmington Edge condominiums

and the former Farmington Reservoir, making the supply more reliable and increasing pressure. The Unionville Water Company has terminated the daily use of water from the Plainville Water Company and the Metropolitan District Commission, relegating these sources to emergency supply only. In 2003 the Wells Acres well supply was abandoned by the Company, leaving nine active wells in the Unionville Water Company's system.

Improvements to or expansion of the New Britain Water Department and Metropolitan District Commission systems continue to occur within Farmington. While the New Britain water system was extended to serve the Heritage Glen, Garden Gate and Bradford Walk housing complexes, the Metropolitan District Commission expanded service within the areas of Munson Road, Middle Road, South Road and Farmington Avenue. This follows an extension of service to the Oakland Gardens neighborhood. Both systems require upgrades to their distribution service to provide improved pressure and adequate fire protection. The planned extension of the waterline located on Colt Highway east of Fienemann Road will improve fire service to the area of Mountain Road and Birdseye Road.

#### Supply and Demand

For the Town of Farmington future concerns are generally limited to the production and distribution capabilities of the Unionville Water Company. In its recently completed 50-year water supply plan, prepared under Section 25-32d-5 of the Connecticut General Statutes, the Unionville Water Company reported that the maximum daily supply of water comfortably exceeded the maximum daily demand. However the report goes on to say that this situation will only continue through the year 2020 unless permission is granted by the State of Connecticut to fully integrate the water from the Farmington Industrial Park wells into the distribution system. If that application is denied, the Company could explore the alternative of purchasing more supply from the MDC or seek to expand their own system with the development of a new water supply well. The fear of contamination has dampened the enthusiasm for new groundwater sources. In the late 1990's the Company had to add a treatment facility to the Charles House well field in order to control the amount of dieldrin (a pesticide) in the water. In addition the Company recently had to temporarily cease operation of the Connecticut Sand and Stone well due to a spill of petroleum product from an accident, which took place up gradient on Brickyard Road. A proposal has also been made to interconnect Farmington with the company's Collinsville system. This is being considered as part of a twenty-year planning horizon. Since the merger with the Farmington Water Company, the Unionville Water Company has increased its production of water from just over 508 million gallons per year in 1985 to over 707 million gallons per year in 2003. It has been projected by the utility that average daily demand will increase from 1,939,523 gallons per day in 2003 to 2,324,683 gallons per day in 2050.

Using water more efficiently can reduce the need for additional sources. Replacing older pipes with typically higher leakage rates coupled with the implementation of stringent conservation

plans will permit the current supply of water to serve more customers. The current leakage rate in the Company's primary system is 2,057 gallons per day per mile of pipe and 2,801 gallons per day per mile of pipe for the smaller Farmington Industrial Park distribution system. The goal is to reduce this loss of water to no more than an accepted standard of 1,500 gallons per day per mile of pipe.

#### PLANNING OBJECTIVES

1. Coordinate the provision of water service to areas of Town located along the exclusive service area boundaries to ensure the greatest and most reliable availability of water for domestic use and fire protection.
2. Support the expansion of the public water supply distribution system to all areas, which have or are proposed to have public sewer service.
3. Maintain requirements for extension of water lines as recently amended and specified by the Town's Zoning and Subdivision Regulations.
4. Enact the provisions of the State's new aquifer protection regulations in accordance with the established legal timetable.
5. Support the upgrading of the Unionville Water Company's distribution system.
6. Ensure that land use decisions are consistent with the protection of existing and proposed well locations.

#### Sanitary Sewers

The 1995 Plan of Conservation and Development reported that approximately eighty five percent of the Town's population was serviced by a public sewer system. The Plan also recommended that Farmington adopt a sewer avoidance plan for the Talcott Notch neighborhood. Since that time the Town has added the Oakland Gardens neighborhood to the municipal system, serviced portions of the East Farms neighborhood as well as Westfarms Mall and created the sewer avoidance program as recommended. There continue to be however portions of the Town where businesses or older homes on smaller lots continue to function on on-site systems and which would benefit from an opportunity to connect to municipal sewer. In an effort to encourage the expansion of the sewer system, the Town Plan and Zoning Commission recently revised the standards for extending sewer lines in the vicinity of new subdivisions from one hundred feet per building lot to two hundred feet.

#### Description of System

Three components of the Town's sanitary sewer system are the treatment plant, pump stations and collection network.

Farmington's wastewater treatment facility was originally constructed in 1960, expanded in 1970 and further expanded and modernized in the early 1990's. This last expansion also included an elaborate sludge composting system. Since then the Town and its Water Pollution Control Authority have had to confront a number of other issues associated with the plants daily operation. The Town is also under a mandate to expand the plant's secondary treatment process by increasing the amount of nitrogen removed from effluent before it is released into the river. In a report recently completed by Metcalf & Eddy, Inc. Consulting Engineers, the authors submitted a set of recommended improvements for the maintenance and repair of the plant. The plan presented a budget of in the range of 5.25 million dollars to address shortcomings with the facility's pumps, trickling filters, electrical and HVAC systems in addition to the costs of the nitrogen removal. The WPCA will also have to examine the state of the plant's capacity and a possible plan for inflow and infiltration to reduce the amount of effluent treated and released.

A total of 17 pump stations are presently in operation within Farmington's municipal boundaries, 13 of which are owned and maintained by the Town of Farmington. An agreement has been put in place for the Town to own and maintain a privately operated pump station with in the Farmington Corporate Park once certain upgrades have been made to the facility. Work has begun on the reconstruction of two of these pump stations located at Patrick Flood Road and Scott Swamp Road. The Portage Crossing pump station has been eliminated with construction of a new main sewer line on Judson Lane.

#### Present and Future Conditions

In 1991 the Town of Farmington authorized the Maguire Group to update the sanitary sewer master plan originally developed by Marchant and Minges Engineers in 1959. The consultant's scope of work included an examination of the existing collection system including the preparation of recommended improvements as well as the formulation of a plan for the location of future service lines. This plan was developed in an effort to promote the most efficient route to existing unsewered areas and limit the number of additional pump stations.

This study has generally served the Town well however it has become more apparent that it is time for the plan to be updated in light of new development patterns and economic circumstances in order to foster service to areas not presently served.

#### Regional Coordination

As a condition of the acceptance of State or Federal funding for the improvement or expansion of sanitary sewer systems, communities which contain significant collection and treatment facilities are required to examine and incorporate the needs of nearby towns into their comprehensive waste water collection plan. This policy reduces duplication of effort, resulting in significant cost savings while potentially producing less impact

on the environment. As of this time, through agreements, Farmington accepts effluent from the Towns of Burlington, Canton and Avon. The volume of wastewater received from these towns have not substantially increased over the last ten years.

While almost all wastewater produced in Farmington is discharged into the local collection and treatment system, the Town has existing agreements with the Metropolitan District Commission, Plainville, Mattabassett and Bristol sewer authorities to accept those remaining flows. Over recent years the agreement with the MDC has been modified to permit additional discharge from Farmington into the system in West Hartford. It is expected that a new line intended to service the Ridgeview Road area will be constructed soon.

#### Sewer Avoidance

To date the Town's experience with its Sewer Avoidance Program has been positive. The Water Pollution Control Authority has had to consider a request to allow the extension of a sanitary sewer line north on Mountain Spring Road in order to service several existing homes situated on non-conforming lots. Reports of septic system failures in the Talcott Notch neighborhood have been very low. In the recently completed Environmental Resource Study and Plan for the Town of Farmington, the consultants recommended a set of design guidelines for permitting the location of septic systems in this neighborhood consistent with the areas soil types and groundwater characteristics.

#### PLANNING OBJECTIVES

1. Adjust the present Sewer Avoidance Program as needed.
  - a. Consider the adoption of standards for the siting and design of septic systems as recommended in the Town's Environmental Resource Study and Plan.
  - b. Team with the Farmington Valley Health District to oversee the maintenance of septic systems in Town and distribute information to residents concerning the care and proper use of these systems.
2. Recognize that sewer trunk lines tend to follow existing drainageways and watercourses and balance the need to install such lines along these sensitive areas against anticipated environmental impacts.
3. Maintain current policies regarding the mandatory extension of sewer lines as set forth in the Zoning and Subdivision Regulations.
4. Undertake updated studies of the capacity of the Sewer Treatment Plant as well as the Town's comprehensive plan for the collection network.

## Storm Sewers

The development and maintenance of an adequate storm drainage system is necessary for ensuring public health and safety and the protection of property and natural resources. Development activities may modify the hydrology of the natural drainage system (including wetlands and watercourses) resulting in impacts ranging from persistent flooding to the significant reduction of water flow during the summer. The conversion of fields and woodlands to impervious surfaces typically causes a significant increase in surface water runoff while accelerating the movement of this water through the watershed.

As in the case of many communities, Farmington has historically reviewed the potential drainage impacts of development in an incremental fashion. This approach, however, loses sight of the cumulative impacts on the natural drainage system and doesn't apportion the cost of required man-made drainage improvements. In an attempt to reduce the impacts of development on both the natural and man-made drainage systems several cities and towns in Connecticut have elected to adopt a zero runoff regulation. This legislated standard requires that the peak runoff associated with any development activity be no greater than that which was generated in the property's natural state. Usually this result is attained by disposing of storm water underground or storing this water in man-made retention or detention structures located on the property. While this technique generally assures the minimum flow of water needed to sustain downstream wetlands or watercourses the potential for flooding may even increase, particularly when storm water has been retained on property located in the lower reaches of a watershed. For this reason, as previously recommended in the last Plan of Development, the Town should undertake a comprehensive town wide drainage study.

## Existing Problems

For the most part Farmington does not experience chronic drainage problems, which endanger persons or property. The municipal flood and drainage control program apart from existing regulatory measures is limited to the installation of spot improvements primarily along municipal roadways. However the alteration of the hydrology of several watercourses in Town has become evident over the years as a result of development.

### PLANNING OBJECTIVES

1. Regulate and manage storm water runoff in a manner which poses the least amount of injury to property and natural resources.
  - a. Initiate policies and regulations for the attenuation of pollutants in storm water runoff particularly in areas adjacent to watercourses and wetlands.
2. Use Zoning and Subdivision Regulations to protect downstream properties.

3. Undertake a comprehensive town wide drainage study in order to coordinate drainage control and protect natural resources.
4. Use detention and retention structures only after finding that downstream facilities are inadequate to accommodate projected runoff. Ensure that the hydrology of the receiving watercourse will not be altered in a detrimental manner and that adequate maintenance is provided for.
5. Implement a program, which fairly assesses and distributes the cost of drainage improvements as recommended by the town wide drainage study.



## XV. COMMUNITY FACILITIES

Community facilities are designed to provide public services to Town residents in the most cost effective manner. Changes in the size, type, and location of these facilities reflect the Town's changing demographics.

### Schools

Perhaps no other community facility is more extensively or immediately affected by demographic shifts than the school system. Over the last ten years the total public school population has risen steadily from 3,441 students to 4,344 students. However in 2005 enrollment has dropped to 4,257. As we have seen in the past, this increase may only partially be attributable to Farmington's overall gain in population and households. In the 1970's Farmington had one school age child for every four residents in the community. Today that figure is about one per six and one half residents. The health of the economy and the birth rate are more important predictors of school population than housing starts.

At the time the last Plan of Conservation and Development was completed, Farmington was experiencing significant increases in enrollment in its elementary schools. Today that bubble has moved into the High School. Over the last ten years, Farmington responded to these student increases by constructing a new school for grades five and six and by completing two renovations to the High School. It is expected that in the short term (one to five years) the Board of Education may have to respond to a new set of more localized increases at the elementary school level by instituting limited redistricting. The following table presents the current enrollment per school against each buildings planning capacity.

<u>School</u>	<u>School Enrollment</u> <u>October 2005</u>	<u>School Capacity</u> <u>Est. 2002</u>
East Farms	422	440
Noah Wallace	376	460
Union School	316	340
West District	341	380
West Woods	664	700
IAR	674	700
FHS	1398	1400

In 2005, the number of kindergarten students was 241. This is a significant drop from just five years ago, when this figure was 277. This may be an indicator that overall enrollment will stabilize or slightly drop. In a report just released by the State of Connecticut Department of Education, the author found that Farmington's school population should decline modestly over the next several years, citing that in 2015 total enrollment could drop to less than 4,000 students. This decline is chiefly linked to a decline in expected births. However, the addition of new housing units in Farmington could introduce more young families, offsetting the falling birth rate. The report goes on

to say that enrollment in the West Woods School and Irving Robbins School should drop significantly during the projected period. The number of students attending Farmington High School may peak in the next one to three years, and then moderate.

Farmington's population attending private schools has been amazingly constant. During the 2000-2001 school year a total of 292 students attended private school. Last year this number expanded by one to 293.

The only private secondary school in Farmington, Miss Porter's School, expanded its physical facilities by adding a new library and science building. It is expected that the school will see further expansion and updating in its athletic facilities.

Tunxis Community College will begin construction on a plan to update and modernize its campus buildings. This follows an expansion project, which concluded at about the time this Plan was updated in 1995.

In this past year College has added a new branch in the Town of Farmington, at the Exchange. Plans call for this facility to start with just a handful of classrooms to over the next several years.

#### Fire Protection

Farmington's fire fighting facilities include five firehouses. Since the last Plan of Conservation and Development was published, three of the firehouses have been updated and new buildings are located at Oakland Gardens and at the Westwoods Golf Course. The new facility at Westwoods coupled with a new water main on Plainville Avenue has significantly upgraded the firefighting capability on the southwest side of Farmington.

The Town Plan and Zoning Commission's regulations concerning minimum fire flow standards for subdivisions and the required use of automatic sprinkler systems in most commercial, industrial and institutional buildings has made a positive contribution to fire safety within Farmington. A recent study indicated that there were only a few areas of the Town, which contained residential neighborhoods with less than desired fire flows. This situation was also the result of further improvements made by the Unionville Water Company.

#### Community Centers

Facilities in Farmington, which over the years have operated as community centers, have provided much needed recreation, social and meeting space. Recognizing the inadequacies in its facilities, the Town in 2001 developed a dedicated senior and community center (approximately 13,000 square feet in area) on a parcel of land, which it shares with the police department. This new space, coupled with expanded meeting facilities at the main library, have strongly addressed the needs of Farmington's citizens and organizations. Other meeting spaces which have been available to the public over the years include the various fire

houses as well as the University of Connecticut Health Center and a meeting room at the Westfarms Mall. The community next needs improve the size and quality of its teen center.

#### Day Care Centers

Since the publication of the last Plan of Conservation and Development the Town has witnessed the development of several sizeable privately operated day care centers. Generally these facilities are either single independent businesses or a part of small regional companies with the exception of the Kinder Care day care center, which opened for business in 2003. Together these centers provide capacity for several hundred children. This is in addition to several preschool programs available in Farmington as well as a number of in home day care services.

#### Solid Waste

The Town of Farmington has continued to maintain its relationship with the Connecticut Resources Recovery Authority for the receipt of the Town's domestic waste. Other waste such as construction debris must be trucked out of town to other approved facilities. Recycling efforts have increased only modestly since the mid 1990's with only a few new items such as magazines added to the recycling stream. Although it is expected, that household junk mail will be added to the list of recycled materials shortly.

The Town maintains responsibility for the two closed landfills within its border. This includes periodic groundwater testing for the purpose of monitoring any leachete plume emanating from either of these facilities.

#### UConn Health Center

The University of Connecticut Health Center has completed a new strategic plan as well as an updated physical master plan. During the past decade the focus of the Center has shifted somewhat away from the medical services offered at the John Dempsey Hospital to bioscience research, ambulatory care and the maintenance and improvement to both the medical and dental schools. In 2004 the Center purchased the office building at 16 Munson Road and has proceeded to move a number of administrative positions to this facility. This year saw the completion of the new Medical Arts Building consisting of approximately 100,000 square feet of space and housing a musculoskeletal institute and ambulatory surgical center.

A second research tower has been recommended in the Master Plan completed in 2002. This recommendation also proscribes that this building contain a minimum of 150,000 square feet of space. As a complement to the University's research efforts at this campus, a modest incubator program has been instituted in one of the portable buildings located near main entrance. In 2007 the University purchased the building located at 400 Farmington Avenue for the housing of a new stem cell research facility. In addition to accommodating new laboratory and support space this building will also be the new location of the Center's incubator

program. A proposal to replace the John Dempsey Hospital has been submitted to the State legislature. If approved the former hospital space will be backfilled with additional research facilities.

#### Library

In 2004 the main branch of the Farmington library was expanded by approximately 13,500 square feet. This expansion included general building upgrades and additional floor area for both the adult and children services. A plan is presently being formulated for the upgrade of the Barney branch library.

#### Town Hall/Police Headquarters

The Town Hall has operated in its present area for over thirty years. During this period of time there have been several interior renovations, including the most recent improvements made to the former Police Department space and the Board of Education offices. Over the next ten years, unless current departments are relocated outside the existing building, the Town Hall will have to expand to accommodate the need for additional secured storage area and office space.

The development of a new police headquarters building in 2001 has thus far served the Town very well. There is no anticipated need to upgrade or expand this facility during the life of this Plan or even substantially beyond.

TABLE 12

## ROADWAY LEVELS OF SERVICE

	<u>1989 Conditions</u>		<u>Most Recent Study</u>	
	Peak Hour		Peak Hour	
	<u>AM</u>	<u>PM</u>	<u>AM</u>	<u>PM</u>
Farmington Ave. at River Rd.	B	D	C	D
Farmington Ave. at Rte. 177	F	F	E	D
Farmington Ave. at Rte. 167	C	E	B	C
Farmington Ave. at Brickyard Rd.	D	D	B	D
Farmington Ave. at Rte. 10	F	F	F	F
Farmington Ave. at High St.	E	F	F	F
Farmington Ave. at I-84	D	F	C	C
South Rd. at Birdseye Rd.	B	B	C	C
Route 10 at Cooke St.	B	B	B	B
Route 10 at Scott Swamp Rd.	C	D	B	B
Route 10 at Meadow Rd.	D	F	C	B
Route 10 at Mountain Rd.	F	D	B	C
Route 6 at Hyde Rd.	F	D	NA	A
Route 6 at New Britain Ave.	E	F	NA	B
Route 6 at Scott Swamp Rd.	D	D	C	C
Route 6 at Fienemann Rd.	F	F	C	D
Fienemann Rd. at Farm Springs Rd.	D	C	B	B
Fienemann Rd. at Batterson Pk. Rd.	F	D	C	B
New Britain Ave. at Hyde Road	A	A	NA	B
Route 177 at Meadow Rd.	E	F	D	D

TABLE 13

ACCIDENT DATA FOR SELECTED ROADWAYS  
DECEMBER 2001 - DECEMBER 2003

ROAD	NUMBER OF ACCIDENTS REPORTED
Batterson Park Road	2
Birdseye Road	15
Brickyard Road	19
Burlington Road	16
Collinsville Road	16
Colt Highway	134
Coppermine Road	10
Devonwood Drive	2
Farmington Avenue	509
Fienemann Road	18
Garden Street	8
Highwood Road	2
Hyde Road	2
Knollwood Road	2
Lovely Street	13
Main Street (Unionville)	12
Main Street (Farmington)	62
Meadow Road	15
Morea Road	5
Mountain Road	6
Mountain Spring Road	6
New Britain Avenue	20
Plainville Avenue	101
Red Oak Hill Road	6
River Road	9
Scott Swamp Road	100
South Road	26
South Main Street	62
Spring Lane	1
Talcott Notch Road	25
Town Farm Road	12
Two Mile Road	2
Waterville Road	34
Webster Street	7
West Avon Road	10
West District Road	2
Woodruff Road	0

## XVI. HISTORIC RESOURCES

The protection and preservation of Farmington's historical, architectural and archaeological resources are a prominent element of the Town's quality of life.

The Farmington Village Historic District has existed for over 35 years, preserving those sites and structures located within its boundary. In the last two years the district has been expanded by fifteen properties. In addition the Historic District Commission had its designation expanded to the Farmington Historic Properties Commission. This permits the Commission to designate historic properties, which lie outside of boundaries of the historic district and place them under the Board's control. At present the Commission is seeking to establish this designation for a number of homes located on Cottage Street in Unionville.

In 2002 a study committee finished its report for the creation of a historic district within a portion of Unionville. Unfortunately, this proposal was defeated narrowly by the property owners. In 2004 the Town Plan and Zoning Commission adopted a Village District regulation for Unionville center. This regulation was enabled by a change in State law, which permits communities to preserve or enhance their town centers. The Village District designation will permit the Town to regulate construction in this area in a manner consistent with Unionville's historic past.

For more than ten years Farmington has had provisions in its land use regulations to further protect the community's historic elements. These regulations contained in the zoning and subdivision laws protect historic and archaeologically significant sites when a parcel of land is developed. The State of Connecticut Museum of Natural History has made a map indicating possible archaeologically significant sites available to the Planning Office.

Another mechanism used to protect architecturally significant structures, which may be employed in conjunction with zoning actions is the facade preservation easement. This restrictive covenant, typically established between government authorities or preservation organizations and private property owners, prevents structures from being razed and ensures that any physical change to a structure's outside appearance is done in accordance with accepted preservation

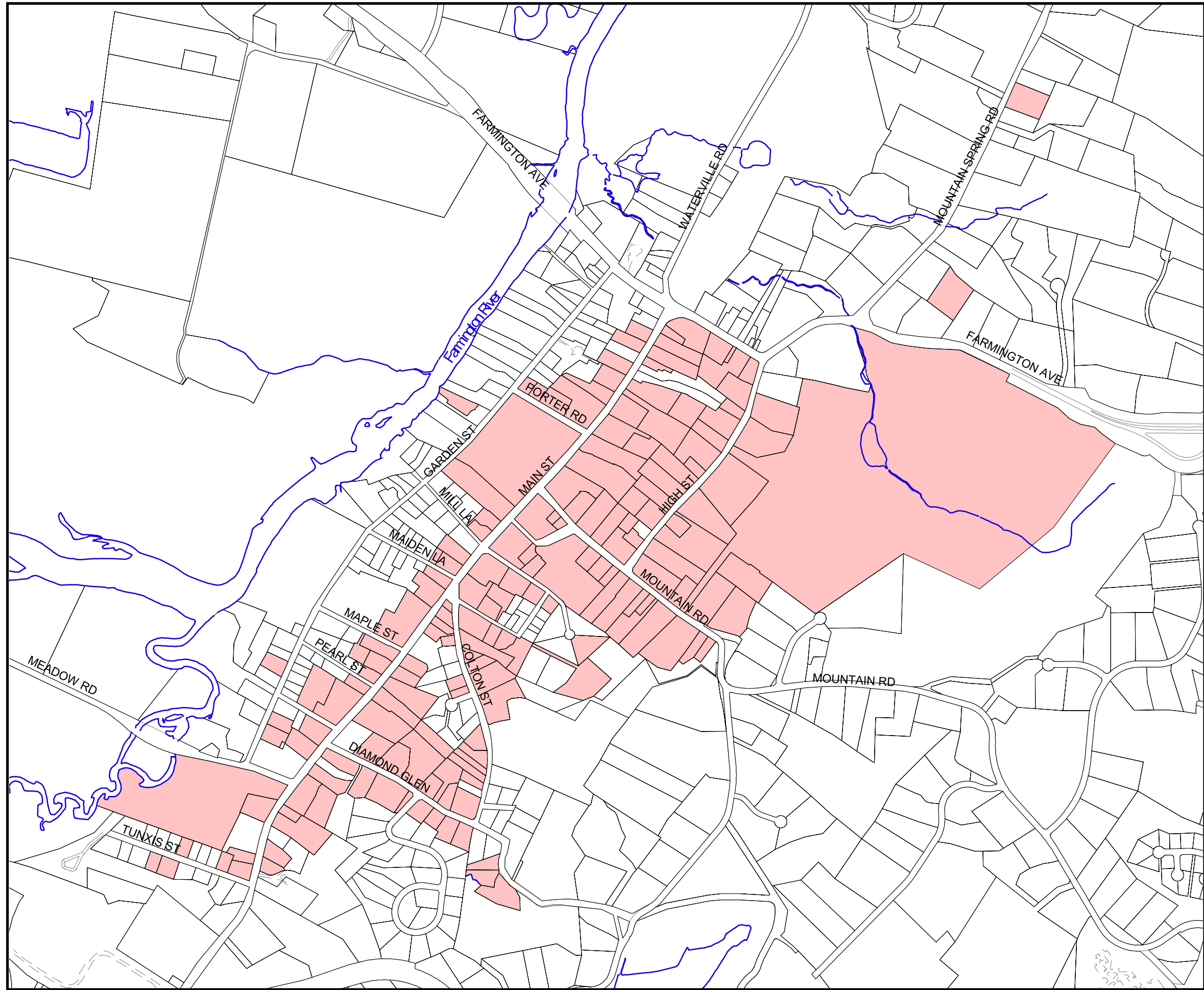
standards. A number of homes located on Cottage Street had been preserved by this method as the result of an agreement between the property owners and the Hartford Architectural Conservancy. Unfortunately the Conservancy has now dissolved and as noted earlier the Farmington Historic District Commission will try to protect these structures by designating them as local historic properties. The Town Plan and Zoning Commission was responsible for establishment of a façade easement on property located at 340 Main Street.

Over the last several years there have been a number of improvements made to historically notable properties including the Hill-Stead Museum, the Stanley Whitman House and the offices of the Farmington Historical Society located on Main Street.

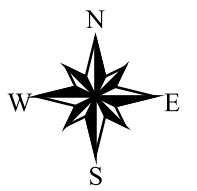
#### PLANNING OBJECTIVES

1. Create a historic district within Unionville to compliment the revitalization efforts in Unionville Center.
2. Continue to expand the Farmington Village Historic District in order to incorporate all historically or architecturally significant buildings and properties within the Main Street corridor and along Mountain Spring Road.
3. Expand the designation of individual historic or architecturally significant properties or structures not included within any existing or proposed historic districts in accordance with Section 7-147p. of the Connecticut General Statutes.
4. Protect the historic or archaeological elements of a parcel of land involved in a development proposal by use of the planning and zoning regulations.
5. Encourage the renovation and adaptive reuse of older buildings while maintaining their architectural integrity.
6. Promote where possible the use of preservation easements as part of the development review process.
7. Develop and redevelop properties within Unionville Center in a manner consistent with the historic architecture of Unionville.
8. Consider the designation of Farmington Center as a Village District overlay zone similar to the approach having been taken in Unionville.





 Historic District Properties



**Map # 10**

**Farmington Historic District**

2006 Plan of Conservation & Development  
Farmington, Connecticut

1" = 800'

## **XVII. EXISTING LAND USE**

The Town of Farmington is predominantly residential (Tables 14 and 15). Currently, 67.2 percent (12,343 acres) of the Town is zoned residential, with 64 percent of this land (7,953 acres) zoned either R80 or R40. Land zoned for commercial or industrial use is closely split with 6.1 percent (1,112 acres) zoned industrial, and 4.7 percent (855 acres) zoned commercial. The remaining 13.8 percent of the Town is zoned either Floodway or Excavation.

The Existing Land Use Map (Map 11) in this plan depicts the current land uses in Farmington as of October 2006. Tables 16-20 and Figure 1 analyze the acreages shown on this map:

- Table 16: Existing land use summary by general categories;
- Table 17: Changes in land use from 1993 to 2006;
- Table 18: Existing land use by neighborhood;
- Table 19: Existing land use by percent of neighborhood;
- Table 20: Existing land use by percent of land use category;
- Figure 1: General land use categories and business land use categories: 1993 vs. 2006.

The following summarizes the current land uses and their changes since 1993.

### **RESIDENTIAL:**

In 1993, residential development occupied 28.0 percent (5,155 acres) of the Town; while in 2006, this percentage increased to 33 percent (5,977 acres) (Table 17). The vast majority of this development is occupied by single-family residential homes (87.1 percent or 5,208 acres) (Table 16).

Residential development as a whole grew by 16 percent between 1993 and 2006, with new development occurring on 822 acres (Table 17). Single-family development grew by 14 percent (655 acres), while multifamily development grew by 28 percent (167 acres). Of the 167 acres of additional multi-family development, 80 acres (or 48 percent) is age restricted for seniors; while 65 acres of the age restricted development is dedicated to active adults (55yrs and older).

By neighborhood, the Lake Garda neighborhood continues to have the highest percentage of residentially developed land, at 64 percent of the total neighborhood (Table 19). Other neighborhoods that are largely comprised of residentially developed land include the Highlands, West District and Talcott neighborhoods with 59, 54 and 53 percent respectively.

By percentage of neighborhood, the largest growth in residential development occurred in the West District neighborhood where residential development increased 8 percent from 1993. Residential development in the Central and East Farms neighborhoods each increased by 7 percent, while it increased by 6 percent in the Health Center and Robbins neighborhoods. By overall acreage, the most residential development occurred in the

Central, Southwest, and West District neighborhoods, with 133, 129 and 114 acres of new residential development respectively.

The Talcott and West District neighborhoods contain the largest percentages of the Town's total residential development by acreage. Combined, these neighborhoods contain 29 percent of the Town's total residential development (Table 20).

**COMMERCIAL/INDUSTRIAL:**

This category, which includes professional office, general commercial, general industrial and excavation land uses, occupies 8.8 percent of the Town's total land area (Table 16). As a whole, this category grew by only 27 acres since 1993. This is due to the change in category of 73 acres of land off of Executive Drive that was categorized as excavation in 1993, but that is categorized in the current plan as 60 acres of vacant non-residential land and 13 acres of commercial use. Omitting excavation, the commercial/industrial uses have grown 12 percent or 153 acres since 1993 (Table 17).

The greatest individual land use growth in this category occurred with general commercial development. General commercial development grew by 15 percent from 428 acres in 1993 to 493 acres in 2006 (Table 17). General industrial and professional office land uses also expanded since 1993. Fifty-one acres were developed for general industrial, for a 13 percent increase; while 37 acres were developed for professional office, for a 9 percent increase (Table 17).

While residential development is scattered throughout the Town, much of the non-residential development tends to be concentrated in certain areas. Eighty-two percent (369 acres) of the professional office land is located within the Batterson Park, Health Center, and Southwest neighborhoods; with 41 percent located in the Batterson Park neighborhood alone (Table 20). While the Batterson Park neighborhood holds nearly half of the Town's professional office development, the neighborhood itself makes up only five percent of the Town's total land area. The primary cause of this concentration is the neighborhood's proximity to the I-84 corridor; and the Interstate's Fienemann Road exit, which provides easy access to the businesses in this area. This pattern has changed little from the 1993 plan.

Seventy-two percent (329 acres) of the land developed for general industry is located in the Southwest neighborhood (Tables 18 & 20). Industrial land, however, occupies only 11 percent of the total land area in this neighborhood (Table 19).

By contrast, however, general commercial development tends to be somewhat more scattered throughout the Town. As in 1993, the largest concentrations remain in the Central, East Farms and Southwest neighborhoods; where, respectively, 23, 16 and 14 percent of the Town's total commercial land is located (Table 20). These concentrations are attributed to Route 4, Westfarms Mall and Route 6 respectively.

### **VACANT LAND:**

Vacant land includes vacant residential and vacant nonresidential land. Current acreages are shown on Table 16.

Currently, 14 percent of the Town (or 2,569 acres) is categorized as vacant land (Table 16). This is a reduction of 8 percentage points (or 1,511 acres) since 1993, when vacant land accounted for 22 percent of the Town (or 4,080 acres) (Table 17). Residentially zoned vacant land declined during this period by 37 percent, from 3,598 acres to 2,272 acres.

Vacant land determines the future growth potential for the Town. By neighborhood, the South Farmington, Unionville and Talcott neighborhoods have the greatest development potential with 33, 26 and 23 percent of each neighborhood, respectively, categorized as vacant land (Table 19). By the Town as a whole, the Southwest neighborhood contains the largest portion of the Town's total vacant land (24 percent or 624 acres) (Tables 18 and 20).

### **OPEN SPACE:**

The overall reduction in vacant land between 1993 and 2006 is not solely the result of new development. New open space accounted for 484 of these acres, for an overall growth of 9 percent for this general category (Table 17). As shown on Table 16, the total open space category includes recreation/open space, major water bodies, public schools and cemeteries.

Recreation/preservation is the sum of seven subcategories used in the Open Space section of this plan: Town of Farmington, Private, State of Connecticut, Major Waterbodies, City of Hartford, Farmington Land Trust and Metropolitan District Commission (MDC). Major water bodies, public schools and cemeteries are included in the total open space category because of their permanence, and their importance for aesthetic, recreation or wildlife habitat purposes. Each category is covered in more detail in the Open Space section of this plan.

With 1,256 acres of total open space, the Floodplain neighborhood includes the largest percentage of open space by both percentage of the neighborhood (85 percent) (Table 19), and percentage of the Town's total open space (21 percent) (Table 20). Other neighborhoods that include a significant proportion of open space include the Oakland Gardens and Central neighborhoods. The Oakland Gardens neighborhood is 73 percent open space (Table 19), however, its 162 acres of open space (Table 18) represents only 3 percent of the Town's total. The Central neighborhood is 50 percent open space, and its 1,036 acres of open space (Table 18) comprises 18 percent of the Town's total open space (Table 20).

**Table 16**  
**TOWN OF FARMINGTON**  
**EXISTING LAND USE SUMMARY**

	LAND USE	ACRES	% OF TOWN
<b>RESIDENTIAL:</b>	SINGLE FAMILY	5,173	28.2%
	2-4 FAMILY	62	0.3%
	MULTIFAMILY	707	3.8%
	SUBTOTAL	5,942	32.3%
<b>COMMERCIAL:</b>	PROFESSIONAL OFFICE	451	2.5%
	GENERAL COMMERCIAL	493	2.7%
	SUBTOTAL	943	5.1%
<b>INDUSTRIAL:</b>	GENERAL INDUSTRIAL	455	2.5%
	EXCAVATION	251	1.4%
	SUBTOTAL	706	3.8%
<b>INSTITUTIONAL:</b>	GOVERNMENT/INSTITUTIONAL	566	3.1%
	SUBTOTAL	566	3.1%
<b>TRANSPORTATION:</b>	UTILITY/R-O-W	128	0.7%
	STREETS	1,610	8.8%
	SUBTOTAL	1,738	9.5%
<b>OPEN SPACE:</b>	RECREATION/OPEN SPACE	5,333	29.0%
	MAJOR WATER BODIES	373	2.0%
	PUBLIC SCHOOLS	187	1.0%
	CEMETERIES	19	0.1%
	SUBTOTAL	5,912	32.2%
<b>VACANT LAND:</b>	VACANT RESIDENTIAL	2,272	12.4%
	VACANT NONRESIDENTIAL	297	1.6%
	SUBTOTAL	2,569	14.0%
<b>Total</b>		<b>18,377</b>	<b>100.0%</b>

Table 17

LAND USE CHANGES  
(1993 - 2006)

**GENERAL LAND USE CATEGORIES:**

	1993		2006		Change 1993 - 2006	
		%		%		%
	Acres of Town		Acres of Town		Acres	Change
Residential	5,155	28%	5,942	32%	787	15%
Business	1,246	7%	1,399	8%	153	12%
Misc.	2,519	14%	2,555	14%	36	1%
Open Space	5,428	30%	5,912	32%	484	9%
Vacant Land	4,080	22%	2,569	14%	-1,511	-37%

**RESIDENTIAL AND COMMERCIAL/INDUSTRIAL LAND USES:**

	1993		2006		Change 1993 - 2006	
		%		%		%
	Acres of Town		Acres of Town		Acres	Change
Single Family	4,553	25%	5173	28%	620	14%
Multi-Family	602	3%	769	4%	167	28%
Prof. Office	414	2%	451	2%	37	9%
General Commercial	428	2%	493	3%	65	15%
General Industrial	404	2%	455	2%	51	13%

## NOTE:

Business acreage includes Professional Office, General Commercial and General Industrial

Government/Institutional, and Transportation

Figure 1

TOWN OF FARMINGTON  
CHANGES IN LAND USE  
(1993 - 2006)

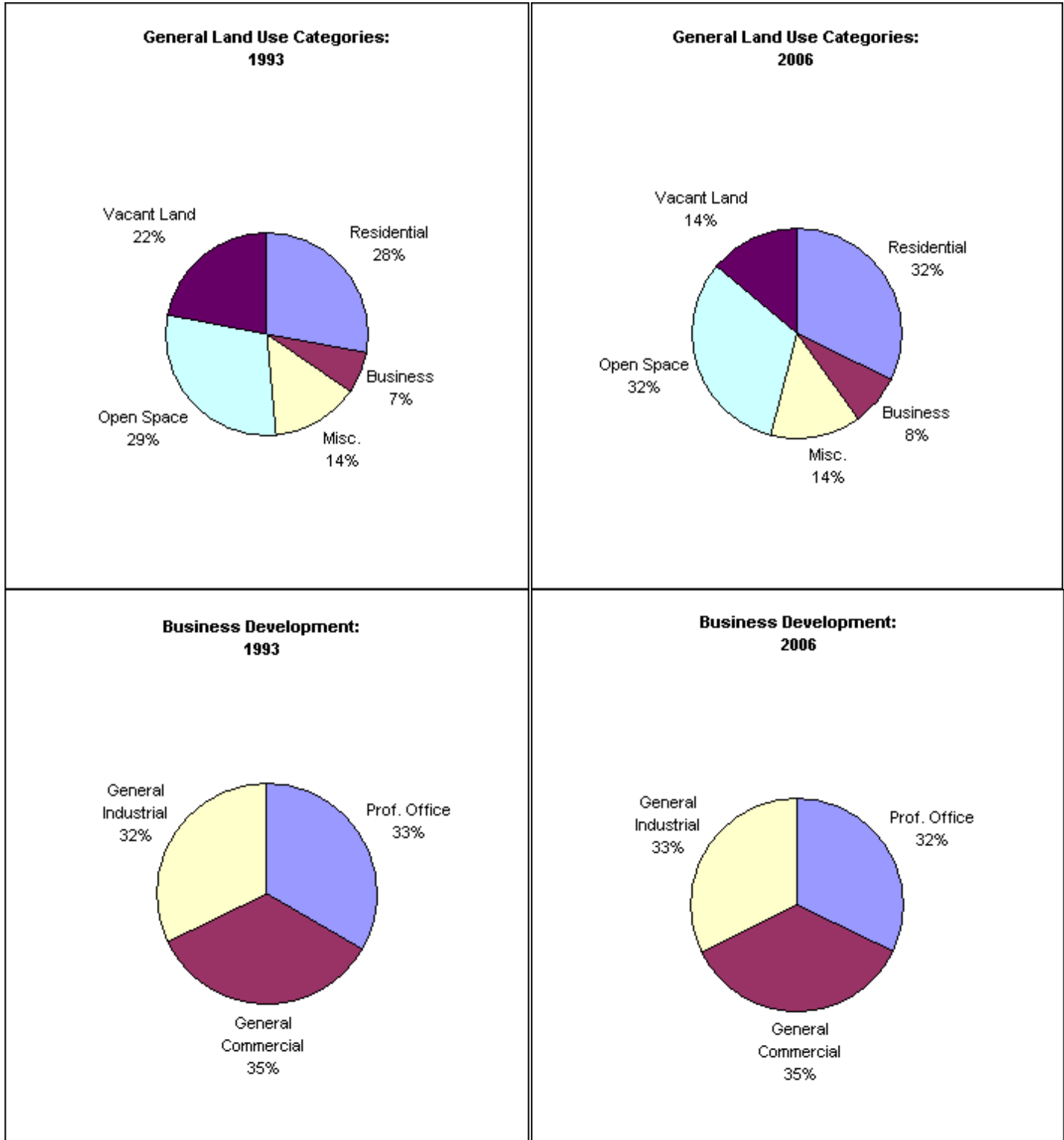


Table 18  
EXISTING LAND USE BY NEIGHBORHOOD  
Acres

CATEGORY	LAND USE	BATTERSON PARK	CENTRAL	EAST FARMS	FARMINGTON VILLAGE	FLOODPLAIN	HEALTH CENTER	HIGHLANDS	LAKE GARDAS	OAKLAND GARDENS	ROBBINS	SOUTH FARMINGTON	SOUTHWEST	TALCOTT	UNIONVILLE	WEST DISTRICT	TOTAL
<b>Residential</b>	Single Family	87	395	338	349	0	191	361	116	27	248	365	596	973	428	698	5,172
	2-4 Family	0	0	0	4	0	0	6	0	0	0	0	10	0	42	0	62
	Multifamily	8	143	22	49	0	126	14	0	5	0	25	128	0	98	89	707
	SUB-TOTAL	95	538	360	402	0	317	381	116	32	248	390	734	973	568	787	5,941
<b>Commercial/ Industrial</b>	Professional	186	20	13	7	0	101	1	0	6	13	14	82	0	3	5	451
	General	37	111	77	45	0	39	8	0	1	20	47	70	0	28	10	493
	General	0	37	0	0	0	0	0	0	0	0	19	329	0	17	53	455
	Excavation	0	68	0	0	117	0	0	0	0	0	66	0	0	0	0	251
	SUB-TOTAL	223	236	90	52	117	140	9	0	7	33	146	481	0	48	68	1,650
<b>Miscellaneous</b>		6	32	57	92	52	210	33	0	1	0	6	27	0	22	28	566
	Utility/Streets	141	135	284	87	10	176	76	34	18	75	101	213	101	148	139	1,738
	SUB-TOTAL	147	167	341	179	62	386	109	34	19	75	107	240	101	170	167	2,304
<b>Open Space</b>		281	977	136	307	1,09	105	59	3	162	58	406	890	301	239	313	5,333
	Major Water	0	59	26	12	160	0	16	11	0	0	0	0	20	55	14	373
	Public Schools	0	0	0	5	0	0	53	0	0	50	0	26	0	10	43	187
	Cemeteries	0	0	0	15	0	0	0	0	0	0	0	1	0	3	0	19
	SUB-TOTAL	281	1,0	162	339	1,25	105	128	14	162	108	406	917	321	307	370	5,912
<b>Vacant Land</b>	Vacant	99	52	29	50	16	70	23	18	1	92	497	513	426	348	38	2,272
	Vacant Non-	14	52	0	0	21	16	0	0	0	29	10	111	0	27	17	297
	SUB-TOTAL	113	104	29	50	37	86	23	18	1	121	507	624	426	375	55	2,569

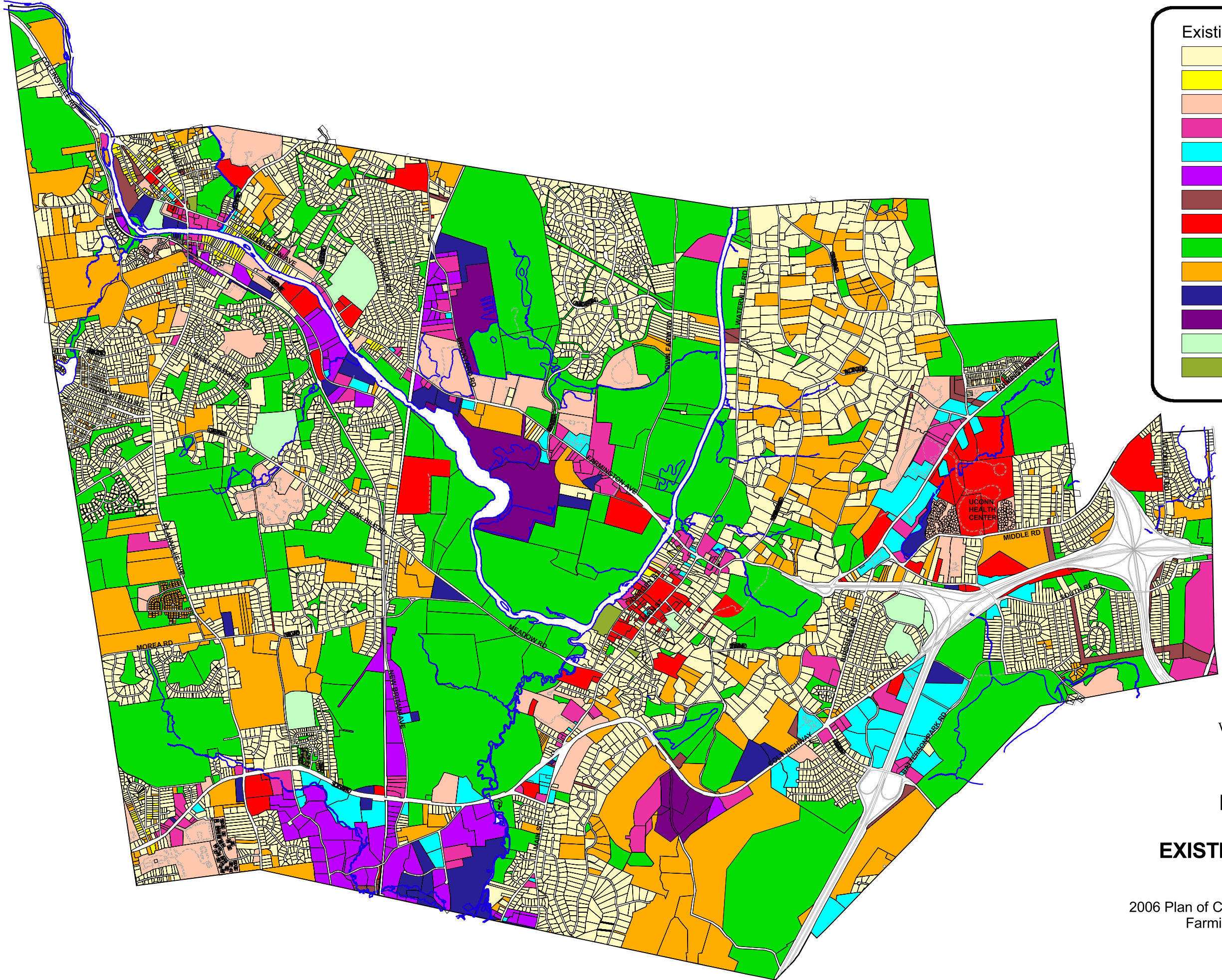


Table 19  
 EXISTING LAND USE BY NEIGHBORHOOD  
 Percent of Land Use Category in Each Neighborhood

CATEGORY	LAND USE															
		CENTRAL	EAST FARMS	FARMINGTON VILLAGE	FLOODPLAIN	HEALTH CENTER	HIGHLANDS	LAKE GARDA	ROBBINS	SOUTHWEST	TALCOTT	UNIONVILLE	WEST DISTRICT			
<b>Residential</b>	Single Family	10%	19%	34%	34%	0%	18%	56%	64%	12%	42%	23%	20%	53%	29%	48%
	2-4 Family	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	3%	0%
	Multifamily	1%	7%	2%	5%	0%	12%	2%	0%	2%	0%	2%	4%	0%	7%	6%
	SUB-TOTAL	11%	26%	37%	39%	0%	31%	59%	64%	14%	42%	25%	25%	53%	39%	54%
<b>Commercial/ Industrial</b>	Professional Office	22%	1%	1%	1%	0%	10%	0%	0%	3%	2%	1%	3%	0%	0%	0%
	General Commercial	4%	5%	8%	4%	0%	4%	1%	0%	0%	3%	3%	2%	0%	2%	1%
	General Industrial	0%	2%	0%	0%	0%	0%	0%	0%	0%	0%	1%	11%	0%	1%	4%
	Excavation	0%	3%	0%	0%	8%	0%	0%	0%	0%	0%	4%	0%	0%	0%	0%
	SUB-TOTAL	26%	11%	9%	5%	8%	14%	1%	0%	3%	6%	9%	16%	0%	3%	5%
<b>Miscellaneous</b>	Government/Institution	1%	2%	6%	9%	4%	20%	5%	0%	0%	0%	0%	1%	0%	1%	2%
	Utility/Streets	16%	6%	29%	9%	1%	17%	12%	19%	8%	13%	6%	7%	6%	10%	10%
	SUB-TOTAL	17%	8%	35%	18%	4%	37%	17%	19%	9%	13%	7%	8%	6%	12%	12%
<b>Open Space</b>	Recreation/Preservation	33%	47%	14%	30%	74%	10%	9%	2%	73%	10%	26%	30%	17%	16%	22%
	Major Water Bodies	0%	3%	3%	1%	11%	0%	2%	6%	0%	0%	0%	0%	1%	4%	1%
	Public Schools	0%	0%	0%	0%	0%	0%	8%	0%	0%	9%	0%	1%	0%	1%	3%
	Cemeteries	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
	SUB-TOTAL	33%	50%	17%	33%	85%	10%	20%	8%	73%	18%	26%	31%	18%	21%	26%
<b>Vacant Land</b>	Vacant Residential	12%	2%	3%	5%	1%	7%	4%	10%	0%	16%	32%	17%	23%	24%	3%
	Vacant Non-residential	2%	2%	0%	0%	1%	2%	0%	0%	0%	5%	1%	4%	0%	2%	1%
	SUB-TOTAL	13%	5%	3%	5%	3%	8%	4%	10%	0%	21%	33%	21%	23%	26%	4%
<b>TOTAL</b>		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

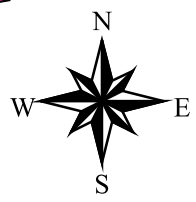
Table 20  
EXISTING LAND USE BY NEIGHBORHOOD  
Percent of Total Land Use Category in Each Neighborhood

CATEGORY	LAND USE	BATTERSON PARK	CENTRAL	EAST FARMS	FARMINGTON VILLAGE	FLOODPLAIN	HEALTH CENTER	HIGHLANDS	LAKE GARDA	OAKLAND GARDENS	ROBBINS	SOUTH FARMINGTON	SOUTHWEST	TALCOTT	UNIONVILLE	WEST DISTRICT	TOTAL
<b>Residential</b>	Single Family	2%	8%	7%	7%	0%	4%	7%	2%	1%	5%	7%	12%	19%	8%	13%	100%
	2-4 Family	0%	0%	0%	6%	0%	0%	10%	0%	0%	0%	0%	16%	0%	68%	0%	100%
	Multifamily	1%	20%	3%	7%	0%	18%	2%	0%	1%	0%	4%	18%	0%	14%	13%	100%
	SUB-TOTAL	2%	9%	6%	7%	0%	5%	6%	2%	1%	4%	7%	12%	16%	10%	13%	100%
<b>Commercial/ Industrial</b>	Professional Office	41%	4%	3%	2%	0%	22%	0%	0%	1%	3%	3%	18%	0%	1%	1%	100%
	General Commercial	8%	23%	16%	9%	0%	8%	2%	0%	0%	4%	10%	14%	0%	6%	2%	100%
	General Industrial	0%	8%	0%	0%	0%	0%	0%	0%	0%	0%	4%	72%	0%	4%	12%	100%
	Excavation	0%	27%	0%	0%	47%	0%	0%	0%	0%	0%	26%	0%	0%	0%	0%	100%
	SUB-TOTAL	14%	14%	5%	3%	7%	8%	1%	0%	0%	2%	9%	29%	0%	3%	4%	100%
<b>Miscellaneous</b>	Government/Institution	1%	6%	10%	16%	9%	37%	6%	0%	0%	0%	1%	5%	0%	4%	5%	100%
	Utility/Streets	8%	8%	16%	5%	1%	10%	4%	2%	1%	4%	6%	12%	6%	9%	8%	100%
	SUB-TOTAL	6%	7%	15%	8%	3%	17%	5%	1%	1%	3%	5%	10%	4%	7%	7%	100%
<b>Open Space</b>	Recreation/Preservation	5%	18%	3%	6%	21%	2%	1%	0%	3%	1%	8%	17%	6%	4%	6%	100%
	Major Water Bodies	0%	16%	7%	3%	43%	0%	4%	3%	0%	0%	0%	0%	5%	15%	4%	100%
	Public Schools	0%	0%	0%	3%	0%	0%	28%	0%	0%	27%	0%	14%	0%	5%	23%	100%
	Cemeteries	0%	0%	0%	79%	0%	0%	0%	0%	0%	0%	0%	5%	0%	16%	0%	100%
	SUB-TOTAL	5%	18%	3%	6%	21%	2%	2%	0%	3%	2%	7%	16%	5%	5%	6%	100%
<b>Vacant Land</b>	Vacant Residential	4%	2%	1%	2%	1%	3%	1%	1%	0%	4%	22%	23%	19%	15%	2%	100%
	Vacant Non-residential	5%	18%	0%	0%	7%	5%	0%	0%	0%	10%	3%	37%	0%	9%	6%	100%
	SUB-TOTAL	4%	4%	1%	2%	1%	3%	1%	1%	0%	5%	20%	24%	17%	15%	2%	100%



**Existing Land Use**

- Single Family Residential
- 2-4 Family Residential
- Multi-family Residential
- Commercial
- Professional Office
- Industrial
- Utility
- Government/Nonprofit
- Open Space/Recreation
- Vacant Residential
- Vacant Non-Residential
- Earth Excavation
- Public School
- Cemetary



**Map # 11**

**EXISTING LAND USE**

2006 Plan of Conservation & Development  
Farmington, Connecticut

### **XVIII. FUTURE LAND USE PLAN**

The Future Land Use Plan is composed of the Future Land Use Map (Map 12) as well as the specific development guidelines and policies found in the following neighborhood plans. These documents must be utilized together when making land use decisions since there will be occasions when circumstances described in the neighborhood plan would alter or require reconsideration of the preferable land use designation of a given parcel of land on the Future Land Use Map.

In developing the Future Land Use Plan the Commission considered the following: environmental conditions and constraints, current land use patterns, availability and adequacy of utilities and transportation systems, the planning objectives stated in the previous sections, the recently adopted Strategic Plan as well as the recommendations made by citizens through forums conducted over the last two years.

The actual decision to implement the recommendations contained in the Future Land Use Plan is dependent upon both a detailed analysis of the on site environmental features of a given parcel of land as well as a review of the particular circumstances external to that site including the operation of the surrounding road network and adjacent land use. In many cases a set of prerequisite conditions must be established before a recommendation of the Future Land Use Plan can be set in motion. An example of such a prerequisite may be the upgrade of an adjacent roadway or extension of a sanitary sewer line.

The zoning laws of the State of Connecticut do not generally permit municipalities to directly control the pace of development of its land once placed in a particular zoning district. Therefore, one of the few ways to affect the timing of growth within a town is through the zone change process. It must also involve a thorough assessment of the impacts of a land use change upon such issues as traffic safety and circulation, the community's infrastructure including schools and utilities and the provision of local services (i.e. fire, police and recreation).

All parcels of land have been classified into one of eight land use categories which are as follows: Residential (at four density classes), Commercial, Office, Industry, Government/Institution, Open Space, Utility and Transportation Rights-of-way and Water Bodies. Each is discussed below.

Residential - This category provides five levels of density as opposed to differentiating between housing types (i.e. single or multiple family). Since all five classes could accommodate some form of housing other than individual subdivision lots through application of the Town's cluster or RDM regulations, it would be impractical to precisely identify on this type of map all of the sites which would be appropriate for multiple family housing. A number of institutional uses currently permitted by the Farmington Zoning Regulations within residential zoning districts would also fit into this category.

Commercial - This classification includes retail and personal services, restaurants, recreational and lodging facilities. It would also permit office uses and many institutional uses.

Office - This category includes lodging facilities as well as a number of institutional uses.

Industry - This classification includes manufacturing, warehousing, wholesaling, lodging facilities, office uses, some institutional uses and a limited number of commercial uses including recreational facilities.

Government/Institution - This category in addition to government functions would also include health and special population care facilities, schools, museums and religious facilities.

Open Space - In applying this designation to various parcels on the Future Land Use Map, only those properties currently identified as permanent open space in Section X of this Plan or those parcels, which have no development potential due to environmental or regulatory constraints are shown on the Future Land Use Map as Open Space. Existing non-permanent open spaces in addition to those parcels identified by the Commission as future open space are described in the Open Space Plan in Section X. The reason this was done was to ensure that the Plan provided a recommended land use for a property in the case where such site was unavailable for acquisition or protection as open space.

At full development, based upon current household size, the Future Land Use Plan would allow Farmington's population to rise to an estimated 31,006 residents. This figure would be reduced if the Town was able to carry out the recommendations of the open space plan presented in Chapter X.

### PLANNING OBJECTIVES

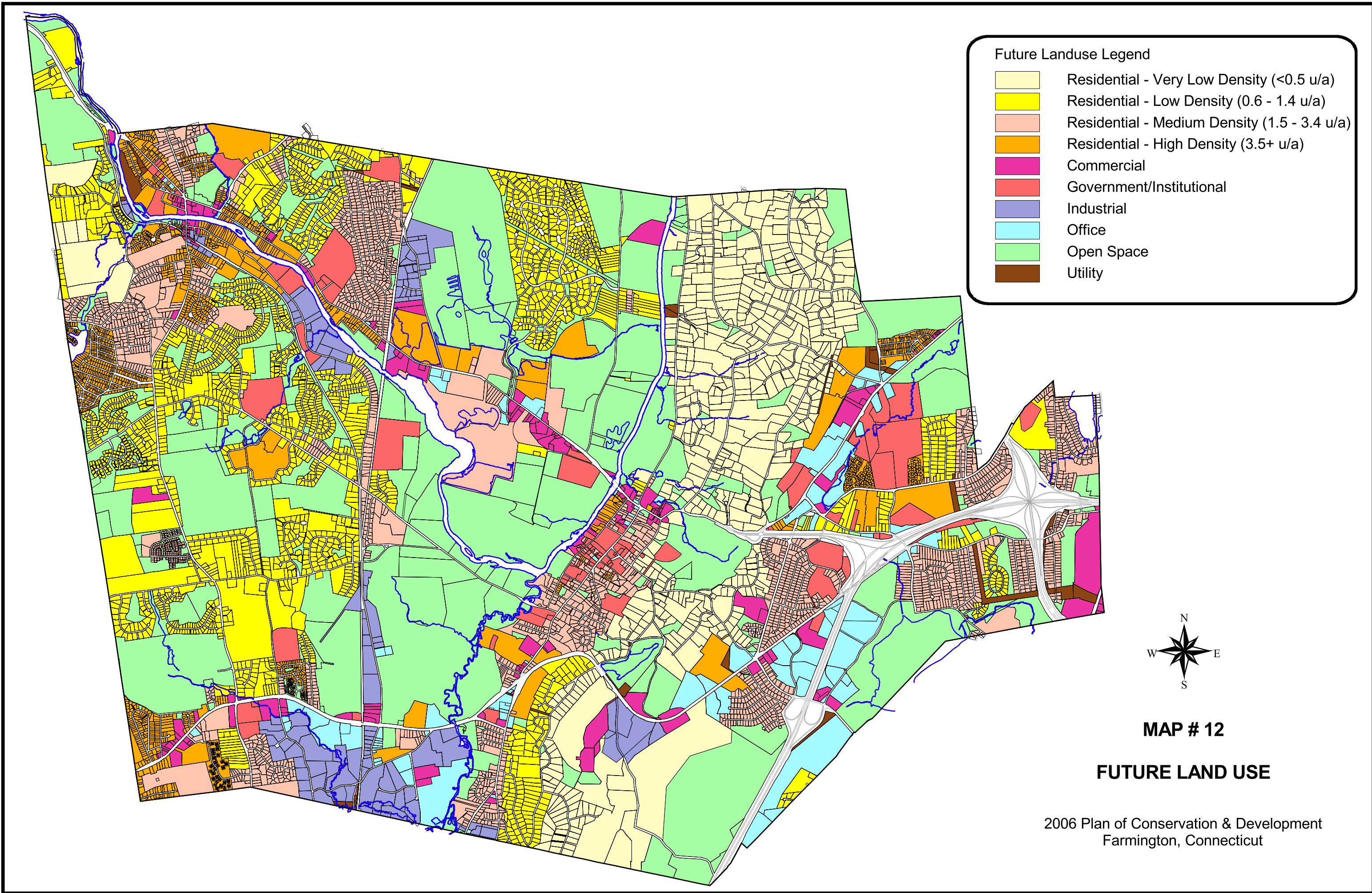
1. Preserve residential neighborhoods as stable, safe, vital and attractive living environments.
  - a. Institute safeguards to protect neighborhoods from the adverse effects posed by adjacent new development.
  - b. Parcels of land, which are contiguous to existing residential neighborhoods should only be developed in a compatible manner. In measuring compatibility, consideration should be given to similarity of uses (type, density, scale), traffic impacts, hours of activity, noise generation, lighting and design (setbacks and buffers).
2. Vacant land located along Farmington's arterials should primarily be developed as housing in order to reduce sprawl and preserve the Town's major activity centers. The density of such housing will generally range from medium to high in order to support mass transportation systems. The plan also

proposes that neighborhood centers be considered with mixed uses in order to provide services in a convenient manner, reducing dependence upon automobile trips while increasing opportunities for walking and the use of other non-motorized modes of transportation.

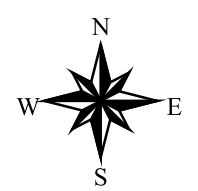
- a. Parcels of land, which have substantial depth should be developed in a clustered design in order to increase setbacks from the roadway. This design will ameliorate effects from traffic while providing a pleasant view from the abutting street.
  - b. Where the development of housing is not feasible the Town should encourage the development of land uses which generate lower volumes of traffic or which generate their greatest amount of traffic during off peak hours.
3. The following criteria shall be utilized in applying density standards to various areas of Town:
- a. Very low density (up to .5 units per acre) where average slope of land exceeds 20 percent; where soils present severe or very severe limitations for on site septic systems; for all areas included in a sewer avoidance program and where the existing neighborhood is characterized by very low density use.
  - b. Low density (.6 to 1.4 units per acre) where average slope of land is less than 20 percent; in areas, which contain active agricultural activity or prime agricultural soils; in areas which contain a significant concentration of sensitive environmental resources; in areas characterized by low or very low density development.
  - c. Medium density (1.5 to 3.5 units per acre) where average slope is less than 15 percent; where public sewers are readily available; in areas located between high density and low density neighborhoods; in areas presently characterized by medium density developments.
  - d. High density (3 to 5 units per acre) where average slope is less than 15 percent; where public sewer and public water is readily available; where areas are in close proximity to supporting services; to serve as a transition between dissimilar uses; where multiple family development can provide a feasible alternative to commercial development along those portions of arterial streets where single family homes are no longer desirable.
  - e. Very high density (over 5 units per acre) where average slope is less than 10 percent; where public sewer and water is readily available; where areas are in close proximity to supporting services; where areas are located immediate to secondary arterial and arterial roadways; to serve as a transition between dissimilar

uses; where multiple family development can provide a feasible alternative to commercial development along those portions of arterial streets where single family homes are no longer desirable.

4. Require single-family cluster development in order to:
  - a. Protect sensitive and desirable environmental features including wetlands, water bodies, ridgelines, vegetation, agricultural resources and open spaces.
  - b. Encourage the provision of affordable housing.
  - c. Protect new housing developments from impacts associated with major roadways and other incompatible uses.
5. Encourage the use of site design techniques including building orientation, street and lot layout and landscaping which maximize the potential for using passive solar energy.
6. Generally require all commercial property in excess of two acres be placed into the BR zone classification.
7. Situate to the greatest degree possible future industrial development in close proximity to I-84. This will reduce the movement of truck traffic through residential streets.
8. Consider redrafting Farmington's industrial zoning classifications to specifically eliminate retail and service uses. The present system may lead to having retail uses sited in areas not originally intended. The system of regulating land uses by special permit may in this case not be sufficiently adequate to control the growth of large retail uses in existing industrial areas. This change may also reduce pressure upon the value of industrial land in Town, allowing manufacturing and other typical industrial land uses to locate an adequate supply of land for future growth without competing with uses permitted in commercial zones.
9. Ensure that clustered single-family home development is well designed and compliments Farmington's existing neighborhoods and housing stock.
10. Consider developing a set of zoning regulations for the redevelopment of Farmington's older residential neighborhoods to maintain their current character. As the availability of land continues to diminish and the price of housing escalates, there will be more interest in replacing existing smaller homes with larger and taller residences.



- Future Landuse Legend
- Residential - Very Low Density (<0.5 u/a)
  - Residential - Low Density (0.6 - 1.4 u/a)
  - Residential - Medium Density (1.5 - 3.4 u/a)
  - Residential - High Density (3.5+ u/a)
  - Commercial
  - Government/Institutional
  - Industrial
  - Office
  - Open Space
  - Utility



**MAP # 12**

**FUTURE LAND USE**

2006 Plan of Conservation & Development  
Farmington, Connecticut



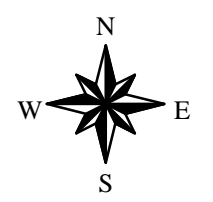
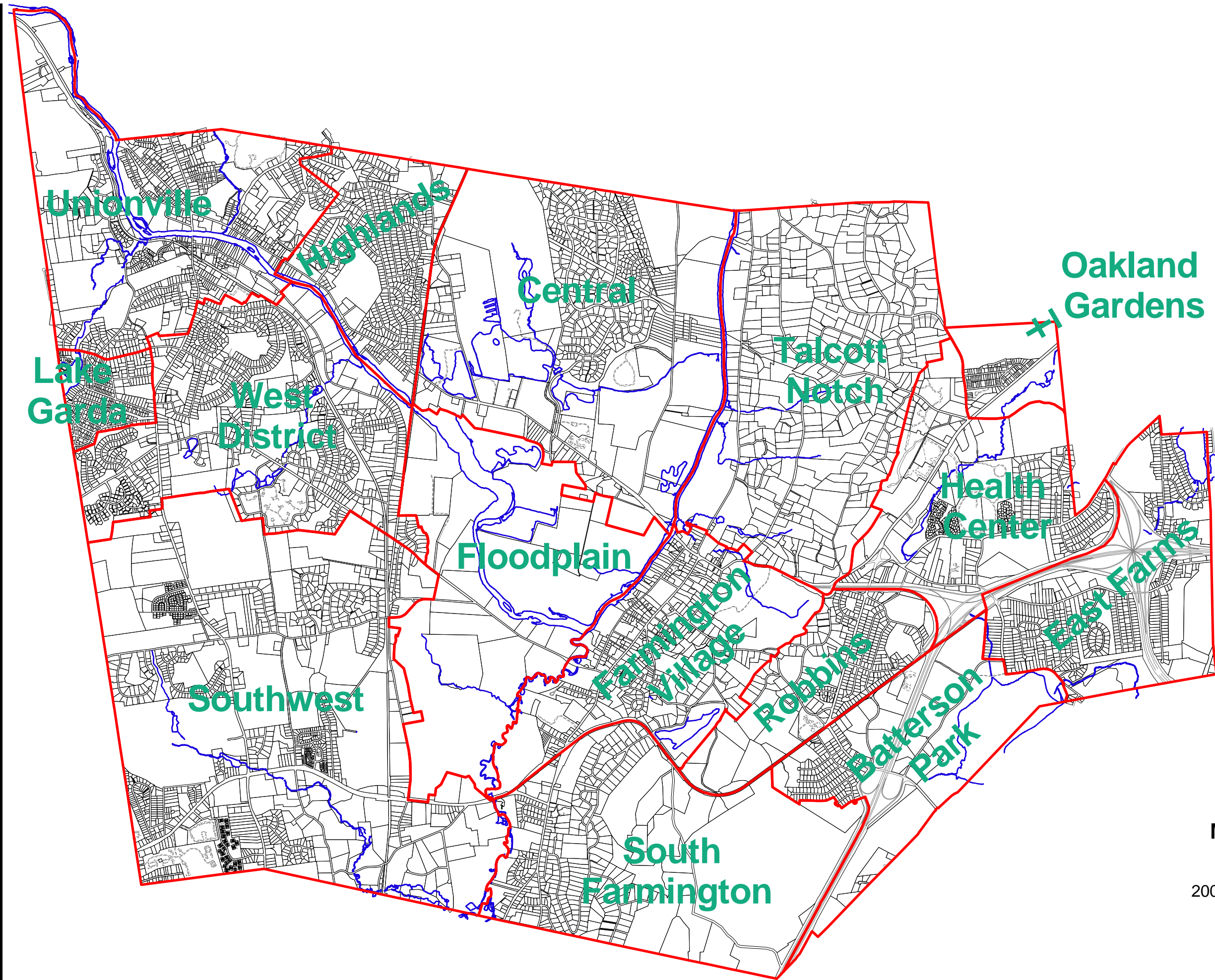
## **XIX. NEIGHBORHOODS**

This section of the Plan of Conservation and Development translates planning objectives found in preceding sections into more detailed development policies for specific locations. This includes recommendations for particular action as well as observations, which identify opportunities and constraints for individual parcels within each neighborhood.

The Plan of Conservation and Development has maintained the designation of 15 neighborhoods from the previous Plan. See also Map 13. This was done in order to permit direct comparisons of data from the 1982 Plan of Development to today.

A brief description of each neighborhood is followed by a set of policy statements and population statistics. These population statistics include the population of each neighborhood at full development as well as the percentage of the Town's future population growth attributable to each neighborhood. Full development of the Town is defined as the maximum development of all remaining vacant and underutilized land under current zoning designations and restrictions.

The following neighborhood analyses should be used together with the Future Land Use Plan and Map.



Map # 13

**MAP OF NEIGHBORHOODS**

2006 Plan of Conservation & Development  
Farmington, Connecticut

## BATTERSON PARK

The Batterson Park neighborhood is located in southeastern Farmington and bounded by Route 6 to the north, the New Britain city line to the south, Dead Wood Swamp to the west and Two Mile Road with its adjoining residences to the east. Future development of this neighborhood will be influenced chiefly by the presence of I-84. The scope and scale of this development must take into account the availability of an adequate water system for domestic and fire supply and the surrounding road network as well as the potential impact upon the water quality of Batterson Park Pond. The largest parcel of land with the greatest development potential is owned by the City of Hartford and lies to the west of Fienemann Road. It is presumed that all land owned by the City of Hartford and located to the east of Fienemann Road will remain as recreational use.

### Development Policies

1. Encourage the development of office, research and development, lodging and institutional uses along the I-84 corridor.
2. Ensure that all new development located within the Batterson Park Pond watershed contains a water quality management plan. Such plans should promote to the greatest degree possible subsurface drainage systems in addition to the use of catchment structures for the attenuation of pollutants and landscaping maintenance programs, which produce the least amount of nutrient runoff.
3. The largest single vacant parcel in this neighborhood, located to the south of I-84 and west of Fienemann Road, should be developed for office or research and development use.
4. Farm Springs Road should remain a dead end in order to prevent through traffic from using Terrie Road.
5. Maintain residential zoning districts within this neighborhood. The conversion of these areas for commercial use will exacerbate traffic congestion and safety and negatively impact the value, use and enjoyment of adjoining residences.

Population Statistics

2005 Population:	681			
1990 Population:	628			
Percent Change 1990-2005:	+8			
Build Out Population:	841			
Percent Change 2005-Build Out:	+23			
Neighborhood Percentage of Town's Future Population Growth:	2.9			
1990 Population Density:	.71	Persons	per	Acre
2005 Population Density:	.77	"	"	"
Build Out Population Density:	.95	"	"	"

## CENTRAL

The area of this neighborhood extends from the railroad right-of-way to the Farmington River and from the Avon town line to the boundary of the flood zone south of Farmington Avenue. Many of the properties, which constitute the eastern and southern boundaries of this area are located in either the Town's flood zone or flood fringe. As a result this neighborhood contains a large portion of permanent open space.

Land uses in the Central neighborhood are quite diverse including low and high-density residential use as well as a number of office and retail establishments.

The presence of Farmington Avenue transecting this neighborhood will have the greatest impact on its character over the next decade.

### Development Policies

1. Establish development along Route 4, which would not require the need for an additional traffic light. Where feasible access to larger vacant parcels should be limited to existing intersecting streets.
2. Although residential development is recommended for much of the vacant land along Route 4, this use should be well set back and buffered from the street.
3. Land use in the vicinity of the existing Connecticut Sand and Gravel well must be in harmony with the State's Aquifer Protection Program.
4. While the operation of public and semipublic recreation areas within the floodplain may be encouraged and supported by the Town, the establishment of accessory structures should be discouraged and rigorously regulated. The future development of this area should also consider the objectives and recommendations from the regional biodiversity study.
5. Remnants of the former Farmington Canal should be maintained through application of the Town's Zoning and Subdivision regulations.
6. Establish use controls for preexisting nonconforming uses within the Flood Zone district, such as the Polo Grounds.
7. The zoning classification of the Greenbriar office site as well as the adjacent vacant land to the east and south should consider a mixed-use development of office, retail and medium density housing. However this type of development should be linked to the construction of a service road (between Brickyard Road and Melrose Drive), service by mass transit and the ability of Route 4 to accommodate increased traffic from this site.

8. The northern portion of the Dunning Sand and Gravel property fronting on Brickyard Road should be reserved for light industrial, office or institutional use. Design elements should provide for a transition between industrial uses to the south and the residential/recreational uses to the north.
9. Ensure that as vacant lands are developed along the route of the proposed service road owners either construct a portion of the road or financially contribute to its development.

Population Statistics

2005 Population:	2,759			
1990 Population:	1,897			
Percent Change 1990-2005:	+45			
Build Out Population:	2,795			
Percent Change 2005-Build Out:	+1.3			
Neighborhood Percentage of Town's Future Population Growth:	.06			
1990 Population Density:	.89	Persons	per	Acre
2005 Population Density:	1.28	"	"	"
Build Out Population Density:	1.30	"	"	"

## EAST FARMS

The boundaries of the East Farms neighborhood extend from the West Hartford/Newington town lines to Interstate 84. The western edge of this community is formed by the Batterson Park and Camp Courant properties. Prominent physical features include the Route 9/I-84 interchange, Wood Pond and one of the most valuable privately owned wetland areas in the Town located between Ridgeview Drive and I-84. While East Farms is the location for some of the older subdivisions in Farmington, many of these areas are still not served by public sewer and water.

The commercial development along Route 71 as well as the presence of two highways substantially impact this area. The completion of the Westfarms Mall expansion has not resulted in significant volumes of new traffic through the residential streets of this neighborhood.

### Development Policies

1. Maintain low-density residential zoning designation for the Monastery property.
2. Establish a program to monitor the operation of existing subsurface sewage systems throughout this neighborhood. Public sewers should be extended throughout this area as soon as possible.
3. Future development within the Wood Pond watershed should be undertaken in such a manner, which protects the pond's water quality.
4. Commercial zoning should not extend to the west of Woodruff Road nor east of the present zoning boundary near Two Mile Road.
5. This neighborhood should benefit by the proposed improvements to the I 84 interchange system, particularly with the construction of a service road that will permit traffic from Route 4 to directly access Route 9 without using South Road as well as the South Road - Two Mile Road intersection. However the neighborhood needs additional pedestrian paths and walks as well as improved access to convenient recreational areas.

### Population Statistics

2005 Population:	1,530
1990 Population:	1,058
Percent Change 1990-2005:	+44
Build Out Population:	1,848
Percent Change 2005-Build Out:	+21

Neighborhood Percentage of Town's Future Population Growth:	5.9			
1990 Population Density:	1.06	Persons	per	Acre
2005 Population Density:	1.56	"	"	"
Build Out Population Density:	1.88	"	"	"



## FARMINGTON VILLAGE

The Farmington Village neighborhood is bounded on the west by the Farmington and Pequabuck Rivers, on the east by a line essentially extending from the eastern border of the Hill- Stead Museum and the Farmington Reservoir, on the south by Route 6 and the north by Route 4 and the I-84 connector. The character of this neighborhood continues to be most strongly influenced by the historic district and its adjoining historic residences as well as Miss Porter's School. While generally developed, this area does contain a number of acres of vacant land mostly in the form of excess property associated with a number of existing homes.

### Development Policies

1. The commercial zoning district along the Route 4 corridor should not expand beyond its present boundaries.
2. Consideration should be given to developing a service road north of Route 4 between Mountain Spring Road and the Farmington Country Club. If this project is constructed existing structures lying adjacent to this roadway may be encouraged to be converted to retail or office use.
3. Further commercial development along Route 10 between Route 4 and Meadow Road should be strongly discouraged.
4. It is appropriate to permit the premises known as 185 Main Street to be used for limited commercial or institutional use providing activity is limited to the existing structures and the remainder of the property is permanently preserved as open space.
5. Sidewalks should be extended to allow for improved access to the village, especially along Route 4.
6. Residential development of the eastern portion of this neighborhood should be maintained as very low density due to the presence of steep slopes and as a means of preserving the quality of the area occupied by the Hill- Stead Museum.
7. The flood zone area should be carefully maintained in order to preserve the floodplains of the Pequabuck and Farmington Rivers.
8. Expand the use of the former Farmington reservoir as a passive recreation area.
9. Expand the boundaries of the current historic district in conjunction with the plan developed by the Farmington Historic District Commission.
10. Foster greater cooperation between the Town and Miss Porter's School in order to coordinate the school's future needs and expansion.

Population Statistics

2005 Population:	1,631			
1990 Population:	1,271			
Percent Change 1990-2005:	+28			
Build Out Population:	1,933			
Percent Change 2005-Build Out:	+18.5			
Neighborhood Percentage of Town's Future Population Growth:	5.6			
1990 Population Density:	1.4	Persons	per	Acre
2005 Population Density:	1.8	"	"	"
Build Out Population Density:	2.13	"	"	"

## FLOODPLAIN

The boundary of the Floodplain neighborhood essentially follows the limit of the Town's flood zone district south of Route 4. It extends to Route 6 to the south and from the Pequabuck and Farmington Rivers to the vicinity of New Britain Avenue east to west. This area is and will remain predominantly undeveloped due to the occurrence of frequent flooding and ownership of a majority of this property by State and local government. The northern portion of this neighborhood is underlain by the most productive area of Farmington's stratified drift aquifer.

### Development Policies

1. Continue to monitor quality of groundwater in the vicinity of the former sanitary landfill adjoining Tunxis Mead Park.
2. Closely monitor current sand and gravel operations to ensure no degradation of the natural environment. Specifically assess impact upon groundwater, floodplain capacity and surface water quality of the Farmington River.
3. All sand and gravel operations in this neighborhood should eventually be converted to open space.
4. Continue to develop Quirk Park as the Town's major recreational facility. However this development must be undertaken in a manner, which preserves the value and function of the park's wetland and floodplain system and its value within Farmington's biodiversity plan.
5. Maintain the border of the existing flood zone district. Permit structures within this zone for recreational, agricultural and government purpose only.

## HEALTH CENTER

The Health Center neighborhood encompasses an area, which is bordered by the West Hartford town line to the east, residences along Metacomet and Prattling Pond Roads to the west, I-84 to the south and the Oakland Gardens community to the north. Development patterns have and will continue to be most affected by the presence of the UConn Health Center as well as the area's proximity to I-84 and Route 4.

### Development Policies

1. Based upon the configuration of the lots, the presence of significant wetlands and existing land use patterns, the area bounded by Munson Road, Middle Road and South Road should remain classified as low density residential.
2. Property not already categorized commercial and situated to the south of South Road should be categorized as low density residential.
3. Sidewalk development within the area of Route 4 should be expanded to facilitate pedestrian access. Sidewalks or trails should be installed to link the residential portion of this neighborhood with Route 4.
4. Maintain the former landfill site as limited storage area.
5. Coordinate land use policies with the Health Center, which may seek to expand more of their facilities off campus.
6. Consider adding additional retail services along Route 4 in order to serve the nearby residential neighborhood.

### Population Statistics

2005 Population:	1,723			
1990 Population:	1,272			
Percent Change 1990-2005:	+35			
Build Out Population:	1,869			
Percent Change 2005-Build Out:	+8.5			
Neighborhood Percentage of Town's Future Population Growth:	2.7			
1990 Population Density:	1.2	Persons	per	Acre
2005 Population Density:	1.62	"	"	"
Build Out Population Density:	1.76	"	"	"

## HIGHLANDS

The Highlands neighborhood is bounded by the multi-use recreation trail, the Avon town line on the north, the Farmington River to the south and the Burke Estates subdivision on the west. Although mostly developed, this area experienced a substantial population increase over the last ten years. Future development within this neighborhood will predominantly consist of single-family residences and modifications to existing homes, which were constructed a number of decades ago.

### Development Policies

1. Sidewalks should be extended along the north side of Route 4.
2. Subdivisions of vacant land should be clustered where possible, with lot sizes consistent with the R20 Zone.
3. The residential zoning districts should be maintained along Route 4 essentially at current densities.

### Population Statistics

2005 Population:	1,864			
1990 Population:	1,923			
Percent Change 1990-2005:	-3			
Build Out Population:	1,927			
Percent Change 2005-Build Out:	+3.4			
Neighborhood Percentage of Town's Future Population Growth:	1.2			
1990 Population Density:	2.85	Persons	per	Acre
2005 Population Density:	2.8	"	"	"
Build Out Population Density:	2.85	"	"	"

## LAKE GARDA

Lake Garda, Farmington's smallest neighborhood unit, is also its most densely developed. This 185-acre area lies adjacent to the Burlington border and is bounded by Plainville Avenue and West Meath Lane on the east, Burlington Road on the north and the Woodside Estates subdivision to the south. Future development will ease even further with construction limited to approximately sixty legally preexisting nonconforming lots.

### Development Policies

1. Complete the extension of public sewer and water service throughout the entire neighborhood.
2. Upgrade the storm water system to reduce harmful deposits of sand and pollutants into Lake Garda.
3. Maintain the existing R9 and R12 Zones.
4. Consider developing a sidewalk or path system within the Neighborhood to facilitate pedestrian circulation.

### Population Statistics

2005 Population:	1,122			
1990 Population:	1,001			
Percent Change 1990-2005	+12			
Build Out Population:	1,339			
Percent Change 2005-Build Out:	+19			
Neighborhood Percentage of Town's Future Population Growth:	4			
1990 Population Density:	5.4	Persons	per	Acre
2005 Population Density:	6.0	"	"	"
Build Out Population Density:	7.24	"	"	"

## OAKLAND GARDENS

The Oakland Gardens neighborhood is located to the north of Farmington Avenue and to the west and south of the West Hartford town line. Old Mountain Road forms the area's western border. The provision of public water and sewer throughout this community will continue to permit the construction of a relatively small number of homes upon legally preexisting nonconforming lots.

### Development Policies

1. Single family homes should continue to be the predominate land use within this neighborhood.
2. Maintain Maple Avenue as a dead end road, prohibiting thru traffic from using this street as a route to bypass the traffic light at the corner of Old Mountain Road and Route 4.
3. The sidewalk system should be expanded in this area to provide improved access within the neighborhood as well as to nearby commercial establishments.
4. The residential zoning district along Farmington Avenue should be retained. Although today's traffic volumes have had a negative impact upon these residences the number of lots (and associated curb cuts) and their size does not make them suitable for commercial use. Furthermore the existing homes are sufficiently set back from the road and they do not face commercial buildings.

### Population Statistics

2005 Population:	295			
1990 Population:	233			
Percent change 1990-2005	+27			
Build Out Population:	317			
Percent Change 2005-Build Out:	+7.5			
Neighborhood Percentage of Town's Future Population Growth:	.4			
1990 Population Density:	1.01	Persons	per	Acre
2005 Population Density:	1.28	"	"	"
Build Out Population Density:	1.37	"	"	"

ROBBINS

The Robbins neighborhood is bounded by Route 6 to the south, the Hill-Stead Museum to the north, Route 4/I-84 to the east and to the west by the former Farmington reservoir. East of Birdseye Road this neighborhood is mostly developed while the western portion contains a large amount of vacant acreage, particularly along Route 6. Several of the larger parcels in this area were purchased by the Town of Farmington over the last several years.

Development Policies

1. Maintain the R80 zoning classification of land surrounding the Hill-Stead Museum in order to preserve the character of the museum's landscape.
2. Rezone residential home sites located on the west side of Birdseye Road, north of Paul Spring Road, to R20 in order to eliminate current zoning nonconformities.
3. Commercial development should not be extended to the north side of Route 6 between Birdseye Road and Wolf Pit Road.

Population Statistics

2005 Population:	784			
1990 Population:	673			
Percent Change 1990-2005:	+16			
Build Out Population:	911			
Percent Change 2005-Build Out:	+16			
Neighborhood Percentage of Town's Future Population Growth:	2.4			
1990 Population Density:	1.12	Persons	per	Acre
2005 Population Density:	1.31	"	"	"
Build Out Population Density:	1.54	"	"	"



## SOUTH FARMINGTON

The South Farmington neighborhood extends east to west from I-84/Fienemann Estates to the Pequabuck River. It is bounded on the north by Route 6 and on the south by the Plainville town line. The western section of this area is characterized by mixed land use and higher density development while the eastern section is dominated by large expanses of open space, much of which, due to steep grades and wetlands, posing severe constraints to development.

### Development Policies

1. Existing areas used for mining operations should be utilized in the future for the processing of earth products or light industry. However the Town should not permit the physical expansion of these sites.
2. The floodplain and wetland system associated with the Pequabuck River should be protected from encroachments.
3. The existing communication towers located on Rattlesnake Mountain should continue to be utilized to accommodate advances in technical equipment without increasing the size and height of such towers and without posing a threat to nearby residences.
4. While the privately owned property located to the south of Route 6 possesses some of the most severe terrain in Farmington consideration should be given to clustering development in detached structures in areas of moderate grade providing public sewer is available.
5. Development in this neighborhood should be done in a manner, which minimizes disturbance to the Metacomet Trail.
6. Commercial and industrial districts located within the Route 10 and Scott Swamp Road corridors should not be expanded.

### Population Statistics

2005 Population:	975
1990 Population:	905
Percent Change 1990-2005:	+8
Build Out Population:	1,195
Percent Change 2005-Build Out:	+22
Neighborhood Percentage of Town's Future Population Growth:	4
1990 Population Density:	.55 Persons per Acre
2005 Population Density:	.59 " " "
Build Out Population Density:	.73 " " "

## SOUTHWEST

The Southwest neighborhood is bounded on the west by the City of Bristol, on the south by the Plainville town line, on the east by the Shade Swamp Wildlife Sanctuary along with the Pequabuck River and on the north by Coppermine Village and the northern border of the Town Forest. In addition to being Farmington's largest neighborhood geographically, it also contains the greatest amount of vacant land. However this area also has the largest concentration of permanent open space with the exception of the Floodplain neighborhood.

Future development will occur within all three major land use categories, with residential growth primarily north of Route 6 and commercial and industrial expansion taking place principally south of Route 6.

### Development Policies

1. Rezone all property to the south and west of the Trotters Glen subdivision to R40. Utilize cluster development extensively within this sub neighborhood as a device to preserve active farmlands.
2. Drainage plans associated with development of property located north of Morea Road and within the Scott Swamp Brook watershed should generally contain detention in order to provide sufficient flow for the brook and its associated wetland systems as well as to prevent further incidences of flooding on Morea Road.
3. Maintain residential zoning classifications for all developed properties along Route 6 and Hyde Road east of New Britain Avenue.
4. Nonresidential zoning districts should not be expanded within the Route 6 corridor. The Future Land Use map eliminates some existing commercial zones in order to discourage strip development and traffic on Scott Swamp Road.
5. The vacant parcel located on the southwest corner of Route 6 and Route 177 currently zone for business, should be developed for uses that would generate a low to moderate volume of traffic. This site may also be appropriate for multiple-family housing if it is merged with the property immediately located to the west. Access to the site should be established as right turn in only from Route 6 and provided a substantial distance away from the intersection, preferably limited to opposite the entrance to Tunxis Community College.
6. Expansion of the municipal golf course may be undertaken with the appropriate environmental controls. Additional parking facilities may be required to accommodate this expansion.

7. The vacant property situated across Route 6 from Brookshire Lane is appropriate for low to medium density clustered attached or detached housing. Access to this site can be provided from both Plainville Avenue and Scott Swamp Road.
8. Property to the south of Wells Acres along the Plainville town line should remain zoned as medium density residential in order to buffer the existing residences from further encroachment by industrial uses.
9. The vacant parcel located on the corner of Route 6 and the Bristol town line is appropriate for medium to high density housing if it were to be combined with other parcels to the east or the Farmington Edge Condominiums.
10. A majority of the area now occupied by the Farmington Industrial Park as well as portions of the adjoining Farmington Corporate Park will be overlaid by the new aquifer protection regulations. The Town must work with existing property owners to develop uses for these buildings, which are not prohibited by these regulations.
11. Property at the corner of Spring Lane and Route 6 is currently zoned industrial and is suitable for office or limited commercial use. Any development plan should consider the impact on residences on the north side of Route 6. Access to Scott Swamp Road should not be allowed.
12. A number of the commercial sites lining the west end of Route 6 do not conform to current zoning standards. Additional landscaping and reductions in impervious surface should be encouraged when these sites are brought in front of the Commission for future review. In addition the widths of driveways serving a number of these sites should be reduced.

Population Statistics

2005 Population	4,070			
1990 Population:	2,766			
Percent Change 1990-2005	+47			
Build Out Population	5,962			
Percent Change 2005-Build Out:	+46			
Neighborhood Percentage of Town's Future Population Growth:	35			
1990 Population Density:	.92	Persons	per	Acre
2005 Population Density:	1.36	"	"	"
Build Out Population Density:	1.99	"	"	"

TALCOTT

Bounded on the north by the Avon town line and on the west by the Farmington River, this neighborhood extends easterly to the rear of a number of businesses and multiple family residences located on Route 4 and southerly to the I-84 connector and Farmington Village. This area reflects the Town's most homogeneous land use pattern and its rugged topography coupled with the substantial absence of public sewer and water will maintain this characteristic in the future. Development pressure within this neighborhood is expected to remain low.

Development Policies

1. Retain the R 80 zoning designation, which covers most of the land in this neighborhood. The existing sewer avoidance area which overlays much of this neighborhood must be reinforced with alterations to the R 80 regulations to ensure viability of on site sewage disposal systems. These recommended changes are found in the Town's recently completed Environmental Inventory and Plan.
2. Several of this neighborhood's roadways have design deficiencies. Safety improvement plans must be designed and undertaken in balance with the natural landscape and current and future scenic road designations.
3. Maintain the ridgeline protection regulations as a viable method to balance the protection of this resource against the rights of affected property owners.
4. Consider additional homes along Mountain Spring Road for inclusion in the Farmington Historic District.

Population Statistics

2005 Population:	941			
1990 Population:	578			
Percent Change 1990-2005	+63			
Build Out Population:	1,521			
Percent Change 2005-Build Out:	+62			
Neighborhood Percentage of Town's Future Population Growth:	11			
1990 Population Density:	.32	Persons	per	Acre
2005 Population Density:	.51	"	"	"
Build Out Population Density:	.83	"	"	"

## UNIONVILLE

The Unionville neighborhood is bordered by the Burlington town line to the west, the Avon town line to the north, the Highpoint West subdivision to the east and the Heritage Woods sub-division along with Burlington Road on the south. Unionville Center serves as one of Farmington's two village centers. Unionville has recently lost some of its long standing industrial uses but has retained others in the area of New Britain Avenue and Depot Place. While the eastern section is substantially developed, the western area contains significant amounts of vacant land. Several of these parcels are the subject of development plans. The neighborhood contains many community facilities such as a post office, community center, museum, and firehouse and is the location of most of the Town's subsurface water supply.

### Development Policies

1. The residential zoning classifications along Route 4 should be maintained. This policy will keep new vehicle trips to a minimum while protecting the viability of existing residences. In some instances it may be necessary to permit the use of home occupations and the conversion of larger homes into multiple family housing.
2. Properties on Railroad Avenue should be rezoned to R9.
3. The Town must work cooperatively with the private property owners in Unionville Center to facilitate the implementation of the design plan authored by the team from the University of Connecticut and Yale University. Support for this project should include the initiation of road improvements and streetscape improvements.
4. The land use designation for property located west of River Road should remain as low density residential.
5. Nonresidential zoning along New Britain Avenue should not be expanded.
6. The industrial property at 150 New Britain Avenue is surrounded by residential land uses. While this property could continue to function as an industrial site, it could also be considered for residential development.
7. Historic structures identified in a study for the historic district proposed in 2003 should be individually protected by municipal regulation or placed into a new historic district.

### Population Statistics

2005 Population:	3,384
1990 Population:	2,665
Percent Change 1990-2005:	+27

Build Out Population:	4,418			
Percent Change 2005-Build Out:	+30			
Neighborhood Percentage of Town's Future Population Growth:	19			
1990 Population Density:	1.8	Persons	per	Acre
2005 Population Density:	2.28	"	"	"
Build Out Population Density:	2.97	"	"	"

## WEST DISTRICT

This neighborhood's northern border is defined by the Farmington River, the terminus of Forest Street and Plainville Avenue. It is bounded on the west by the Lake Garda neighborhood and the Bristol town line, to the south by the Town Forest, Red Oak Hill Road and the southern border of Coppermine Village and to east by the railroad right-of-way. With the exception of a number of parcels fronting on New Britain Avenue, this neighborhood may be characterized as residential. Future development activity will be limited to a number of smaller properties.

### Development Policies

1. The industrial zoning district along New Britain Avenue should not be expanded.
2. If the site of the former gasoline station located at the corner of Plainville Avenue and Burlington Road is ever permitted to be redeveloped, the future use and site design should conform significantly to the Town's current coverage, landscaping and driveway regulations.
3. Commercial development along Plainville Avenue should not be expanded.
4. The sidewalk system to West District Road should be improved and expanded.

### Population Statistics

2005 Population:	3,880			
1990 Population:	3,738			
Percent Change 1990-2005	+4			
Build Out Population:	4,130			
Percent Change 2005-Build Out:	+6			
Neighborhood Percentage of Town's Future Population Growth:	4.5			
1990 Population Density:	2.5	Persons	per	Acre
2005 Population Density:	2.59	"	"	"
Build Out Population Density:	2.76	"	"	"

## **XX. PLAN IMPLEMENTATION AND SCHEDULE**

In order to implement the various elements of this plan there must be a coordinated effort between the various local, regional and state land use and planning bodies, the town council and the private sector. This plan has been particularly developed to compliment and support the state and regional long range plan as well as Farmington's strategic plan.

Many of the proposals found in this document may only come to fruition if funding is made available. Whether it is for the expansion of the Town's sidewalk system, improvements to the road network or other infrastructure, or the addition of new conservation or recreation areas to our existing inventory, adequate dollars must be provided at the state or local level. This also applies to the continued management and maintenance of our public land and buildings. Most of this funding will be appropriated through the Town's capital budget. This coupled with an effort to obtain Farmington's fair share of grants and loans from the state and federal sources will be needed to upgrade the major elements of the Town's transportation and utility systems.

Following the adoption of this plan a matrix will be developed to assign the responsibility for implementing the recommendations contained in this report along with a timetable and approximate funding levels.



72.869444° W

72.866667° W

72.863889° W

72.861111° W

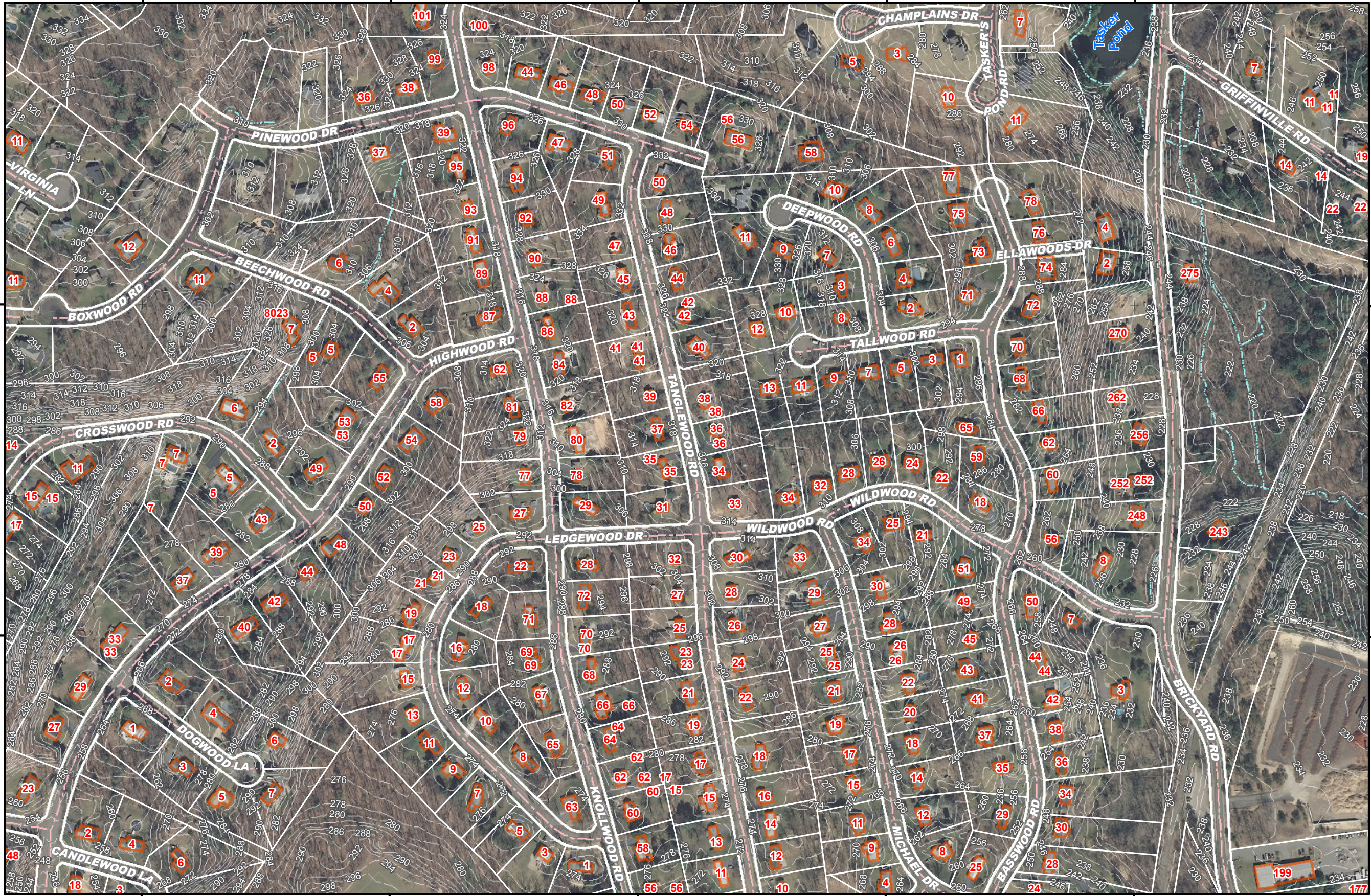
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41.758333° N

41.755556° N

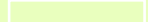
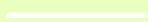
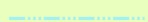
41.758333° N

41.755556° N



**TOWN OF FARMINGTON  
HARTFORD COUNTY,  
CONNECTICUT  
HIGHLANDS AREA**

**LEGEND**

-  Parcels
-  Roadway
-  Waterway

**NOTE:**  
All GIS data depicted on this map is subject to the terms of the Town of Farmington, Connecticut, GIS Agreement.  
Orthographic Photo provided by the U.S. Department of Agriculture, as of 2006

These assessor maps are not land record maps and should not be used for deed description or any reference. Report any inaccuracies to the office of the Town Engineer. All Avenues, Streets Roads and Lanes are shown whether accepted, proposed, or dedicated by deed.

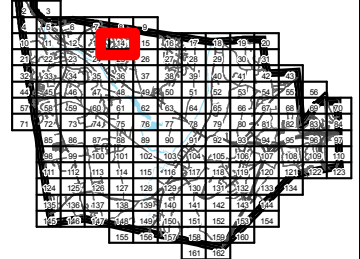
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Vertical Datum references the National Geodetic Datum of 1929. Contour intervals are 2 feet.

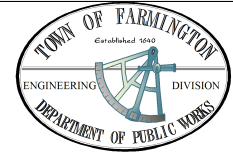
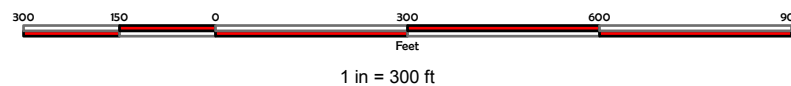
Map conforms to National Map Accuracy Standards.

Digital photogrammetric mapping by: Quinn Associates, Horsham, PA., Date of photography, March 19, 1990.

**LOCATION MAP**



Document Path: O:\Farmington\_GIS\Projects\Misc\HighlandCellTower\_17X11.mxd



SHEET NO. 1/1

**HIGHLANDS AREA**  
DATE PRINTED 01/30/2015

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41.752778° N

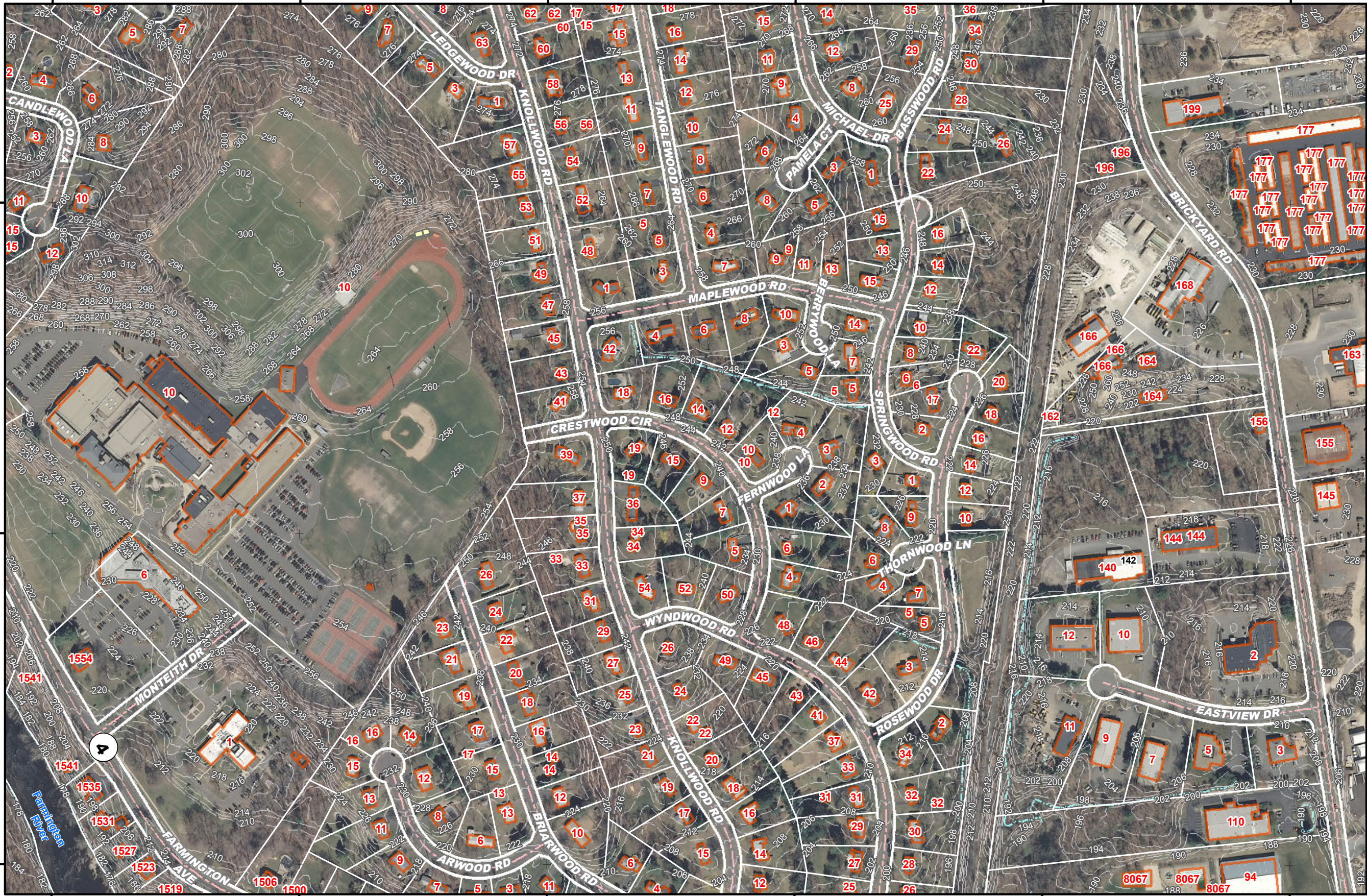
41.75° N

41.747222° N

41.752778° N

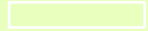
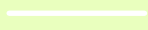

41.75° N

41.747222° N



**TOWN OF FARMINGTON  
HARTFORD COUNTY,  
CONNECTICUT**  
**HIGHLANDS AREA-2**

**LEGEND**

-  Parcels
-  Roadway
-  Waterway

**NOTE:**  
All GIS data depicted on this map is subject to the terms of the Town of Farmington, Connecticut, GIS Agreement.  
Orthographic Photo provided by the U.S. Department of Agriculture, as of 2006

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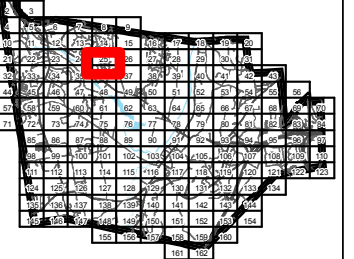
The 500 foot grid is based on the Connecticut State Plane System (N.A.Datum of 1927).

Vertical Datum references the National Geodetic Datum of 1929. Contour intervals are 2 feet.

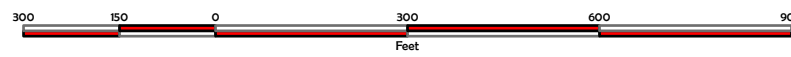
Map conforms to National Map Accuracy Standards.

Digital photogrammetric mapping by: Quinn Associates, Horsham, PA., Date of photography, March 19, 1990.

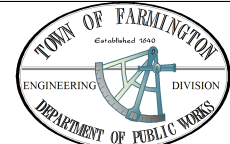
**LOCATION MAP**



72.869444° W      72.866667° W      72.863889° W      72.861111° W      72.858333° W      72.855556° W



1 in = 300 ft



SHEET NO. 1/1

**HIGHLANDS AREA-2**  
DATE PRINTED 02/03/2015

KELLY C. MCKEON 860-241-4075 mckeon@halloransage.com

March 10, 2015

***VIA FEDERAL EXPRESS AND  
ELECTRONIC MAIL***

Ms. Melanie A. Bachman, Esq., Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06501

**Re: Docket No. 454 – Application by Tower Holdings, LLC for a Certificate of Environmental Compatibility and Public Need for a Telecommunications Facility at 199 Brickyard Road, Farmington, Connecticut**

Dear Attorney Bachman,

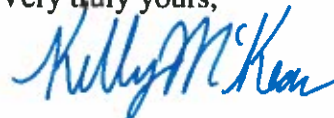
This office represents the Town of Farmington, a party in the above-captioned docket. In accordance with § 16-50j-28(f) of the Regulations of Connecticut State Agencies, the Town of Farmington respectfully requests that the Connecticut Siting Council take administrative notice of the following:

1. Docket No. 421 (2012), specifically the following: Findings of Fact nos. 37, 41, 42, 50, 57; Decision and Order no. 1; and Opinion.
2. Docket No. 425 (2012), specifically the following: Findings of Fact nos. 1, 4, 14, 15, 42, 45; Decision and Order no. 1; and Opinion.
3. Docket No. 449 (2014), specifically the following: Findings of Fact nos. 1, 53, 83, 84, 87; Decision and Order no. 1; and Opinion.

Pursuant to § 16-50j-12 of the Regulations of Connecticut State Agencies, I have enclosed an original and fifteen (15) copies of this request for the Council.

If you have any questions concerning this request, please do not hesitate to contact me.

Very truly yours,



Kelly C. McKeon

Enclosures

cc: *Service List* (via regular mail and electronic mail)